TORBAY COUNCIL

Monday, 10 November 2025

CABINET

A meeting of **Cabinet** will be held on

Tuesday, 18 November 2025

commencing at **5.30 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor David Thomas (Chair)

Councillor Billings
Councillor Bye
Councillor Chris Lewis
Councillor Jacqueline Thomas
Councillor Tranter
Councillor Tyerman

A Healthy, Happy and Prosperous Torbay

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

CABINET
AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes (Pages 5 - 14)

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 16 September 2025.

3. Disclosure of Interests

(a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. Urgent Items

To consider any other items the Chairman decides are urgent.

5. Matters for Consideration

6. Torbay Council's proposal for Local Government Reorganisation (To Follow)

To consider a report on the above.

7. Review of Council Tax Support Scheme 2026/27 (Pages 15 - 68)

To consider a report that provides an overview of the current Council Tax Support Scheme and the proposed change for the financial year 2026/27.

8. **Budget Monitoring - Revenue and Capital Outturn 2025/26 Quarter 2** (Pages 69 - 94)

To consider a report that provides a high-level budget summary of the Council's revenue and capital position for the financial year 2025/26, reviewing budgets and considering year-end forecasts.

9. **Torbay Waste Transfer Station and Household Waste Recycling Centre - Paignton** (Pages 95 - 106)

To consider a report that sets out the required action to enable commencement of preparations for a possible Compulsory Purchase Order (CPO) process for the delivery of a relocated Waste Transfer Station and Household Waste Recycling Centre (HWRC) on land adjacent to the existing operation.

10. **Compulsory Purchase Orders Delegation Union Square and The Strand** (Pages 107 - 116)

To consider a report that seeks to confirm agreement of the Compulsory Purchase Orders for the two areas as originally intended, to enable redevelopment of the areas as part of the land assembly proposals.

11. **Paignton Town Centre Place Vision** (Pages 117 - 198)

To consider a report that set out the Town Centre vision for Paignton.

12. **Consultation Draft Torbay Local Plan 2025-45 (Regulation 18)** (Pages 199 - 526)

To consider a report that seeks approval to publish the draft Torbay Local Plan for public consultation.

13. **Streetlighting Central Management System and Light Emitting Diode (LED) Upgrade Project** (Pages 527 - 588)

To consider a report on the above.

14. **Licensing Act 2003 - Proposed Licensing Statement of Principles (Licensing Policy) 2026 - 2031** (Pages 589 - 690)

To consider a report that seeks approval of the Licensing Act 2003 - Proposed Licensing Statement of Principles (Licensing Policy) 2026 – 2031.

15. **Proposals to remove/alteration of existing and the creation of new Hackney Carriage Stands under the Local Government (Miscellaneous Provisions) Act 1976** (Pages 691 - 714)

To consider a report that seeks approval for the removal, amendment and new taxi stands as prescribed under section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

16. **Independent Reviewing Service (IRO) Annual Report 2024 - 2025** (Pages 715 - 758)

To consider an annual report of the Independent Reviewing Service.

17. **Fostering Annual Report 2024 - 2025** (Pages 759 - 800)

To consider the Fostering Service annual report.

Live Streaming and Hybrid Arrangements
To encourage more people to engage in our public meetings the Council is live streaming our Cabinet meetings on our YouTube channel in addition to recording the meetings and publishing the recording on our website. To watch the meeting live please visit https://www.youtube.com/user/torbaycouncil.

We are also using hybrid meeting arrangements to enable officers and Councillors who are not members of the Cabinet to either attend the meeting in person or to attend the meeting remotely via Zoom. Anyone attending the meeting remotely must use their raise hand function when they wish to speak and to declare any interests at the appropriate time. If anyone attending the meeting remotely loses connection the meeting will continue and they will have the option to follow the meeting via the YouTube live stream.

Minutes of the Cabinet

16 September 2025

-: Present :-

Councillor David Thomas (Chair)

Councillors Billings, Bye, Chris Lewis, Jacqueline Thomas, Tranter and Tyerman

(Also in attendance: Councillors Cowell, Johns (virtual), Law, Long and Spacagna (virtual))

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30. Minutes

The Minutes of the meeting of the Cabinet held on 19 August 2025 were confirmed as a correct record and signed by the Chairman.

31. Disclosure of Interests

No interests were declared.

32. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions) are set out in the Record of Decisions appended to these Minutes.

33. Community Grant Fund 2025 - Funding Awards Tranche 1

34. Corporate Parenting Strategy

35. Youth Provision and Physical Activity - Report of the Children and Young People's Overview and Scrutiny Sub-Board

36. Re-procurement of Mental Health Helpline

Chair

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Record of Decisions

Community Grant Fund 2025 – Funding Awards Tranche 1

Decision Taker

Cabinet on 16 September 2025.

Decision

1. that the Cabinet record their thanks to the many organisations and individuals who support the Communities of Torbay and also record their thanks for the significant response that has been received to the Community Grant Fund 2025; and

2. that the Community Grant Fund 2025 tranche 1 funding awards as set out in Appendix 1 to the submitted report be approved and delegated authority be given to the Director of Finance, to enter into funding agreements with the relevant parties in accordance with the Community Grant Fund Policy 2025/26.

Reason for the Decision

To provide funding to the voluntary and community sector organisations in support of the Council's long-term objectives for the Bay.

Implementation

This decision will come into force and may be implemented on 29 September 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Council introduced a Community Grant Fund for 2025 to further support the voluntary and community sector organisations. The Council received 69 applications for funding. All of the applications had been evaluated by the Chief Executive and the Director of Finance who made their recommendations for the first tranche of awards. There will follow a second tranche of awards, to be determined at the Cabinet meeting in November 2025, following clarification questions relating to a small number of applicants.

At the meeting Councillor Jackie Thomas proposed and Councillor Tyerman seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

This fund was considered in the approval of the budget for 25/26. The option to not spend this allocation has been discounted as it does not meet the aims and objectives of the Council.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

19 September 2025

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Corporate Parenting Strategy

Decision Taker

Cabinet on 16 September 2025.

Decision

That authority be delegated to the Director of Children's Services to launch the 6 week public consultation when appropriate to inform the development of the new Corporate Parenting Strategy.

Reason for the Decision

Under the Children and Social Work Act 2017, the legislative responsibility for local authorities in respect of their corporate parenting duties was outlined. In February 2019, the Department for Education published Statutory Guidance for local authorities and outlined the key principles of Corporate Parenting. In addition, under the Children Act 2004, it was highlighted that local authorities have a duty to promote co-operation between their relevant partners and the Act also highlighted that corporate parenting was a task which should be shared Council-wide and across the partnership. To ensure that across the Council, including elected Members, senior officers and all staff, there was a shared vision, collective responsibility and commitment to our cared for children and care experienced young people, including the provision of quality services for them. The Corporate Parenting Strategy will be informed and updated following a consultation exercise.

Implementation

The decision will be implemented immediately.

Information

Torbay Council's existing 'Corporate Parenting Strategy 2022 – 2025' was due to expire this year and as such, a new strategy was being developed. The Corporate Parenting Strategy defines the Council's aspirations to become a supportive, responsive, considerate and sensitive corporate parent on behalf of Torbay Council. It sets out how the Council will work with cared for and care experienced children and young people and alongside its partners, including education, police and health services, and the community and voluntary sector, to achieve this ambition. To ensure the development of a comprehensive and inclusive Corporate Parenting Strategy, a thorough consultation process was required. The consultation must happen at the same time as the development of the Strategy itself, as the voice of cared for and care experienced children and young people must influence the creation of the draft Strategy. As such, the consultation needed to take place within the period of other planned activity to ensure that it informed and influenced the Strategy which would then be placed before Cabinet in November 2025 and subsequently Council in December 2025. Therefore, permission was sought from Cabinet to allow the Director of Children's Services delegated authority to initiate this consultation, in line with the strategy development.

At the meeting Councillor Bye proposed and Councillor Chris Lewis seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options were not considered.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

19 September 2025

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Youth Provision and Physical Activity – Report of the Children and Young People's Overview and Scrutiny Sub-Board

Decision Taker

Cabinet on 16 September 2025.

Decision

That the Cabinet's response to the Youth Provision and Physical Activity - Report of the Children and Young People's Overview and Scrutiny Sub Board be approved as published.

Reason for the Decision

The Cabinet was required to respond to the findings of the Children and Young People's Overview and Scrutiny Sub-Board.

Implementation

This decision will come into force and may be implemented on 29 September 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet received the report of the Children and Young People's Overview and Scrutiny Board on youth provision and physical activity. In accordance with section D7 of Standing Orders in relation to Overview and Scrutiny as set out in the Constitution, the Cabinet was required to respond to the recommendations of the Children and Young People's Overview and Scrutiny Sub-Board within two months. Subsequently the Cabinet prepared a response to the recommendations of the Children and Young and People's Overview and Scrutiny Sub-Board which was proposed by Councillor Bye and seconded by Councillor Billings and agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

19 September 2025

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Re-procurement of Mental Health Helpline

Decision Taker

Cabinet on 16 September 2025.

Decision

That a procurement exercise for the provision of a mental health helpline be approved and any subsequent contract to be awarded in line with the officer scheme of delegation (Paragraph 1.3).

Reason for the Decision

The sustainability of the service for a mental health helpline had always been precarious; the service had been financially maintained through the use of grants, one off adult social care funding and public health grant funding. The proposal aimed to shore up the provision to give it longer-term viability and stability.

Implementation

This decision will come into force and may be implemented on 29 September 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Mental Health Helpline had been operating on short term contracts since its inception by the Voluntary, Community and Social Enterprise (VCSE) sector in 2021 as a response to the COVID pandemic and the increasing needs for low level mental health and emotional wellbeing support.

The proposal sought to procure the service so that a new contract could commence from April 2026 with a longer-term, more stable financial basis. The outcomes were to maintain access to signposting, advice and low-level interventions for those people who present with emotional or mental wellbeing needs who do not meet thresholds for statutory mental health services.

At the meeting Councillor Tranter proposed and Councillor Jackie Thomas seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

The alternatives considered were:

Do not procure any service - this option would provide cost savings to both public health and the Local Authority General Fund. However, it would erode any good work brought about by the contract to date, eradicating low level support for residents of Torbay which would likely, in turn, increase demand for and pressure on already stretched mental health (and potentially social care) services. The likelihood was that this would decrease productivity in the communities affected due to time off or inability to work due to unsupported mental health issues. This option was discounted.

Procure a service with a reduced cost basis - this option would also provide cost savings to either or both public health and the Local Authority General Fund. It would however reduce the impact and effectiveness of the service. Cost saving was not the desired outcome in this process and funding had been secured and baselined in both the general fund and public health budgets. Depending on the value of the reduction in funding the impact on both effectiveness and outcomes, would be proportionate to the reduction. Therefore, this option was discounted.

Procure the service on a like for like basis - this option would not cost more money than was already agreed in the baseline spend for both the General Fund and the Public Health Grant. The gains made through supporting the service to date could be maintained, it would most likely allow the voluntary sector capacity to obtain sustained, longer term secure funding. This was the preferred option.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

19 September 2025

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

TORBAY COUNCIL

Meeting: Cabinet/Council Meeting **Date:** 18 November 2025/11 December 2025

Wards affected: All

Report Title: Review of Council Tax Support Scheme 2026/27

When does the decision need to be implemented? 01 April 2026

Cabinet Member Contact Details: Councillor Alan Tyerman, Cabinet Member for Housing and Finance, alan.tyerman@torbay.gov.uk

Director Contact Details: Malcolm Coe, Director of Finance, malcolm.coe.torbay.co.uk

1 Purpose of Report

1.1 Council Tax Support is a discount that reduces the amount of Council Tax to pay for households that have a low income.

1.2 This report provides members with an overview of the current Council Tax Support scheme and the proposed change for the financial year 2026/27.

1.3 The Local Government Finance Act 2012 requires that the working age Council Tax Support scheme is reviewed annually and where a council proposes changes to its scheme it must consult on the changes.

1.4 The Council must approve the scheme for the financial year 2026/27, before 11 March 2026.

2 Reason for Proposal

2.1 Currently, working age single parent households that do not receive the maximum 75% Council Tax Support discount, receive less discount, when comparing weekly income bands with couples with children.

3 Recommendations

3.1 That the Council be recommended to amend the Council Tax Support Scheme for 2026/27 as follows:

1. Financial support to some of our working age households within our community is increased by aligning the income bands that allocate Council Tax Support discounts for single parents with couples that have children. By making this change it will help to alleviate the cumulative effects of welfare cuts and rising household costs (see paragraphs 8.1 to 8.14).

2. Income bands will be increased by the September 2025 Consumer Price Index inflation rate, at 3.8% (see paragraph 8.15).

That subject to 3.1 above, the Cabinet:

3.2 Notes that all income banded Council Tax Support schemes in Devon have combined income bands for single parents and couples with children. For comparisons with other Council Tax Support schemes in South Devon, see Appendix 2.

3.3 Notes that the Exceptional Hardship Fund will continue at £100,000 (see paragraph 8.16).

3.4 Notes that pension age households will not be affected as they are part of the national scheme, set by the Government.

3.5 Gives delegated authority to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance, to make any further adjustments required to the Exceptional Hardship Policy and Fund and the Vulnerable policy.

4 Appendices

Appendix 1 – Current expenditure and caseload

Appendix 2 – Council Tax Support schemes in South Devon

Appendix 3 – Universal Credit glossary of terms

Appendix 4 – Equality Impact Assessment

Appendix 5 – Council Tax Consultation Report

5 Background Documents

Draft Scheme

6 Introduction

6.1 In March 2012, the Welfare Reform Bill received Royal Assent and contained provisions for the abolition of Council Tax Benefit. In October 2012, the Local Government Finance Act became law and included the framework for localised Council Tax Reduction schemes which is known as the Council Tax Support scheme.

6.2 Statutorily, Local Authorities were required to develop and adopt a Localised Council Tax Support scheme by 31 January 2013 with implementation on 1 April 2013. To an extent, Councils had been given autonomy to develop schemes that met the needs of their local area but were also prescribed a framework, where pensioners are protected. However, Local Authorities would only receive 90% of the funding received in the previous year (2012/13). It was up to Local Authorities to decide whether to absorb the ten per cent cut in funding or pass this onto Council Tax Support recipients.

6.3 To enable this activity to be taken forward, the Government provided Local Authorities with a statutory framework that included the following:

- Local Authorities must have their new schemes agreed by 31st January 2013.
- Financial help with Council Tax will now be seen as a discount and not a benefit.
- There will be no change to the amount of help pension age claimants receive.
- Councils can decide the rules for their new schemes within a prescribed framework, however, must consider the impact on the most vulnerable.
- Guidance was given to encourage local authorities to ensure local schemes do not act as a disincentive to working.

6.4 The Government required that all pensioners are protected under the new scheme with the reduction in funding not applying to them. Working age households would therefore bear the full reduction in grant to cover future Council Tax Support scheme expenditure.

7 Background

7.1 Prior to April 2013 the national Council Tax Benefit scheme was available to taxpayers on low incomes to assist them with their Council Tax liability. This scheme had been in operation since 1993 and was administered by Local Authorities on behalf of the Department for Work and Pensions.

7.2 Under the national scheme Council Tax payers could receive up to 100% of their Council Tax liability. The Council then received full funding from the Government for all claims that were correctly awarded.

7.3 Following changes introduced by the Local Government Finance Act 2012, local authorities had to devise their own local schemes for low income households to take effect from 1 April 2013. At that time the Government also reduced the amount of funding by 10%.

7.4 When devising the new scheme, a detailed analysis of over 35 different financial profiles was undertaken, taking into account the demographic profile of the households receiving Council Tax Benefit at that time. The evaluation process was based upon the principles of fairness and ease of administration.

7.5 The scheme was approved by members at Full Council in December 2012 and introduced in the following April 2013.

7.6 Further changes to the scheme were agreed by members in December 2016 and introduced over the following two financial years, in 2017/18 and 2018/19. These changes were made to make the scheme more affordable and to align with Housing Benefit and Universal Credit legislation.

7.7 Between financial years 2019/20 and 2023/24 minor changes were made to the scheme so that it continued to be aligned with Housing Benefit Regulations and Universal Credit legislation.

7.8 From 1 April 2024, an income banded scheme replaced the means tested scheme.

7.9 Minor changes were made to the 2025/26 scheme, for self-employed households, not receiving Universal Credit and have a disability, or caring responsibilities. It also included discounting certain payments or settlements made by the UK Government.

8 Proposed Scheme Change

8.1 Torbay's scheme currently has six household types. For each household type there are four income bands that will allocate a discount to the liable Council Tax charge. The level of discount is determined by the net household income.

8.2 Household types are based on the components that's been used by DWP to calculate social security benefits for many years. The components determine the estimated amount of income required to cover basic living costs, depending on household composition and individual circumstances. The same principle continues to be applied for the calculation of Universal Credit.

8.3 The three main components that are used to allocate these amounts are:

1. A personal allowance – for single people or couples.
2. An amount for any dependent children.
3. A premium, to cover any special needs.

8.4 Household types vary, depending on the number of adults and children in the household. There are four primary household types - single people, couples, single parents, and couples with children. Single parents and couples with children are assigned to two further household types, depending on the number of children in the household.

8.5 The proposed change will align:

- The income band for a single parent with one child with the income band for a couple with one child.
- The income band for a single parent with two or more children with the income band for a couple with two or more children.

8.6 The aligned income bands will come into effect from 1 April 2026 for single parent households receiving Council Tax Support on 31 March 2026 and for all new applications.

8.7 Income bands and the associated level of discount for single parents will remain unchanged for financial year's ending, 31 March 2025 and 31 March 2026.

8.8 The table below shows the current income bands for single parents and couples with children for financial year ending 31 March 2026.

Level of Discount	Single and 1 Child	Single and 2+ Children	Couple and 1 Child	Couple and 2+ Children
75%	£0-£179	£0-£261	£0-£234	£0-£316
55%	£179.01-£220	£261.01-£302	£234.01-£275	£316.01-£356
40%	£220.01-£261	£302.01-£342	£275.01-£316	£356.01-£397
20%	£261.01-£302	£342.01-£383	£316.01-£356	£397.01-£438

0%	£302.01+	£383.01+	£356.01+	£438.01+

8.9 The table below shows the estimated net increase in expenditure as a result of aligning income bands for single parents with couples with children that are currently receiving a discount.

Household Type	**Number of Cases**	**Annual Expenditure**
Single Parent - One Child	786	£64,856
Single Parent - Two Children or More	858	£110,286
Total	**1,644**	**£175,142**

Source: Council Tax Reduction Administrative Data 8 July 2025

8.10 Expenditure has been calculated on the basis of a full years Council Tax charge and discount, for financial year ending 31 March 2026.

8.11 For current scheme expenditure see Appendix 1.

8.12 The calculation does not include any increase in the Council Tax from April 2026 or the increase in the income bands, in line with the September 2025 Consumer Price Index.

8.13 As this change will increase the income levels for the 40% and 20% bands, more single parent households will qualify for a discount.

8.14 Based on current data, it is estimated that expenditure could increase by a further £35k during the first year of making this change.

8.15 Income bands will be increased by September's (2025) Consumer Price Index rate, at 3.8%, which is the same rate as working age benefits will increase from 1 April 2026 - this increase will be rounded up to the nearest pound.

The revised income bands to be used for all working age households are shown below.

Proposed Income Bands from 1 April 2026 for Working Age Households						
Level of Discount	**Single**	**Couple**	**Single and 1 Child**	**Single 2+ Children**	**Couple and 1 Child**	**Couple 2+ Children**
75%	In receipt of a passported benefit	In receipt of a passported benefit	In receipt of a passported benefit	In receipt of a passported benefit	In receipt of a passported benefit	In receipt of a passported benefit
75%	£0 to £108.00	£0 to £158.00	£0 to £186.00	£0 to £271.00	£0 to £243.00	£0 to £329.00
55%	£108.01 to £141.00	£158.01 to £201.00	£186.01 to £229.00	£271.01 to £314.00	£243.01 to £286.00	£329.01 to £370.00
40%	£141.01 to £172.00	£201.01 to £242.00	£229.01 to £271.00	£314.01 to £355.00	£286.01 to £329.00	£370.01 to £413.00
20%	£172.01 to £204.00	£242.01 to £285.00	£271.01 to £314.00	£355.01 to £398.00	£329.01 to £370.00	£413.01 to £455.00
0%	£204.01+	£285.01+	£314.01+	£398.01+	£370.01+	£455.01+

If the proposed change, to align income bands that allocate Council Tax Support discounts for single parents with couples that have children is not approved, the income bands highlighted in grey will apply to single parent households.

If the proposed change is approved, the income bands that allocate Council Tax Support discounts to couples with children will also apply to single parents.

If income bands are not increased by September 2025 CPI rate, some working age households would move into a higher income band, resulting in less discount and having to pay more Council Tax.

8.16 The Exceptional Hardship fund was introduced from 1 April 2013, to provide financial assistance to working age households with their Council Tax. The fund is available to Council Tax payers receiving Council Tax Support who experiencing significant financial hardship and the level of support does not meet their full Council Tax liability.

The fund has financial limitations and, as such, awards can only be made based on eligibility, whilst having regard to the level of funding available or remaining within the Exceptional Hardship Scheme each financial year.

It should be noted that this fund was increased from £80,000 to £100,000 from 1 April 2024 to mitigate the impact of the new income banded scheme for those households that were most adversely affected. To ensure that the correct level of funding is maintained monitoring arrangements are in place to review the fund position.

9 Options Under Consideration

9.1 To approve the proposed scheme change.

9.2 Leave the current scheme unchanged.

10 Financial Opportunities and Implications

10.1 The proposed changes will lead to an increase in the scheme's cost - see paragraphs 8.9 and 8.14.

11 Legal Implications

11.1 Schedule 1A(3) of the Local Government Finance Act 1992, states:

Before making a scheme, the authority must:

a) consult any major precepting authority which has power to issue a precept to it,
b) publish a draft scheme in such manner as it thinks fit, and
c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.

The draft scheme is available as a separate document.

11.2 In addition to the above, to set a new scheme the Council is required to make a resolution by 11th March of the year prior to the scheme coming into place.

12 Engagement and Consultation

12.1 Before final approval of the scheme, Councils are required to consult with:

- Major Precepting Authorities (Police and Fire Authorities)
- The public
- Relevant stakeholder groups - e.g. CAB, representative groups.

12.2 The consultation process ran for a period of six weeks, from 24 September 2025 to 4 November 2025.

12.3 Consultation activities included the following:

- An online survey made available on the Torbay website with the provision of a hard copy of the consultation questionnaire where required.
- A consultation questionnaire with covering letter and a pre-paid envelope sent by post to 2,000 randomly selected households that were in receipt of Council Tax Support at that time and 2,000 randomly selected Council Tax payers (not receiving Council Tax Support).
- Residents' Satisfaction Survey Roadshows, which took place throughout September and October at the following locations:

Saturday 27 September	Scala Hall, Brixham
Thursday 2 October	Outside Primark, Torquay Town Centre
Tuesday 7 October	Sainsbury's (The Willows, Torquay)
Thursday 9 October	Former Shoe Zone shop, Fleet Walk, Torquay (has Spaces to Thrive sign)
Tuesday 14 October	Fore Street, Brixham (outside Tesco)
Tuesday 21 October	St Marychurch High Street
Thursday 23 October	Victoria Street, Paignton

- A press release issued on 24 September 2025.
- Staff engagement.
- Consultation was undertaken with the major precepting authorities (Devon & Cornwall Police and Devon & Somerset Fire and Rescue), who are statutory consultees.

12.4 The consultation report for the proposed change is attached at Appendix 5.

13 Procurement Implications

13.1 The proposed scheme changes may require some minor changes to the on-line application form software that will incur a nominal charge from our current software supplier.

14 Protecting our Bay and Tackling Climate Change

14.1 There are no additional environmental implications with the current Council Tax Support scheme. Electronic applications will continue to be promoted reducing the need for paper forms. It also removes the need to travel to either post or deliver the application to a designated office.

15 Associated Risks

15.1 A more challenging financial environment with greater uncertainty than in previous financial years could result in an increase in the number of working age households receiving a discount.

15.2 Should the caseload increase, the Council, along with the other preceptors, bears the risk of the additional cost of the scheme.

16 Equality Impact Assessment

16.1 An equalities impact assessment has been undertaken and no significant issues from making the proposed scheme change have been identified - this is available as a separate document (Appendix 4).

16.2 An updated version will be brought to the full council meeting in December following the results of the public consultation.

17 Cumulative Council Impact

17.1 None.

18 Cumulative Community Impacts

18.1 None.

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Working Age Scheme – Current Position
Appendix 1

Number of Households Receiving a Discount and Expenditure on 08/07/2025

Household Type	Number of Cases	Annual Expenditure
Single Person	3,006	£2,865,579
Couple	429	£550,024
Single Parent - One Child	786	£753,123
Couple - One Child	153	£186,806
Single Parent - Two Children or More	858	£812,476
Couple - Two Children or More	262	£304,773
Total	**5,494**	**£5,472,781**

Source: Council Tax Reduction Administrative Data 8 July 2025

Expenditure has been calculated on the basis of a full years Council Tax charge and discount, for financial year ending 31 March 2026, at the rate currently received for each case.

Number of Households by Household Type and Income Band on 08/07/2025

Level of Discount	Single	Couple	Single and 1	Single and 2+	Couple and 1	Couple and 2+	Total Cases
75%	2,814	363	616	579	115	157	4,644
55%	71	22	57	114	9	24	297
40%	72	22	65	113	15	50	337
20%	49	22	48	52	14	31	216
Total Cases	**3,006**	**429**	**786**	**858**	**153**	**262**	**5,494**

Source: Council Tax Reduction Administrative Data 8 July 2025

The household income used to calculate discount levels is derived from:

- the previous means tested Council Tax Support scheme or
- new applications received since the banded scheme was introduced, from 1 April 2024.

75% - this includes households that are in receipt of Passported Benefits or have an income that would fall within the current 75% working age household type/income band.

55% - this includes all households that have an income that would fall within the current 55% working age household type/income band.

40% - this includes all households that have an income that would fall within the current 40% working age income band.

20% - this includes all households that have an income that would fall within the current 20% working age income band.

Expenditure by Household Type and Income Band on 08/07/2025

Level of Discount	Single	Couple	Single and 1 Child	Single and 2+ Children	Couple and 1 Child	Couple and 2+ Children	Total
75%	£2,759,614	£502,872	£655,843	£634,538	£159,893	£226,932	£4,939,692
55%	£53,158	£22,987	£44,459	£93,544	£9,008	£26,496	£249,652
40%	£38,355	£15,561	£38,037	£68,484	£11,915	£39,308	£211,660
20%	£14,452	£8,604	£14,784	£15,910	£5,990	£12,037	£71,777
Total Expenditure	**£2,865,579**	**£550,024**	**£753,123**	**£812,476**	**£186,806**	**£304,773**	**£5,472,781**

Source: Council Tax Reduction Administrative Data 8 July 2025

Expenditure has been calculated on the basis of a full years Council Tax charge and discount, for financial year ending 31 March 2026, at the rate currently received for each case.

South Devon's Working Age Schemes Appendix 2

Torbay

Income bands and level of discount set for financial year ending 31 March 2026

Level of Discount	Single	Couple	Single and 1 Child	Single and 2+ Children	Couple and 1 Child	Couple and 2+ Children
75%	£0-£104	£0-£152	£0-£179	£0-£261	£0-£234	£0-£316
55%	£104.01-£135	£152.01-£193	£179.01-£220	£261.01-£302	£234.01-£275	£316.01-£356
40%	£135.01-£165	£193.01-£233	£220.01-£261	£302.01-£342	£275.01-£316	£356.01-£397
20%	£165.01-£196	£233.01-£274	£261.01-£302	£342.01-£383	£316.01-£356	£397.01-£438
0%	£196.01+	£274.01+	£302.01+	£383.01+	£356.01+	£438.01+

Key features

All Cases

- Savings limit at £6,000.
- No deductions made for any non-dependents living in the household.

Passported Benefit Income

- Passported refers to households that are in receipt of Employment and Support Allowance (Income Related), Job Seekers Allowance (Income Based) or Income Support receive the maximum discount, which is currently set at 75% of the Council Tax liability.

Universal Credit Income

- Housing Element disregarded.
- Carer Allowance disregarded.
- Limited Work Capability disregarded.
- Disabled Child Element disregarded.
- Transitional Protection disregarded.
- Standard Earnings disregards – if the applicant and/or partner is in full or part-time employment some of the earnings is discounted and a standard income disregard is applied. The amount disregarded depends on personal circumstances (£5, £10, £20 & £25).

For further information on Universal Credit income, see Appendix 3.

Standard Income

- Disability Living Allowance and Personal Independence Payments are disregarded.
- Support Component for Employment and Support Allowance is disregarded.
- Child Benefit, child maintenance and child-care costs are disregarded.
- Carers Allowance disregarded.
- £75 income disregard where the applicant or partner receives a disability benefit.
- War pensions, war disablement pensions and Armed Forces Independence Payments are disregarded.
- Standard Earnings disregards – if the applicant and/or partner is in full or part-time employment some of the earnings is discounted and a standard income disregard is applied. The amount disregarded depends on personal circumstances (£5, £10, £20 & £25).
- Minimum set income for self-employed after one year's trading, based on the national minimum wage, for the age group, multiplied by a set number of hours, depending on circumstances.

Teignbridge

Income bands and level of discount set for financial year ending 31 March 2026

Level of Discount	Single	Couple	Single and 1 Child	Single and 2+ Children	Couple and 1 Child	Couple and 2+ Children
100%	£0.00-£94	£0.00-£94	£0.00-£181	£0.00-£270	£0.00-£181	£0.00-£270
75%	£94.01-£181	£94.01-£181	£181.01-£270	£270.01-£360	£181.01-£270	£270.01-£360
50%	£181.01-£270	£181.01-£270	£270.01-£360	£360.01-£449	£270.01-£360	£360.01-£449
25%	£270.01-£360	£270.01-£360	£360.01-£449	£449.01-£539	£360.01-£449	£449.01-£539
0%	£360.01+	£360.01+	£449.01+	£539.01+	£449.01+	£539.01+

Key features

All Cases

- Savings limit at £6,000.
- No deductions made for any non-dependents living in the household.

Passported Benefit Income

- Passported refers to households that are in receipt of Employment and Support Allowance (Income Related), Job Seekers Allowance (Income Based) or Income Support receive the maximum discount, which is currently set at 100% of the Council Tax liability.

Universal Credit Income

No information is available on how Universal Credit income is taken into account in the calculation.

Standard Income

- Disability Living Allowance and Personal Independence Payments are disregarded.
- Support Component for Employment and Support Allowance is disregarded.
- Child Benefit, child maintenance and child-care costs are disregarded.
- Carers Allowance disregarded

- War pensions, war disablement pensions and Armed Forces Independence Payments are disregarded.
- Flat rate £25 earnings disregard for those that are working.
- Minimum set income for self-employed after one year's trading, based on the national minimum wage, for the age group, multiplied by a set number of hours, depending on circumstances.

South Hams/West Devon

Income bands and level of discount set for financial year ending 31 March 2026

Level of Discount	Single	Couple	With 1 Child	With 2+ Children
85%	£0.00-£100	£0.00-£145	£0.00-£225	£0.00-£360
80%	£100.01-£137	£145.01-£185	£225.01-£287	£360.01-£391
50%	£137.01-£197	£185.01-£245	£287.01-£347	£391.01-£442
25%	£197.01-£251	£245.01-£299	£347.01-£401	£442-£485

Key features

All Cases

- Savings limit at £6,000.
- No deductions made for any non-dependents living in the household.
- Restriction to the equivalent Council Tax property band D for households that occupy a property in bands E to H.

Passported Benefit Income

- Passported refers to households that are in receipt of Employment and Support Allowance (Income Related), Job Seekers Allowance (Income Based) or Income Support receive the maximum discount, which is currently set at 85% of the Council Tax liability.

Universal Credit Income

- Housing Element disregarded
- Limited Work Capability disregarded

- Standard Earnings disregards – if the applicant and/or partner is in full or part-time employment some of the earnings is discounted and a standard income disregard is applied. The amount disregarded depends on personal circumstances (£5, £10, £20 & £25).

Standard Income

- Disability Living Allowance and Personal Independence Payments are disregarded.
- Support Component for Employment and Support Allowance is disregarded.
- Child Benefit and child maintenance are disregarded.
- Standard childcare cost are applied, up to £175 for one child and £300 for two or more.
- Carers Allowance disregarded
- War pensions, war disablement pensions and Armed Forces Independence Payments are disregarded.
- Flat rate £25 earnings disregard for those that are working.

Universal Credit Glossary of Terms

Appendix 3

Universal Credit - Universal Credit is a means tested single benefit payment for working-age people who are looking for work or on a low income. It was introduced in 2013 to simplify welfare payments, replacing six "legacy" benefits and tax credits into one single monthly payment:

- Housing Benefit;
- Income-Related Employment and Support Allowance;
- Income-Based Job Seekers Allowance;
- Child Tax Credit;
- Working Tax Credit;
- Income Support.

Standard Allowance – the set amount, depending on age and personal status.

2025/26 Rates

Personal Circumstances	Monthly Amount
Single and under 25	£316.98
Single and 25 and over	£400.14
Living with partner and both under 25	£497.55
Living with partner and one or both over 25	£628.10

Housing Element – the amount that's paid to help households that have a rent liability.

For tenants that rent from a private landlord the amount is based on the Local Housing Allowance rate for the South Devon area. The amount paid is determined by age and household composition.

For tenants that rent from a housing association (social landlord), the payment is based on the actual rent.

Carer Allowance – this is added to the maximum amount of Universal Credit where the applicant has regular and substantial caring responsibilities. This means that the person meets the entitlement conditions for carer's allowance including caring for at least 35 hours a week. It also includes a person who would be entitled to carer's allowance, but their earnings are too high. There is no requirement to actually claim carer's allowance.

Limited Work Capability - the amount paid if the applicant has a limited capability for work and has a work-related activity.

Work-related activities include:

- phoning work coach
- creating and maintaining an online profile
- improving job seeking skills
- registering with an employment agency
- searching for jobs
- applying for jobs
- obtaining references
- taking part in training courses

Child Element – this is included where the applicant is responsible for a child or qualifying young person and live with them. The child element continues until the first September following the 16th birthday, or if in full-time non-advanced education or approved training, until the first September after the 19th birthday.

There are two separate rates for the child element, one for the first or only child and then a reduced rate for second and subsequent children. From 6 April 2017, the higher first child amount is only available for a child or qualifying young person is born before 6 April 2017.

From 6 April 2017 the child element is subject to the two-child limit policy. The current rules limit the child element to two children. The general rule is that third and subsequent children born on or after 6 April 2017 will only qualify if an exception applies to them. For children born before 6 April 2017, a child element will be included.

Disabled Child Element – in addition to the child element, the disabled child element is paid where a child or children have a disability. There are two rates, that are dependent on the type of disability benefits that are in payment.

Transitional Protection – for households that move from legacy benefits to Universal Credit by DWP under the formal managed migration exercise will receive transitional protection where they have no change of circumstances and their new UC award, at the point they are moved, is lower than their former legacy benefits.

Work Allowance (Earned Income) – the amount households with children and/or with limited capability for work are allowed to earn before Universal Credit is reduced. This amount is increased annually in line with inflation (September's CPI).

If a housing element is included in the Universal Credit payment, the household will receive a lower work allowance. This is also the case for households entitled to Universal Credit and also receives housing benefit for temporary accommodation.

2025/26 Rates

Household Circumstances	Monthly Rate
Housing element included	£411.00
Housing element not included	£684.00

Taper (Earned Income) - The taper is the rate at which maximum Universal Credit is reduced by earnings. Maximum Universal Credit is reduced by 55 per cent of net earnings above the work allowance. For households that are not eligible for a Work Allowance, the maximum Universal Credit is reduced by 55 per cent of the net earnings.

Disregard (Earned Income) – this is applied if the applicant and/or partner is in full or part-time employment.

2025/26 Rates

Household Circumstances	Weekly Rate	Monthly Rate
Single	£5.00	£21.67
Single Parent	£25.00	£108.33
Couple	£10.00	£43.33
Disability	£20.00	£86.67

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TORBAY COUNCIL

Equality Impact Assessment

Directorate: Finance

Service Area: Revenue and Benefits

Name of policy being assessed: Council Tax Support

Version: Draft Scheme

Date Completed: 8 September 2025

Signed off by: Malcolm Coe – Director of Finance

1. Overview

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have **"due regard"** to equality. This includes taking proactive steps to promote equality, eliminate discrimination, harassment and, victimisation. It also requires us to advance equality of opportunity and foster good relations between people who share a "protected characteristic" and people who do not.

Having "due regard" means taking active steps to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These are the protected characteristics:

- age
- disability
- sex
- pregnancy and maternity
- gender reassignment
- marriage and civil partnership
- race
- religion or belief
- sexual orientation

As a council, we also treat care experience as a protected characteristic and consider the impacts of our decisions on the Armed Forces Community as required by the Armed Forces Act.

2. Background

Council Tax Support is an income related discount scheme that helps vulnerable residents and those on low incomes pay their Council Tax bill. The initial working age scheme was developed through extensive consultation and introduced in April 2013, as a replacement for Council Tax Benefit.

As part of the introduction, the Government:

a) Placed the duty to create a local scheme for Working Age applicants with billing authorities;

b) Reduced initial funding by the equivalent of ten per cent from the levels paid through benefit subsidy to authorities under the previous Council Tax Benefit scheme; and

c) Prescribed that persons of Pension age would be dealt with under regulations set by Central Government and not the authorities' local scheme.

The current Council Tax Support scheme administered by the Council is therefore divided into two schemes, with pension age applicants receiving support under the rules prescribed by Central Government, and the scheme for working age applicants being determined solely by the local authority.

Pension age households, subject to income and savings, can receive up to 100% support towards their Council Tax. The Council has no power to change the level of support provided to pensioners and therefore any changes to the level of Council Tax Support can only be made to the working age scheme.

There is a legislative requirement for local authorities to consider whether to review or replace the working age scheme each financial year.

Following a number of changes to the initial scheme, an income banded scheme was introduced in April 2024, followed by some minor changes in April 2025.

The proposed change for April 2026 has been assessed to ensure that due regard has been given to the Public Sector Equality Duty as enshrined in the Equality Act 2010.

3. How is the decision relevant to the three aims of the Public Sector Equality Duty?

We have identified households who are most likely to be affected by the introduction of the proposed scheme change and compared those to the make-up of our overall customer base to identify any specific groups of people that may be disproportionately affected.

4. What are the proposed changes?

We are reviewing our Council Tax Support scheme for 2026/27 and currently consulting on increasing financial support for single parent households by aligning the income bands that allocate Council Tax Support discounts for single parents with couples that have children.

The proposed change will align:

- The income band for a single parent with one child with the income band for a couple with one child.

- The income band for a single parent with two or more children with the income band for a couple with two or more children.

This proposal will potentially affect 1,644 households, which is **15.65%** of both working and pension age households that receive Council Tax Support in Torbay.

For the majority of households receiving Council Tax Support, which is 8,862 households (**84.35%**), this proposal will have no impact.

Case studies have been provided to illustrate how the proposed change will affect single parent households, at Appendix A.

The current Council Tax Support scheme for pension age households is not affected by the proposed change and is therefore outside of the scope of this consultation.

5. What data and supporting information have been used to assess this change?

All household data has been taken from Torbay Council's Revenue and Benefits processing system and the supporting application form.

We have also sourced information from:

- Office of National Statistics (ONS)
- UK Parliament (House of Commons Library)
- Joseph Rowntree Foundation (UK Poverty 2025: The essential guide to understanding poverty in the UK)
- Scope (Disability Price Tag 2025: statistical summary)

6. Engagement and consultation

After consultation, we will decide whether to proceed with the proposed change. Should it not go ahead, the current scheme will remain in place in accordance with the legislation.

A full public consultation will be undertaken from 24 September 2025 and closing on 4 November 2025.

An updated Equality Impact Assessment will be provided after the public consultation results analysis have been completed.

Protected Characteristic: Age	
Pension Age	
In the ONS, 2021 census 27 per cent of Torbay residents are aged 65 and older.	In Torbay pensioners represent 26.7% of the population (ONS, 2021 census). A report published in July 2025 by the Work and Pensions Committee of the House of Commons highlights that in 2023/24, 1.9 million, or 16% of people of pension age are living in relative poverty, after housing costs (below 60% of median income). This is mainly due to the increase in the cost of living and low take up of Pension Credit. In many areas of the country, local authorities, third sector and community organisations are working together to engage and provide pension age households with the support they need. 5,082 pension age households receive Council Tax Support, which is 48.37% of the total Council Tax Support caseload.
Proposed Scheme Change	For pension age households the amount of Council Tax Support will continue to be calculated under the nationally prescribed scheme and therefore the proposed change to the working age scheme will have no impact.
Working Age	
According to ONS, 2021 census. 18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old.	A report published in April 2025 by the House of Commons, shows that in 2023/24, 7.9 million, or 19% of people of working age are living in relative poverty, after housing costs (below 60% of median income). This is mainly due to a drop in household earnings, social security benefits and changing from a working to a workless household. 5,424 working age households receive Council Tax Support, which is 51.63% of the total Council Tax Support caseload. Around 54% of all working age households receiving Council Tax Support are single people, 30% single parents, 8% couples with children and just over 8% are couples with no children.
	Single People – No Children
	There are 2,939 single people receiving Council Tax Support, which represents 54.18% of all working age households. Women: 1,349 Men: 1,590
	Couples – No Children
	There are 423 couples with no children receiving Council Tax Support, which represents 7.8% of all working age households.

	Single Parents
	A report published in March 2023 by the House of Commons found that 50% of single parent families were receiving income related benefits in 2020/21, compared with 15% of couples with children and a 16% average across all household types. Single parent families are over-represented among households receiving benefit. Around 15% of UK households are single parent families but a much higher proportion of single parents receive Universal Credit and other benefits. There are 1,644 single parents receiving Council Tax Support, which represents 30.31% of all working age households. 1,518 or 92.21% of single parent households are women. The number of households with: One Child: 789 Two Children or more: 855
	Couples – With Children
	There are 418 couples with children receiving Council Tax Support, which represents 7.71% of all working age households. The number of households with: One Child: 152 Two Children or more: 266
Proposed Scheme Change	**Single People – No Children**
	The proposed change does not specifically affect this group.
	Couples – No Children
	The proposed change does not specifically affect this group.

Single Parents

The proposed change will provide additional financial support to some households within our community.

It will have a positive impact on those households that currently receive less than the maximum discount from April 2026.

The table below shows the number of cases, by household type, that will have an increase in the level of discount Case studies have been provided to illustrate how the proposed change will affect single parent households, at Appendix A.

Household Type	**Number of Households**
Single Parent - One Child	174
Single Parent - Two Children or More	272
Total	**446**

It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2026.

The table below shows the number of households that will remain unchanged as they currently receive the maximum level of discount.

Household Type	**Number of Households**
Single Parent - One Child	615
Single Parent - Two Children or More	583
Total	**1,198**

Couples – With Children

The proposed change does not affect this group, as it aligns the income bands for single parents with one child with the income band for a couple with one child and single parents with two or more children with couples with two or more children.

Protected Characteristic: Disability	
In the ONS, 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	A person is considered disabled if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities. **Physical or Mental Disability** – this includes a wide range of conditions, such as hearing loss, visual impairments, mobility difficulties, mental health conditions (e.g., depression, anxiety), learning disabilities, and long-term health conditions like diabetes or heart disease. **Substantial Effect** – the term 'substantial' refers to the level of effect the impairment has on the individual's daily life, highlighting the significant impact it can have on carrying out everyday tasks. **Long-Term** – the effects of the impairment are considered long-term if they have lasted or are expected to last for at least twelve months or for the rest of the individual's life. This aspect of the definition acknowledges the enduring nature of many disabilities and their impact on the entire life of an individual. People with disabilities are more likely to be living in poverty than non-disabled people. According to recent data published by the think tank Joseph Rowntree Foundation, the poverty rate for disabled people was 30%, 10 percentage points above those who are not disabled. The difference is even more significant for working-age adults: disabled working-age adults are almost twice as likely to live in poverty than those who are not (35% and 18% respectively). Research published by disability equality charity Scope reported on the extra costs faced by disabled adults and families with disabled children. The latest findings show that disabled households need an additional £1,095 per month to have the same standard of living as non-disabled households. These costs include essential goods and services like medical equipment, therapies, higher energy bills, increased travel and specialised care. Relevant disability benefits are disregarded in the calculation of Council Tax Support, thereby protecting those with specific long-term conditions who fall within this group - further details are available at Appendix B and C.

Proposed Scheme Change

The proposed change will affect those households that currently receive less than the maximum discount from April 2026.

The table below shows the number of cases, by household type, that will have an increase in the level of discount.

Household Type	**Number of Households**
Single Parent - One Child	14
Single Parent - Two Children or More	29
Total	**43**

It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2026.

The table below shows the number of households that will remain unchanged as they currently receive the maximum level of discount.

Household Type	**Number of Households**
Single Parent - One Child	288
Single Parent - Two Children or More	242
Total	**530**

Protected Characteristic: Sex	
In the ONS, 2021 census 51.3% of Torbay's population are female and 48.7% are male **Council Tax Support** Working Age: 5,424 Women:3,667 Men: 1,757	The Council Tax Support scheme will not treat people of different genders any differently. Based on current data there is a higher percentage of working age women receiving Council Tax Support 3,667 (67.6%) when compared to their representation in the Torbay population 71,493 (51.31%), as they tend to be the primary care givers. Furthermore, 1,518 (92.34%) of working age single parents are women compared to 126 men (7.66%).
	Single People – No Children
	There are 1,349 single women receiving Council Tax Support, which represents 25% of all working age households. 1,590 single men receive Council Tax Support, which represents 29% of all working age households.
	Couples – No Children
	There are 423 couples with no children receiving Council Tax Support, which represents 8% of all working age households.
	Single parents
	There are 1,644 single parents receiving Council Tax Support and the majority (1,518) are women, which represents 28% of all working age households. 126 single parents are men, which represents 2% of all working age households.
	Couples – With Children
	There are 418 couples with children receiving Council Tax Support, which represents 8% of all working age households.

Proposed Scheme Change

The proposed change will have a positive impact on women as they represent the majority of all single parents receiving Council Tax Support.

The proposed change will affect those households that currently receive less than the maximum discount from April 2026.

The table below shows the number of cases, by household type, that will have an increase in the level of discount.

Household Type	Women		Men		Total
Single Parent - One Child	162	(93.1%)	12	(6.9%)	174
Single Parent - Two Children or More	260	(95.6%)	12	(4.4%)	272
Total	**422**	**(94.6%)**	**24**	**(5.4%)**	**446**

It will also have a positive impact, where applicable, on some households that may apply for Council Tax Support from 1 April 2026.

The table below shows the number of households that will remain unchanged as they currently receive the maximum level of discount.

Household Type	Women		Men		Total
Single Parent - One Child	538	(87.5%)	77	(12.5%)	615
Single Parent - Two Children or More	556	(95.4%)	27	(4.6%)	583
Total	**1,094**	**(91.3%)**	**104**	**(8.7%)**	**1,198**

<table>
<tr><th colspan="2">Local Protected Characteristic: Carers</th></tr>
<tr><td>In the ONS, 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</td><td>The definition of unpaid caring responsibilities is someone who gives help or support to anyone who has long-term physical or mental ill-health conditions, illness or problems related to old age. It does not include any activities as part of paid employment and the help can be within or outside the carer's household (ONS, 2021 census).

The Council is required to consider the needs of households with caring responsibilities within its proposed scheme. It is recognised that households with caring responsibilities can affect people’s ability to pursue paid work.

Financially, carers may face difficulties and their income may be affected by their caring role.</td></tr>
<tr><td>Proposed Scheme Change</td><td>The proposed change will have a positive impact on some single parent households that have caring responsibilities and currently receive less than the maximum discount from April 2026.

The table below shows the number of cases, by household type, that will have an increase in the level of discount.

<table>
<tr><th>Household Type</th><th>Number of Households</th></tr>
<tr><td>Single Parent - One Child</td><td>20</td></tr>
<tr><td>Single Parent - Two Children or More</td><td>86</td></tr>
<tr><td>Total</td><td>106</td></tr>
</table>
It will also have a positive impact, where applicable, on some single parent households that may apply for Council Tax Support from 1 April 2026.

The table below shows the number of households that will remain unchanged as they currently receive the maximum level of discount.

<table>
<tr><th>Household Type</th><th>Number of Households</th></tr>
<tr><td>Single Parent - One Child</td><td>91</td></tr>
<tr><td>Single Parent - Two Children or More</td><td>118</td></tr>
<tr><td>Total</td><td>209</td></tr>
</table></td></tr>
</table>

Protected Characteristic: Pregnancy and Maternity	
According to ONS, over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South-West (58.4).	Existing data on applicants receiving Council Tax Support does not provide any insights on pregnant women, those on maternity leave or those women who have given birth within the last 26 weeks.
Proposed Scheme Change	The proposed change will have a positive impact on some single parent households expecting their first or second child. Following the birth of the first or second child, the household composition will change, resulting in a revised level of discount that will be applied as appropriate. Under the current and proposed scheme change, no additional support is provided for households with three or more children. This is concurrent with other welfare schemes and has been part of previous means tested scheme since April 2017 and the current income banded scheme since April 2024. As we have an exceptional hardship fund then those requiring additional support can access this fund.

Protected Characteristic: Gender Reassignment		
Data and Insight	**Negative Impact & Mitigating Actions**	**Neutral Impact**
In the ONS, 2021 census, 0.4% of Torbay residents answered that their gender identity was not the same as registered at birth. This proportion is similar to the Southwest and is lower than England. The Government estimates that between 0.3 to 0.75 per cent of the UK population have a different gender to the one assigned to them at birth – for further information please refer to link https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721642/GEO-LGBT-factsheet.pdf	Not applicable.	The eligibility criteria is neutral in relation to gender reassignment, as it does not expressly include, exclude or otherwise identify any particular group. All awards are therefore neutral in that they are available equally to all applicants.
Data is not held on the numbers of households receiving Council Tax Support with this characteristic.		

Protected Characteristic: Marriage and Civil Partnership		
Data and Insight	**Negative Impact & Mitigating Actions**	**Neutral Impact**
According to ONS, 2021 census, 44.2% of Torbay residents aged 16 or over, were married or in a registered civil partnership. We are unable to distinguish between married and unmarried couples receiving Council Tax Support, however 15.5% are couples.	Not applicable	Couples who are married or who have entered into a civil partnership are treated the same as an unmarried couple by the proposal. All awards are therefore neutral in that they are available equally to all applicants.

Protected Characteristic: Race		
Data and Insight	**Negative Impact & Mitigating Actions**	**Neutral Impact**
In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South-West and England. Recent research has shown that across the UK people from minoritised backgrounds are disproportionately affected by financial hardship. We have no equivalent data explicitly for Torbay.	Not applicable	The eligibility criteria is neutral in relation to race, as it does not expressly include, exclude or otherwise identify any particular group. All awards are therefore neutral in that they are available equally to all applicants irrespective of race.
Data is not held on the numbers of households receiving Council Tax Support with this characteristic.		

<table>
<tr><th colspan="3">Protected Characteristic: Religion or Belief</th></tr>
<tr><th>Data and Insight</th><th>Negative Impact & Mitigating Actions</th><th>Neutral Impact</th></tr>
<tr><td>50.5% of Torbay residents stated that they have a religion in the ONS, 2021 census – for further detail see below:

<table><tr><td>Christian</td><td>48.5%</td></tr><tr><td>Buddhist</td><td>0.4%</td></tr><tr><td>Hindu</td><td>0.2%</td></tr><tr><td>Jewish</td><td>0.1%</td></tr><tr><td>Muslim</td><td>0.6%</td></tr><tr><td>Sikh</td><td>0.0%</td></tr><tr><td>Other</td><td>0.7%</td></tr><tr><td>No religion</td><td>43.2%</td></tr></table></td><td>Not applicable</td><td>The eligibility criteria is neutral in relation to religion or belief, as it does not expressly include, exclude or otherwise identify any particular group.

All awards are therefore neutral in that they are available equally to all applicants irrespective of race.</td></tr>
<tr><td colspan="3">Data is not held on the numbers of households receiving Council Tax Support with this characteristic.</td></tr>
</table>

Protected Characteristic: Sexual Orientation		
Data and Insight	**Negative Impact & Mitigating Actions**	**Neutral Impact**
In the ONS, 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	Not applicable	The eligibility criteria is neutral in relation to sexual orientation, as it does not expressly include, exclude or otherwise identify any particular group. There is no evidence to suggest the changes will disproportionately disadvantage claimants with this characteristic.
Data is not held on the numbers of households receiving Council Tax Support with this characteristic.		

Armed forces (including serving personnel, families and veterans)		
Data and Insight	**Negative Impact & Mitigating Actions**	**Neutral Impact**
According to ONS, 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces. In 2023 the council resigned the Armed Forces Covenant to reaffirm Torbay Council's commitment to support HM Armed Forces and to recognise and remember the sacrifices made by members of the Armed Forces Community. The current scheme continues to disregard military payments for veterans - further details are available at Appendix B.	Not applicable	There is no evidence to suggest this proposal will disadvantage households with this characteristic. The eligibility criteria is neutral in relation to the armed forces community, as it does not expressly include, exclude or otherwise identify any particular group.
Data is not held on the numbers of households receiving Council Tax Support with this characteristic.		

Socio-economic impacts (Including impact on child poverty issues and deprivation)	The proposed change will have a positive impact on the amount of Council Tax Support awarded for some single parent households affected from 1 April 2026. It will also have a positive impact, where applicable, on some single parent households that may apply for Council Tax Support from 1 April 2026.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	There are links between unemployment and poorer mental health, such as stigma, isolation, loss of self-worth and the material consequences of a reduced income. Unemployed individuals, particularly the long-term unemployed, have a higher risk of poor mental health compared with those in employment.
Human Rights	In accordance with Article 8 of the Human Rights Act the Council Tax Support scheme supports the right to respect private and family life, the home and correspondence.
Child Friendly Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	The proposed change will have a positive impact on some single parent households.

Single Parent with One Child

Single parent, age 22 with one child, age 1.

Rents a two-bedroom property from social landlord.

Employed, receives Universal Credit (includes Housing Element) and Child Benefit.

Total Weekly Income (including Housing Element): £389.28.

Net Weekly Income for calculating Council Tax Support: £216.56.

Property Band A
Annual Charge: £1,169.92

Current Scheme

Level of Discount	Single and One Child
75%	In receipt of a passported benefit
75%	£0 to £179.00
55%	£179.01 to £220.00
40%	£220.01 to £261.00
20%	£261.01 to £302.00
0%	£302.01+

Council Tax to pay, after discount (55%) £10.12 per week.

Proposed Change

Level of Discount	Single and One Child and Couple with One Child
75%	In receipt of a passported benefit
75%	£0 to £234.00
55%	£234.01 to £275.00
40%	£275.01 to £316.00
20%	£316.01 to £356.00
0%	£356.01+

Council Tax to pay, after proposed scheme change, £5.62 per week.

Single Parent with One Child

Single parent, age 32 with one child, age 5.

Rents a two-bedroom property from a private landlord.

Employed, receives Universal Credit (includes Housing Element, based on the two-bedroom Local Housing Allowance rate) and Child Benefit.

Total Weekly Income (including Housing Element): £457.21.

Net Weekly Income for calculating Council Tax Support: £250.39.

Property Band A
Annual Charge: £1,169.92

Current Scheme

Level of Discount	Single and One Child
75%	In receipt of a passported benefit
75%	£0 to £179.00
55%	£179.01 to £220.00
40%	£220.01 to £261.00
20%	£261.01 to £302.00
0%	£302.01+

Council Tax to pay, after discount (40%) £13.50 per week.

Proposed Change

Level of Discount	Single and One Child and Couple with One Child
75%	In receipt of a passported benefit
75%	£0 to £234.00
55%	£234.01 to £275.00
40%	£275.01 to £316.00
20%	£316.01 to £356.00
0%	£356.01+

Council Tax to pay, after proposed scheme change, £10.12 per week.

Single Parent with One Child

Single parent, age 53 with one child, age 16.

Owner occupier

Receives Universal Credit and Child Benefit

Total Weekly Income: £539.21.

Net Weekly Income for calculating Council Tax Support: £296.57.

Property Band D
Annual Charge: £1,754.88

Current Scheme

Level of Discount	Single and One Child
75%	In receipt of a passported benefit
75%	£0 to £179.00
55%	£179.01 to £220.00
40%	£220.01 to £261.00
20%	£261.01 to £302.00
0%	£302.01+

Council Tax to pay, after discount (20%) £27.00 per week.

Proposed Change

Level of Discount	Single and One Child and Couple with One Child
75%	In receipt of a passported benefit
75%	£0 to £234.00
55%	£234.01 to £275.00
40%	£275.01 to £316.00
20%	£316.01 to £356.00
0%	£356.01+

Council Tax to pay, after proposed scheme change, £20.25 per week.

Single Parent with One Child

Single parent, age 26 with one child, age 4.

Rents a two-bedroom property from a social landlord.

Receives Universal Credit (includes Housing Element) and Child Benefit.

Total Weekly Income (including Housing Element): £288.83.

Net Weekly Income for calculating Council Tax Support: £157.24.

Property Band B
Annual Charge: £1,364.91

Current Scheme

Level of Discount	Single and One Child
75%	In receipt of a passported benefit
75%	£0 to £179.00
55%	£179.01 to £220.00
40%	£220.01 to £261.00
20%	£261.01 to £302.00
0%	£302.01+

Council Tax to pay, after discount (75%) £6.56 per week.

Proposed Change

Level of Discount	Single and One Child and Couple with One Child
75%	In receipt of a passported benefit
75%	£0 to £234.00
55%	£234.01 to £275.00
40%	£275.01 to £316.00
20%	£316.01 to £356.00
0%	£356.01+

Council Tax to pay, after proposed scheme change, £6.56 per week.

Single Parent with Two or More Children

Single parent, age 35 with three children, age 12, 9 and 6

Rents a three-bedroom property from a private landlord.

Employed, receives Universal Credit (includes Housing Element, based on the three-bedroom Local Housing Allowance rate) and Child Benefit.

Total Weekly Income: £697.73.

Net Weekly Income for calculating Council Tax Support: £372.57.

Property Band B
Annual Charge: £1,364.91

Current Scheme

Level of Discount	Single with Two or More Children
75%	In receipt of a passported benefit
75%	£0 to £261.00
55%	£261.01 to £302.00
40%	£302.01 to £342.00
20%	£342.01 to £383.00
0%	£383.01+

Council Tax to pay, after discount (20%) £21.00 per week.

Proposed Change

Level of Discount	Single with Two or More Children and Couple with Two or More Children
75%	In receipt of a passported benefit
75%	£0 to £316.00
55%	£316.01 to £356.00
40%	£356.01 to £397.00
20%	£397.01 to £438.00
0%	£438.01+

Council Tax to pay, after proposed scheme change, £15.75 per week.

Single Parent with Two or More Children

Single parent, age 44 with two children, age 14, and 12

Rents a three-bedroom property from a private landlord.

Employed, receives Universal Credit (includes Housing Element, based on the three-bedroom Local Housing Allowance rate) and Child Benefit.

Total Weekly Income: £685.38.

Net Weekly Income for calculating Council Tax Support: £341.45.

Property Band C
Annual Charge: £1,559.90

Current Scheme

Level of Discount	Single with Two or More Children
75%	In receipt of a passported benefit
75%	£0 to £261.00
55%	£261.01 to £302.00
40%	£302.01 to £342.00
20%	£342.01 to £383.00
0%	£383.01+

Council Tax to pay, after discount (40%) £18.00 per week.

Proposed Change

Level of Discount	Single with Two or More Children and Couple with Two or More Children
75%	In receipt of a passported benefit
75%	£0 to £316.00
55%	£316.01 to £356.00
40%	£356.01 to £397.00
20%	£397.01 to £438.00
0%	£438.01+

Council Tax to pay, after proposed scheme change, £13.50 per week.

Single Parent with Two or More Children

Single parent, age 35 with two children, age 13 and 9

Rents a two-bedroom property from a private landlord.

Employed, receives Universal Credit (includes Housing Element, based on the two-bedroom Local Housing Allowance rate) and Child Benefit.

Total Weekly Income: £528.84.

Net Weekly Income for calculating Council Tax Support: £269.71.

Property Band B
Annual Charge: £1,364.91

Current Scheme

Level of Discount	Single with Two or More Children
75%	In receipt of a passported benefit
75%	£0 to £261.00
55%	£261.01 to £302.00
40%	£302.01 to £342.00
20%	£342.01 to £383.00
0%	£383.01+

Council Tax to pay, after discount (55%) £11.81 per week.

Proposed Change

Level of Discount	Single with Two or More Children and Couple with Two or More Children
75%	In receipt of a passported benefit
75%	£0 to £316.00
55%	£316.01 to £356.00
40%	£356.01 to £397.00
20%	£397.01 to £438.00
0%	£438.01+

Council Tax to pay, after proposed scheme change, £6.56 per week.

Single Parent with Two or More Children

Single parent, age 39 with two children, age 16 and 6.

Rents a two-bedroom property from a private landlord.

Employed, receives Universal Credit (includes Housing Element, based on the two-bedroom Local Housing Allowance rate) and Child Benefit.

Total Weekly Income: £426.05.

Net Weekly Income for calculating Council Tax Support: £234.16.

Property Band C
Annual Charge: £1,559.90

Current Scheme

Level of Discount	Single with Two or More Children
75%	In receipt of a passported benefit
75%	£0 to £261.00
55%	£261.01 to £302.00
40%	£302.01 to £342.00
20%	£342.01 to £383.00
0%	£383.01+

Council Tax to pay, after discount (75%) £7.50 per week.

Proposed Change

Level of Discount	Single with Two or More Children and Couple with Two or More Children
75%	In receipt of a passported benefit
75%	£0 to £316.00
55%	£316.01 to £356.00
40%	£356.01 to £397.00
20%	£397.01 to £438.00
0%	£438.01+

Council Tax to pay, after proposed scheme change, £7.50 per week.

Income bands and level of discount set for financial year ending 31 March 2026

Level of Discount	Single	Couple	Single and 1 Child	Single and 2+ Children	Couple and 1 Child	Couple and 2+ Children
75%	£0-£104	£0-£152	£0-£179	£0-£261	£0-£234	£0-£316
55%	£104.01-£135	£152.01-£193	£179.01-£220	£261.01-£302	£234.01-£275	£316.01-£356
40%	£135.01-£165	£193.01-£233	£220.01-£261	£302.01-£342	£275.01-£316	£356.01-£397
20%	£165.01-£196	£233.01-£274	£261.01-£302	£342.01-£383	£316.01-£356	£397.01-£438
0%	£196.01+	£274.01+	£302.01+	£383.01+	£356.01+	£438.01+

Key features

All Cases

- Savings limit at £6,000.
- No deductions made for any non-dependents living in the household.

Passported Benefit Income

- Passported refers to households that are in receipt of Employment and Support Allowance (Income Related), Job Seekers Allowance (Income Based) or Income Support receive the maximum discount, which is currently set at 75% of the Council Tax liability.

Universal Credit Income

- Housing Element disregarded.
- Carer Allowance disregarded.
- Limited Work Capability disregarded.
- Disabled Child Element disregarded.
- Transitional Protection disregarded.
- Standard Earnings disregards – if the applicant and/or partner is in full or part-time employment some of the earnings is discounted and a standard income disregard is applied. The amount disregarded depends on personal circumstances (£5, £10, £20 & £25).

For further information on Universal Credit income, see Appendix C.

Standard Income

- Disability Living Allowance and Personal Independence Payments are disregarded.
- Support Component for Employment and Support Allowance is disregarded.
- Child Benefit, child maintenance and child-care costs are disregarded.
- Carers Allowance disregarded.
- £75 income disregard where the applicant or partner receives a disability benefit.
- Standard Earnings disregards – if the applicant and/or partner is in full or part-time employment some of the earnings is discounted and a standard income disregard is applied. The amount disregarded depends on personal circumstances (£5, £10, £20 & £25).
- Minimum set income for self-employed after one year's trading, based on the national minimum wage, for the age group, multiplied by a set number of hours, depending on circumstances.

Military Payments

War disablement pensions are paid to those who have been disabled or injured, either from their service or from wartime conditions. War widow's pensions are paid where a husband, wife or civil partner have died as a result of them serving in the armed forces.

War Disablement Pensions – The war disablement pensions prescribed are:

1. Any retied pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (earnings and Pensions) Act 2003;

2. Any retied pay or pension payable to a member of the armed of the Crown in respect of a disablement which is attributable to service, under:

    1. An Order in Council made under section 3 of the Naval and marine Pay and Pensions Act 1865

    2. The Army Pensions Warrant 1977

    3. The Army Pensions (armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010

    4. Any order or regulations made under section 2 of the Air Force (constitution) Act 1917

    5. Any order or regulations made under section 4 of the Reserve Forces Act 1996

    6. Any instrument amending or replacing any of the instruments referred to above or any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown; and

    7. A payment made under article 14(1)(b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005

War Widow's Pensions – The war widow's pension prescribed are:

- Any pension or allowance payable to a widow, widower or surviving civil partner under an instrument specified in section 639(2) of the Income Tax (earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

- A pension payable, to a widow, widower or surviving civil partner of a member of the armed forces of the Crown in respect of death, which is attributable to service, under;

1. An Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865

2. The Army Pensions Warrant 1977

3. The Army Pensions (armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010

4. Any order or regulations made under section 2 of the Air Force (constitution) Act 1917

5. Any order or regulations made under section 4 of the Reserve Forces Act 1996

6. Any instrument amending or replacing any of the above or any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown; and

7. A payment made under article 21(1)(a) of the Armed Forces and Reserve Forces (compensation Scheme) Order 2005;

8. A payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs

In accordance with Section 13A 1A of the Local Government Finance Act 1992, the working age scheme ignores (fully disregards) income from War Widows (Widowers), War Disablement Scheme and the Armed Forces Compensation Scheme when calculating a Council Tax Support discount.

Universal Credit - Universal Credit is a means tested single benefit payment for working-age people who are looking for work or on a low income. It was introduced in 2013 to simplify welfare payments, replacing six "legacy" benefits and tax credits into one single monthly payment:

- Housing Benefit;
- Income-Related Employment and Support Allowance;
- Income-Based Job Seekers Allowance;
- Child Tax Credit;
- Working Tax Credit;
- Income Support.

Standard Allowance – the set amount, depending on age and personal status.
2025/26 Rates

Personal Circumstances	**Monthly Amount**
Single and under 25	£316.98
Single and 25 and over	£400.14
Living with partner and both under 25	£497.55
Living with partner and one or both over 25	£628.10

Housing Element – the amount that's paid to help households that have a rent liability.

For tenants that rent from a private landlord the amount is based on the Local Housing Allowance rate for the South Devon area. The amount paid is determined by age and household composition.

For tenants that rent from a housing association (social landlord), the payment is based on the actual rent.

Carer Allowance – this is added to the maximum amount of Universal Credit where the applicant has regular and substantial caring responsibilities. This means that the person meets the entitlement conditions for carer's allowance including caring for at least 35 hours a week. It also includes a person who would be entitled to carer's allowance, but their earnings are too high. There is no requirement to actually claim carer's allowance.

Limited Work Capability - the amount paid if the applicant has a limited capability for work and has a work-related activity.
Work-related activities include:

- phoning work coach
- creating and maintaining an online profile
- improving job seeking skills
- registering with an employment agency
- searching for jobs
- applying for jobs
- obtaining references
- taking part in training courses

Child Element – this is included where the applicant is responsible for a child or qualifying young person and live with them. The child element continues until the first September following the 16th birthday, or if in full-time non-advanced education or approved training, until the first September after the 19th birthday.

There are two separate rates for the child element, one for the first or only child and then a reduced rate for second and subsequent children. From 6 April 2017, the higher first child amount is only available for a child or qualifying young person is born before 6 April 2017.

From 6 April 2017 the child element is subject to the two-child limit policy. The current rules limit the child element to two children. The general rule is that third and subsequent children born on or after 6 April 2017 will only qualify if an exception applies to them. For children born before 6 April 2017, a child element will be included.

Disabled Child Element – in addition to the child element, the disabled child element is paid where a child or children have a disability. There are two rates, that are dependent on the type of disability benefits that are in payment.

Transitional Protection – for households that move from legacy benefits to Universal Credit by DWP under the formal managed migration exercise will receive transitional protection where they have no change of circumstances and their new UC award, at the point they are moved, is lower than their former legacy benefits.

Work Allowance (Earned Income) – the amount households with children and/or with limited capability for work are allowed to earn before Universal Credit is reduced. This amount is increased annually in line with inflation (September's CPI).

If a housing element is included in the Universal Credit payment, the household will receive a lower work allowance. This is also the case for households entitled to Universal Credit and also receives housing benefit for temporary accommodation.

2025/26 Rates

Household Circumstances	Monthly Rate
Housing element included	£411.00
Housing element not included	£684.00

Taper (Earned Income) - The taper is the rate at which maximum Universal Credit is reduced by earnings. Maximum Universal Credit is reduced by 55 per cent of net earnings above the work allowance. For households that are not eligible for a Work Allowance, the maximum Universal Credit is reduced by 55 per cent of the net earnings.

Disregard (Earned Income) – this is applied if the applicant and/or partner is in full or part-time employment.

2025/26 Rates

Household Circumstances	Weekly Rate	Monthly Rate
Single	£5.00	£21.67
Single Parent	£25.00	£108.33
Couple	£10.00	£43.33
Disability	£20.00	£86.67

TORBAY COUNCIL

Meeting: Cabinet/Council **Date:** 18 November/11 December 2025

Wards affected: All Wards

Report Title: Budget Monitoring – Revenue and Capital Outturn 2025/26 Quarter 2

When does the decision need to be implemented? N/A

Cabinet Member Contact Details: Councillor Alan Tyerman, Cabinet Member for Finance alan.tyerman@torbay.gov.uk

Supporting Officer Contact Details: Ian Rowswell, Deputy Director of Finance, ian.rowswell@torbay.gov.uk,

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1. Purpose and Introduction

1.1. This report provides a high-level budget summary of the Council's revenue and capital position for the financial year 2025/26, reviewing budgets and considering year-end forecasts. These forecasts are based on the levels of spend and financial information at the end of quarter 2 (Q2), up to 30 September 2025.

1.2. The Council is currently projecting an overspend of £1.223m by the end of the year, an increase of £238k on the position projected at quarter 1 (Q1). The report highlights the areas where material variances are being projected, the reasons for them and mitigating action being taken.

1.3. An updated forward looking Capital Investment Plan was included within the 2025/26 budget papers. An updated Plan is shown as Appendix 1 and highlights a total revised capital budget of £101.756m for the period up to 2027/28 and a revised budget for £79.730m for 2025/26.

2. Recommendations

Recommendations for Cabinet

2.1. That the Cabinet notes the forecasted revenue outturn position and amendments made to the published 2025/26 Capital Investment Plan.

Recommendations for Council

2.2. That Council approves the revisions to the Capital Investment Plan, as set out in Appendix 1 to the submitted report.

3. 2025/26 Budget Summary – as at 30 September 2025

3.1. The Council are currently projecting an overspend of **£1.223m** for the end of 2025/26.

3.2. The table below provides a summary across Council Service Directorates.

Service	Budget £m	Projected Outturn £m	Variance £m
Adults and Community Services	49.282	49.148	-0.134
Children's Services	46.026	47.611	1.585
Corporate Services	15.397	15.894	0.497
Financial Services	12.356	11.606	-0.750
Investment Portfolio	-4.134	-4.134	0.000
Pride in Place Services	28.560	28.585	0.025
Public Health Services	0.016	0.016	0.000
Revenue sub-total	**147.503**	**148.726**	**1.223**
Sources of Finance	147.503	147.503	0.000
Revenue Over/ (Under) spend	**0.000**	**1.223**	**1.223**

3.3. The two areas where significant overspends are being forecast are Children's Social Care Placements and Legal Services, which total almost £2.5m. These will be mentioned in more detail later in the report. Whilst the projected outturn for legal services has reduced since Q1, the projected overspend on Children's Placements has increased significantly from £442k to £2.087m. Underspends across other budgets have helped to reduce the impact on the projected outturn position and limit the increase from Q1 to £238k.

3.4. Robust financial management and control continues to be required from all services across the Council in order to mitigate current and emerging spending pressures to ultimately achieve a breakeven position by the year end.

3.5. Financial Sustainability Plans are being maintained by each Director, which are overseen collectively by the Chief Executive and Directors in respect of the following key risk areas. These will continue to be reviewed and updated:

- Adult Social Care – Transformation programme
- Adult Social Care – Market management
- Children's Social Care placements
- Home to School Transport
- Children's Locality Model and oversight of Safety Valve
- Prevention and Relief of homelessness
- Legal Services – staffing and agency costs
- Revenue and Benefits (Council Tax and NNDR collection rates)
- Events
- Management of Heritage Assets (Cockington, Oldway, Torre Abbey and Pavilion)
- Optimisation of Council Assets
- Planning, Building Control and Land Charges income targets
- Council Use of Artificial intelligence and Overarching Plan (being developed)

3.6. Action taken in respect of these plans will continue to have a positive impact, mitigating current costs or pressures that otherwise would emerge and help to reduce any projected overspends, where forecast.

3.7. The Dedicated Schools Budget, and particularly the Higher Needs Block, is not currently shown within the table above. Spend continues to be monitored as part of the Safety Valve agreement in order to facilitate the write-off of accumulated deficits of over £16m. Achieving the targets outlined and agreed within the Safety Valve Plan continues to be challenging with an overspend on the DSG budgets of £1.588m now being forecast for 2025/26. A summary of the position is shown in para 3.18.

Service Budgets

3.8. The table below summarises the most material variances (over circa £100k), which are explained further within the service sections of the report.

Service	Current Budget £m	Projected Outturn £m	Outturn Variance £m
Children's – Section 17 costs	0.580	0.700	0.120
Children's - Social care placements (excl. UASC)	23.559	25.646	2.087
Children's – Staff costs (including agency)	22.228	21.824	(0.404)
Corporate – Legal Services	2.085	2.490	0.405
Finance – Investments and borrowing	18.572	17.822	-0.750
Place – Torre Abbey	0.416	0.541	0.125
Place - Highways – road closure income	(0.130)	(0.230)	-0.100
Place – Concessionary Fares	3.656	3.536	-0.120
Place – Waste Disposal	5.019	5.219	0.200
Place – Car Parking	(5.985)	(6.435)	(0.450)
Place - SWISCO			0.300
Total of variances over £100k			**1.413**

(Note: Other variances under £100k are not highlighted within this table hence totals will differ from overall variance mentioned above)

Adult Services (incl. Community and Customer Services)

3.9. Overall Adults and Community Services are forecasting an underspend of **(£0.134m).** No material variances are being reported and a small number of underspends are being forecast across Community services including, environmental protection, housing standards and safer communities, due to vacancies and timing of recruitment.

3.10. Within Adult Social Care the majority of spend is against a fixed price financial arrangement (contract) for the delivery of services provided by the Integrated Care Organisation (ICO) and no variances are being reported.

3.11. In previous years we have experienced overspends and pressures within our Housing Options Service relating to increasing costs for homelessness prevention and the provision of Temporary Accommodation. A combination of increases in the 2024/25 and 2025/26 budget, alongside management actions and the purchase of our own properties has resulted in no significant overspends being projected so far in this year. A Financial Sustainability Plan remains in place, which will continue to be monitored closely.

Children's Services

3.12. Overall Children's Services are forecasting an overspend at Q1 of **£1.585m**. The table below highlights the material variances.

Service	Budget £m	Projected Outturn £m	Variance £m
Section 17	0.580	0.700	0.120
Social care placements (excl. UASC)	23.59	25.646	2.087
Staff costs (including agency)	22.228	21.824	(0.404)
Learning Academy Training	0.167	0.110	(0.057)
Special Guardianship, adoption and residence order allowances	2.829	2.774	(0.055)
Adopt South West service – Inter agency fees	0.688	0.618	(0.070)
Other variances	-	-	(0.036)
Forecast Outturn Position	**-**	**-**	**1.585**

3.13. Expenditure relating to support for children in need under Section 17 of the Children Act 1989 is forecast to exceed budget by **£120k**. This is due to ongoing increases in demand, particularly in areas such as housing support, to ensure the Council meets its duty to safeguard children and promote their welfare.

3.14. The Service is currently projecting an overspend of **£2.087m** across budgets for children social care placements. There is a national sufficiency issue in respect of placements, affecting both fostering and residential children's homes. This challenge is further compounded by the requirement for post-16 placements to be Ofsted registered. These factors are causing significant disruptions in the market, with private providers substantially increasing their costs.

3.15. In practical terms, this means that for each available placement, there are a large number of local authority referrals. Despite receiving expressions of interest and attending matching meetings, providers often select children who are easier to place, leaving our more complex children, who may have dis-regulation issues or Deprivation of Liberty Safeguards (DoLS), struggling to find suitable placements. As a result, we are increasingly relying on unregulated provision, which is not only on the rise nationally but also comes at a significantly higher cost, sometimes reaching up to £30,000 per week.

3.16. We continue to work diligently to manage these pressures and limit any adverse impact on our budget. Our financial sustainability plan remains in place as we strive to navigate these challenging circumstances.

3.17. An underspend of **(£404k)** is currently being forecast in relation to our budgets for Staffing (including agency). This is due to the new staffing structure being implemented

from 1st September 25, where there are vacant posts which are yet to be filled. Also reducing the use of agency staff where possible to cover vacancies

3.18. Outside of Local Authority funded activities, the schools' higher needs block in the Dedicated Schools Grant (DSG) remains under financial pressure from continual referrals for assessment for higher needs support for children.

3.19. The Council is part of the Department for Education (DfE) Safety Valve programme, which supports councils in achieving future financial sustainability in this area. If the council continues to deliver on its recovery plan and achieve a balanced higher needs budget, all of the historic DSG deficit will be written off, through additional funding by DfE.

3.20. Torbay Council has already received £8.777m from the DfE in response to its recovery plan, without which the DSG cumulative deficit is forecast to be £16.057m at the end of 25/26. It is critical that the Council continues to deliver on its recovery plan and the Service continues to work with Schools, robustly monitoring the position. We are currently projecting an overspend on the DSG budgets in 2025/26 totaling £1.588m, with further breakdown shown below:

	Over / (Under)
	Spend
Budget Area	**£m**
Special School / High Needs in-year adjustments	0.175
EHCP- In-year adjustments for Primary & Secondary Schools	0.150
Health contributions towards EHCP costs	0.150
South Devon College placements	0.75
Independent Special School Placements	0.648
Recoupment between other Local Authorities for our pupils in their provision and vice versa	0.090
Education Other than at School - Bespoke Packages / Alternative Provision / SEND Direct Payments	0.808
Education element of Joint Funded Cared for Children Placements	(0.057)
Staff costs in-year vacancy savings	(0.076)
Medical Tuition Service - Contract Refund and savings from service coming back in-house from Sept 25	(0.350)
Vulnerable Children - including, Hospital Tuition & EAL	(0.034)
Other DSG	0.009
Total Overspend	**1.588**

Corporate Services

3.21. Overall Corporate Services are forecasting an overspend of **£497k**. The table below highlights the material variances of which the Legal Services budget is projecting an overspend of **£405k.** The service continues to experience financial challenges despite significant budget increases in recent years to reflect increasing demand and difficulties in recruiting permanent staff. This is a national issue across the public sector, with

difficulties competing with the salaries paid by other organisations, particularly within the private sector. Market factors have been reviewed to improve recruitment, but high demand levels mean vacancies and absences have been covered by agency staff and consequently spend levels have remained high. This figure has reduced by £138k since Q1 and a financial sustainability plan remains in place for this area.

Financial Services

3.22. An underspend of **(£750k)** is projected across our Treasury Management budgets, mainly as a result of increased interest rates being secured, meaning the Council has earned higher levels of interest on its cash investments than budgeted. We also have a saving on interest payable by the Council on the amounts borrowed as a result of managing borrowing requirements.

3.23. As part of setting the 2025/26 budget, some central contingencies were held, as in previous years. These are mainly linked to pay/inflation and other risk areas, to be released to fund identified cost pressures within services. These transfers have a net nil impact across the Council.

Investment Portfolio

3.24. The Council's Investment Portfolio is forecast to provide a net revenue contribution, after the use of the investment property reserve, to cover lost rent, holding costs of vacant premises and landlord's works.

3.25. The Council's investment portfolio continues to contribute £4.1m towards Council activity, in line with the budget, whilst also maintaining its Investment Fund Reserve to offset future pressures as and when they arise.

Pride of Place

3.26. Overall Pride of Place services are projecting an overspend of **£0.025m**. The table below highlights the material variances.

Service	Budget £m	Projected Outturn £m	Variance £m
Torre Abbey	0.416	0.541	0.125
Highways – road closure income	(0.130)	(0.230)	(0.100)
Concessionary Fares	3.656	3.536	(0.120)
Bus subsidies	0.220	0.315	0.095
Waste Disposal	5.019	5.219	0.200
Car Parking	(5.985)	(6.435)	(0.450)

SWSICO			0.300
Other variances	-	-	(0.025)
Forecast Outturn Position	**-**	**-**	**0.025**

3.27. The budgets for Torre Abbey are forecast to overspend by **£125k** by the year end. This pressure also emerged last year and is due to income levels being below budget for a number of areas, including the café and weddings. A Financial Sustainability Plan is being finalised to cover this area and identify actions that can be taken to manage spend, optimise income and reduce the overspend.

3.28. An underspend of (**£100k)** is projected on the Highways budget, mainly as a result of income from road closures continuing to exceed the budget.

3.29. The Concessionary fares budget is forecast to underspend by (**£120k)** this year. The costs linked to the number of users are expected to be lower than estimated within the budget.

3.30. A over spend of **£95k** is forecast within our bus subsidy budget in order to continue operating agreed routes. This is based on estimated increases in the subsidies provided to suppliers exceeding those budgeted.

3.31. The Waste Disposal budget is forecast to overspend by £200k. Waste volumes, (tonnages), are higher than predicted at this point in the financial year and costs are likely to exceed budget by year end.

3.32. The Car Parking budget is forecast to underspend by £450k. This is due to forecast income at year end projected to exceed budgeted income targets both from off street car parks and enforcement. The warm weather during the summer months had a positive impact with increased demand for off street car parks in particular.

3.33. An overspend of £300k is being projected for SWISCO, which relates to agency & insurance costs exceeding budget plus the projected level of enforcement income being much lower than budgeted.

Public Health

3.34. Public Health is reporting a balanced position within its ring-fenced grant.

4. Collection Fund

4.1. Collection rates in 2025/26 do not have any impact on the current financial year with the Collection Fund equalisation reserve being maintained to manage any impact of shortfalls. No draw down was required in 2024/25 and a surplus was transferred into this reserve pending a further review around risk and appropriate reserve levels.

4.2. In-year income collection rates for 2025/26 are expected to be in line with budgeted levels.

5. Wholly Owned Companies

5.1. As highlighted above SWISCo is experiencing a number of financial pressures relating to operational delivery throughout 2025/26. The previous report provided for an additional loan to support a phased replacement of an ageing fleet of vehicles, to mitigate the additional costs associated with increased repairs and maintenance costs and associated hire costs. However, other pressures remain and SWISCO have experienced increased insurance costs this year as well as agency staff costs that are much higher than budgeted due to the need to cover for various sickness and other absence.

5.2. SWISCO are also projecting a significant shortfall in enforcement income compared with the annual budget. An approach that focuses much more on education and community engagement rather than issuing penalty notices is working well but having an impact on the level of income collected.

5.3. TEDC staff returned into Council management in April 2024 and assets and contracts transferred at different times throughout the last year, with some further transfers of assets planned as soon as legally possible. Consequently, it is still necessary for the company to be in existence, however we do not anticipate any material impact on the Council's accounts.

5.4. More detailed financial reporting about the Council's wholly owned Companies forms part of the Councils Statement of Accounts.

6. Capital

6.1. The 2025/26 Capital Plan budget of £32.606m was approved in February 2025 as part of the annual budget setting process. The budget papers included an updated forward looking capital programme, estimating the spend over the next 3-years (2025/26-2027/28).

6.2. The 2025/26 Capital Plan budget increased to £52.239m to incorporate reviews that took place at the monthly Capital and Growth Board meetings during quarter 1.

6.3. It is now recommended that the budget is increased by a further £27.491m to £79.730m, which reflects the latest position within capital projects and the reviews undertaken by the Capital and Growth Board during quarter 2. Details of the budget revisions are included in Appendix 1 and are summarised below.

6.4. The majority of the increases for the period relate to underspends on 2024/25 project budgets with other changes being in respect of recommended funding increases.

Project Name	2025/26 Budget		
	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's
Schools Capital Programme	4,521	1,902	6,423
Projects under Feasibility and Development	14,408	12,307	26,715
Economic Development / Regeneration	577	(220)	357
Housing Development / Investment	11,099	5,863	16,962
Environment / Climate Capital Investment	5,524	407	5,932
Transport Capital Investment	6,767	7,166	13,934
Coastal Defence / Flood alleviation	7,893	(86)	7,806
Sports, Leisure and Culture	184	0	184
Schools Closed Projects	765	1	766
Other Closed Projects	499	150	649
Total	**52,238**	**27,491**	**79,730**

The table below highlights the changes and provides a reconciliation from the approved budget to the revised budget.

Project Name	Amount	Comments
Revised Budget 2025/26	**£52,239,000**	**Approved in September 2025**
Additions to the Capital Plan Schools Capital Programme	£1,902,000	**£0.840m** – **Higher needs Capital Fund** - Department for Education Higher Capital Allocation for 2025/26 of £1.405m and part of the grant funding subsequently allocated to Mayfield College Relocation Project (see below). **£0.077m** – **Devolved Formula Capital** - Department for Education Grant allocation 2025/26 **£0.490m** – **Childrens Home** - Remodel a proportion of an existing Council asset, to create a dedicated residential provision for children with multiple complex needs **£0.495m** – Mayfield College Relocation - Relocation from Occombe House, Paignton to MyPlace, Paignton **Source of Funding:** External Grants
Union Square Development	£1,771,000	Budget increase as per the outline business case presented to the September C&GB meeting, the business case paper sought approval for the project to proceed through to its final stage of development. **Source of Funding**: Town Deal Grant
Strand Redevelopment	£1,498,000	Budget approval to fund land acquisitions to enable the scheme to progress. **Source of Funding**: Town Deal Grant
Oldway Mansion	£2,792,000	Budget increase as per Full Business case to commit the Levelling Up Partnership funding grant. Works primarily in respect of structure of the building. **Source of Funding:** Levelling Up Partnership Grant

Torbay Technology Park	£6,315,000	Please refer to Appendix 2 for project information. **Source of Funding:** Levelling Up Fund 3 Grant
Affordable Housing – Local Authority Housing Fund 3 (4 Units)	£1,360,000	Acquisition of four properties to deliver Local Authority Housing as approved by council on 24 July 2025. **Source of Funding:** Local Authority Housing Fund R3, Revenue Contribution to scheme, Prudential Borrowing
Affordable Housing – Aria Heights	£2,916,100	Turnkey acquisitions for social housing as per Cabinet report approved on 19 August 2025 and part of the approved Accommodation Repurposing Programme **Source of Funding:** Homes England Grant, Accommodation Repurposing Programme grant, Prudential Borrowing
Affordable Housing – Midvale Road	£774,000	Turnkey acquisitions for social housing as per Cabinet report approved on 19 August 2025 and part of the approved Accommodation Repurposing Programme **Source of Funding:** Homes England Grant, Accommodation Repurposing Programme grant, Prudential Borrowing
Affordable Housing – Acquisition of land	£306,000	Acquisition of Land for the Delivery of Affordable Homes as per Cabinet report approved on 19 August 2025. **Source of Funding:** Ringfenced Housing Revenue Reserve
Tor Hill House Roof replacement and Solar Panels	£450,000	New scheme – to replace roof on operational building, including the addition of solar panels. **Source of Funding:** Climate grants and reserves
Transport Capital Investment	£6,961,000	Additional in year allocations in respect of: Zero Emissions Bus Grant - Funding to help deliver a complete depot and fleet transformation to electric vehicles for Stagecoach. Bus Improvement Plans – Grant funding added progress the implementation of the 2025/26 Bus Service Improvement plan **Source of Funding:** Central Government Grant
Clennon Valley Walking & Cycling Route	£345,000	New scheme to create a shared, mile-long path from Torbay Leisure Centre & Velopark close to Goodrington Sands, inland towards the residential areas to the west, the South Devon College campus and adjacent employment areas **Source of Funding:** S106 Funding and Integrated Transport Grant
2025/26 Other Budget Adjustments Various Project Budgets	£100,900	**Funding Source**: Various
2025/26 Quarter 2 Revised Budget	**£79,730,000**	

6.5. In addition, further projects will be moved from feasibility and development to fully approved projects throughout the period on completion and approval of robust business cases. The business cases for these projects are reviewed by the Capital and Growth Board who recommend projects and funding for approval by Council.

6.6. The level of cost inflation on construction contracts remains high and along with supply chain issues have impacted on the "pace" of spend and capital expenditure for the year being less than forecast. The balance on unspent capital budgets will be transferred into future years. After discussion with project managers, £6.989m of the 2025/26 additional budget has been reprofiled to future years. The breakdown is detailed below:

- Schools Capital Programme - £1.900m
- Projects under feasibility and Development - £1.914m
- Transport Capital Investment - £3.175m

6.7. The range of capital projects demonstrates the breadth and scale of the capital programme projects affecting services including highways, schools, housing and regeneration.

7. Risks & Sensitivity

7.1. There are a number of financial risks facing the Council as shown below:

Risk	Impact	Mitigation
Financial sustainability and write-off of the DSG Deficit, given increasing spending challenges.	High	The Service continues to work closely with its schools and robustly manages and reports on its recovery plan approved with the Department for Education's Safety Valve programme.
Adult Social Care funding is not sufficient to meet forecast costs	High	A new five-year contract has been agreed from April 2025 and the Director of Adult Social Care continues to work closely with Health Trust colleagues and our third-party transformation partners on a range of intervention activity and savings plans, in collaboration with the Trust.
Price increases from high inflation rates continue to have an impact on both revenue and capital costs.	Medium	The 2025/26 base budget included a higher than usual allowance for inflationary pressures and appropriate contingencies/reserves are held for revenue and capital.
The "cost of living" economic impact on the Council's residents from higher fuel and utility costs is likely to impact on both demand for council	Medium	The Council will continue to mitigate where possible the impact on council services and support/signpost residents to support. The Council will continue to administer payments under both the Household Support Fund and

services and may result in reduced income from Council Tax.		Council Tax Rebates, whilst also monitoring collection rates.
Unable to recruit staff and need to use agency staff.	High	Work continues to identify solutions to these challenges which seem to be on a national scale. Legal services staff continues to be a challenging area and the Financial Sustainability Plan will continue to be updated and reviewed.
Delivery of financial sustainability plans	Medium	Plans will be monitored at Directors' meetings to assess progress and potential risks/issues and opportunities.
Investment Property Income changes	High	The Investment Board will continue to review future leases and mange any potential break clause implications – maintaining appropriate balances within the Investment Reserve
Voids in commercial properties and sites held pending development incur costs in excess of budget.	High	The 25/26 budget allocated £300k to help establish a reserve that can be used to offset unplanned costs.
Demands on the Council Repairs and Maintenance (R&M) budgets exceed funding available.	High	The R&M budget was increased by £200k in 24/25 and a further £400k in 25/26.
Temporary Accommodation – increasing demand and cost pressures within the local housing market.	Medium	Budgets have been increased over recent years and robust monitoring will continue, including assessing the impact from directly procuring and properties to increase the stability of accommodation options available to the Housing Options team

Appendices

Appendix 1 – Capital Plan summary as at Q2 2025/26
Appendix 2 - Capital Plan addition - Torbay Technology Park

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Appendix 1 - 2025/26 - Quarter 2

Project Name	2025/26 Budget			Revised 4-Year Plan			
	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	Total for Plan Period £000's
Schools Capital Programme	4,521	**1,902**	**6,423**	**6,422**	1,692	1,400	**9,514**
Projects under Feasibility and Development	14,408	**12,307**	**26,715**	**20,755**	6,379	979	**28,113**
Economic Development / Regeneration	577	**(220)**	**357**	**357**	0	0	**357**
Housing Development / Investment	11,099	**5,863**	**16,962**	**16,962**	1,000	1,000	**18,962**
Environment / Climate Capital Investment	5,524	**407**	**5,932**	**5,930**	0	0	**5,930**
Transport Capital Investment	6,767	**7,166**	**13,934**	**13,934**	3,284	3,121	**20,339**
Coastal Defence / Flood alleviation	7,893	**(86)**	**7,806**	**7,807**	6,900	2,233	**16,940**
Sports, Leisure and Culture	184	**0**	**184**	**184**	0	0	**184**
Schools Closed Projects	765	**1**	**766**	**766**	0	0	**766**
Other Closed Projects	499	**150**	**649**	**649**	0	0	**649**
Total	**52,238**	**27,491**	**79,730**	**73,768**	**19,255**	**8,733**	**101,756**

Capital Plan Detail

Schools Capital Programme

Project Name	2025/26 Budget & Spend			Revised 4-Year Plan			
	Approved Budget	Q2 Budget Revisions	Revised Budget	2025/26 Total Revised Budget	2026/27	2027/28	Total for Plan Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Capital Repairs and Maintenance	716	**0**	**716**	**716**	200	200	**1,116**
Education Review Projects	1,328	**(200)**	**1,128**	**1,128**	660	368	**2,156**
High Needs Capital Provision	1,891	**270**	**2,161**	**2,161**	750	750	**3,661**
Devolved Formula Capital	36	**77**	**113**	**113**			**113**
Foster Homes Adaptations	81	**0**	**81**	**81**	82	82	**245**
Childcare Expansion	180	**0**	**180**	**180**			**180**
White Rock Primary Defects	0	**200**	**200**	**200**			**200**
YMCA	152	**0**	**152**	**152**			**152**
Sherwell School Salix	44	**0**	**44**	**44**			**44**
Mayfield College Relocation	93	**495**	**588**	**588**			**588**
Family Time Relocation	0	**200**	**200**	**200**			**200**
Childrens Home (Occombe House)	0	**490**	**490**	**490**			**490**
The NEST at South Devon College	0	**370**	**370**	**370**			**370**
Total	**4,521**	**1,902**	**6,423**	**6,422**	**1,692**	**1,400**	**9,514**

Schools Closed Projects

Project Name	2025/26 Budget & Spend			Revised 4-Year Plan			
	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	Total for Plan Period £000's
Paignton Academy STEPS Relocation	281	0	281	281			281
Acorn Centre (Youth Investment Fund)	42	0	42	42			42
Mayfield Expansion	0	0	0	0			0
PCSA Expansion	(2)	1	(0)	(0)			(0)
St Cuthbert Mayne Expansion	427	0	427	427			427
St Cuthbert Mayne Phase 2	17	0	17	17			17
Total	**765**	**1**	**766**	**766**	**0**	**0**	**766**

Projects under Feasibility and Development

Project Name	2025/26 Budget & Spend			Revised 4-Year Plan			
	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	Total for Plan Period £000's
Crossways, Paignton - Regeneration	782	**371**	**1,154**	**1,154**			**1,154**
Extra Care Housing (Torre Marine)	0	**0**	**0**	**0**			**0**
Edginswell Railway Station	49	**0**	**49**	**49**			**49**
Union Square Acquisition & Development (Town Deal)	2,192	**1,771**	**3,963**	**3,963**			**3,963**
Strand Redevelopment	548	**1,498**	**2,047**	**2,047**			**2,047**
Torquay Town Deal - Pavilion	1,296	**0**	**1,296**	**1,296**			**1,296**
Torbay Road Paignton (High Streets Funding)	136	**9**	**145**	**145**			**145**
Station Square (High Streets Funding)	1,271	**0**	**1,271**	**1,271**	1,000	398	**2,669**
Victoria Centre (Paignton) (FHSF)	1,959	**(412)**	**1,547**	**1,547**			**1,547**
Oldway Mansion - phase 1 of Master-Plan	4,718	**2,762**	**7,480**	**1,520**	5,379	581	**7,480**
Brixham Square Public Realm (part of LUP £20m)	822	**(75)**	**747**	**747**			**747**
Brixham Central Car Park (part of LUP £20m)	245	**69**	**314**	**314**			**314**
Torbay Tech Park (Part of LUF £20m)	1	**6,315**	**6,316**	**6,316**			**6,316**
Brixham Port Infrastructure (Part of LUF £20m)	383	**0**	**383**	**383**			**383**
Foxhole Play & Ecology Hub	(25)	**0**	**(25)**	**(25)**			**(25)**
Edginswell Business Park - Unit 3	30	**0**	**30**	**30**			**30**
Total	**14,408**	**12,307**	**26,718**	**20,755**	**6,379**	**979**	**28,113**

Economic Development / Regeneration

Project Name	2025/26 Budget & Spend			Revised 4-Year Plan			
	Approved Budget	Q2 Budget Revisions	Revised Budget	2025/26 Total Revised Budget	2026/27	2027/28	Total for Plan Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Paignton Picture House (High Streets Funding)	575	(220)	355	355			355
Small Projects - UK Shared Prosperity Fund	2	0	2	2			2
Total	**577**	**(220)**	**357**	**357**	**0**	**0**	**357**

Housing Development / Investment

Project Name	2025/26 Budget & Spend			Revised 4-Year Plan			
	Approved Budget	Q2 Budget Revisions	Revised Budget	2025/26 Total Revised Budget	2026/27	2027/28	Total for Plan Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Disabled Facilities Grants	913	187	1,100	1,100	1,000	1,000	3,100
Collaton St Mary Land Disposal	415	0	415	415			415
St Kilda's, Brixham - Affordable Housing	3,960	0	3,960	3,960			3,960
Hotels to Homes - Scheme 1 (Brampton Court)	2,712	0	2,712	2,712			2,712
Hotels to Homes - Scheme 2 (Seabury Hotel)	3,100	320	3,420	3,420			3,420
Local Authority Housing Fund - 4 Housing Units	0	1,360	1,360	1,360			1,360
Affordable Housing - Aria Heights	0	2,916	2,916	2,916			2,916
Affordable Housing - Midvale Road	0	774	774	774			774
Affordable Housing - Land at Brixham Hospital	0	306	306	306			306
Total	**11,099**	**5,863**	**16,962**	**16,962**	**1,000**	**1,000**	**18,962**

Environment / Climate Capital Investment

Project Name	2025/26 Budget & Spend			Revised 4-Year Plan			
	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	Total for Plan Period £000's
SWISCO Loan - Vehicle & Equipment Replacement	3,368	0	3,368	3,368			3,368
Tor Park Road Site Improvements	985	0	985	985			985
Grant Payment to SWISCO, Food Waste Collection Grant	(100)	100	0	0			0
Car Park Investment	151	0	151	151			151
Climate Change Initiatives	461	(143)	319	319			319
Green Waste Bins	(17)	0	(17)	(17)			(17)
Solar Farm, Brokenbury (EGF)	51	0	51	51			51
Solar Farm, Nightingale Park (EGF)	194	0	194	194			194
Paignton Library Heat Decarbonisation	430	0	430	430			430
Torbay Hill House Roof and Solar Panels	0	450	450	450			450
Total	**5,524**	**407**	**5,932**	**5,930**	**0**	**0**	**5,930**

Transport Capital Investment

Project Name	2025/26 Budget & Spend			Revised 4-Year Plan			
	Approved Budget	Q2 Budget Revisions	Revised Budget	2025/26 Total Revised Budget	2026/27	2027/28	Total for Plan Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Transport Highways Structural Maintenance	3,140	**341**	**3,482**	**3,482**	2,050	2,050	**7,582**
Transport Integrated Transport Schemes	2,596	**(181)**	**2,415**	**2,415**	1,071	1,071	**4,557**
Transport - Torquay Gateway Road Improvements	364	**0**	**364**	**364**			**364**
Transport - Western Corridor	450	**0**	**450**	**450**	163		**613**
Shiphay Lane (Active Travel Fund)	197	**0**	**197**	**197**			**197**
Zero Emission Buses Grant	0	**5,525**	**5,525**	**5,525**			**5,525**
Bus Improvement Plans	0	**1,136**	**1,136**	**1,136**			**1,136**
Clennon Valley Wallking & Cycling Route	0	**345**	**345**	**345**			**345**
Babbacombe Beach Road	19	**0**	**19**	**19**			**19**
Total	**6,767**	**7,166**	**13,934**	**13,934**	**3,284**	**3,121**	**20,339**

Coastal Defence / Flood alleviation

Project Name	2025/26 Budget & Spend			Revised 4-Year Plan			
	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	Total for Plan Period £000's
Flood Alleviation - Monksbridge	40	**0**	**40**	**40**			**40**
Paignton Coastal Defence Scheme	7,435	**(29)**	**7,406**	**7,406**	6,900	2,233	**16,539**
Flood Alleviation - Torquay	198	**(62)**	**136**	**136**			**136**
Paignton Flood Alleviation	121	**(14)**	**107**	**107**			**107**
Brixham Flood Alleviation	41	**19**	**60**	**60**			**60**
Collaton St Mary Flood Alleviation	58	**0**	**58**	**58**			**58**
Total	**7,893**	**(86)**	**7,807**	**7,807**	**6,900**	**2,233**	**16,940**

Sports, Leisure and Culture

Project Name	2025/26 Budget & Spend			Revised 4-Year Plan			
	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	Total for Plan Period £000's
Haldon & Princess Pier	78	**0**	**78**	**78**			**78**
Torre Valley North Sports Facilities	6	**0**	**6**	**6**			**6**
Armada Park Refurbishment	(8)	**0**	**(8)**	**(8)**			**(8)**
Torre Abbey Renovation - Phase 3	108	**0**	**108**	**108**			**108**
Total	**184**	**0**	**184**	**184**	**0**	**0**	**184**

Closed Projects

Project Name	2025/26 Budget & Spend			Revised 4-Year Plan			
	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	Total for Plan Period £000's
The Pines (TCCT)	75	0	75	75			75
Maidencombe Beach CP (TCCT)	45	0	45	45			45
Claylands Redevelopment	20	0	20	20			20
Edginswell Business Park Unit 1	65	0	65	65			65
Edginswell Enabling Works (LEP GBF)	1	0	1	1			1
Harbour View Hotel Development	58	0	58	58			58
Temporary Accommodation	2	0	2	2			2
RICC Improvements - Backlog Repairs	24	0	24	24			24
Torre Abbey Gatehouse/SW Wing	132	0	132	132			132
Flood Alleviation - Cockington	(9)	0	(9)	(9)			(9)
Torr Hill House Lighting Upgrade	66	0	66	66			66
Torquay Strand Public Realm (Town Deal Funding)	(25)	150	125	125			125
Torquay Town Deal - Core Area Public Realm	45	0	45	45			45
Total	**499**	**150**	**649**	**649**	**0**	**0**	**649**

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TORBAY COUNCIL

Meeting: Cabinet/Council **Date:** 18 November 2025 11 December 2025

Wards affected: Collaton St Mary - All Wards

Report Title: Torbay Waste Transfer Station and Household Waste Recycling Centre - Paignton

When does the decision need to be implemented? December 2025

Cabinet Member Contact Details: Councillor Adam Billings, Cabinet Member for Pride in Place, Transport and Parking, adam.billings@torbay.gov.uk

Director Contact Details: Alan Denby, Director of Pride in Place, alan.denby@torbay.gov.uk/Matt Reeks, Divisional Director Operations/SWISCO Managing Director, matt.reeks@torbay.gov.uk

1. Purpose of Report

1.1 This report sets out the required action by Council to enable commencement of preparations for a possible Compulsory Purchase Order (CPO) process for the delivery of a relocated Waste Transfer Station and Household Waste Recycling Centre (HWRC) on land adjacent to the existing operation.

2. Reason for Proposal and its benefits

2.1 The current site cannot achieve full compliance without substantial capital investment. Upcoming requirements driven by Simpler Recycling, Extended Producer Responsibility (EPR), flexible plastics, Persistent Organic Pollutants (POPs), Food collections for both household and businesses and other central government directives demand additional space that simply cannot be accommodated within the existing footprint.

2.2 Recycling is now central to national and local strategies, and the industry is moving toward a circular economy—prioritising reuse and repair before recycling. This shift will require greater operational flexibility and capacity, which the current site cannot provide. Space is already at a premium, leaving no room for future-proofing.

2.3 From a traffic management perspective, the current layout presents significant health and safety risks due to the interaction of vehicles and pedestrians. The existing Household Waste Recycling Centre (HWRC) design does not meet best practice standards, and the

use of raised platforms and steps for waste disposal further increases the risk of accidents and injuries.

2.4 Financially, the inability to separate recyclables from black bag waste in significant numbers at the HWRC results in higher disposal costs to MVV, which directly impacts Torbay Council's budget. Implementing a system to extract recyclables from residual waste would reduce costs and improve compliance with recycling targets.

2.5 Investment in a new or significantly upgraded facility is essential to ensure regulatory compliance, public safety, financial sustainability, and alignment with future waste management strategies.

2.6 The Tor Park Road facility has received multiple Compliance Assessment Report (CAR) notices from the Environment Agency (EA) due to longstanding non-compliance issues. In response, we have implemented several remedial measures following discussions with the EA, including:

- MMA Flexible Surface Repairs: Regular maintenance of the Transfer Station's concrete floor to prevent water ingress. These repairs are required frequently due to heavy vehicle traffic.
- Concrete Replacement: Full replacement of severely damaged sections of concrete in both the Transfer Station and the glass bay.
- Drainage Improvements: Installation of drainage systems around the food collection point, baler, and wheel wash area at the Transfer Station exit.
- Bird Control Measures: Netting installed across the Transfer Station, MRF food and glass areas, and the HWRC to address seagull activity, a concern repeatedly raised by the EA due to the open nature of the Transfer Station.

While these actions have provided the EA with a degree of assurance, they are temporary solutions. The site remains fundamentally non-compliant, and long-term resolution will require significant investment and structural changes.

2.6 Incrementally developing the adjacent site in a redundant quarry would allow a phased build out and relocation with the minimum impact on current operations.

2.7 The project is currently being worked up to Strategic Outline Case which will be presented to CGB and Cabinet in mid 2026 but the limited land options and the cost of working up design proposals for several sites require a more immediate decision to acquire land.

2.8 Every effort will be made to conclude the acquisition of the site by negotiation, but the success of the negotiation process for the acquisition of the land is not guaranteed and therefore a backstop position of a Compulsory Purchase Order (CPO) is needed to ensure that the land and properties can be acquired.

2.9 The CPO process is a long process and therefore must be commenced soon to ensure that it can be completed and implemented to meet the redevelopment programme for Torbay's main recycling and waste facilities.

2.10 An acquiring authority (such as the Council) can pass a resolution providing approval in for the making of a CPO, with its subsequent implementation delegated to officers should it ultimately be necessary to use the same. Such a resolution allows officers to progress the actions needed to enable the CPO to be made and provides the authority to enable the CPO to be made subject to a further resolution passed shortly before the CPO is made to confirm the precise extent of the land and rights sought and to approve the Order documents such as the Statement of Reasons.

3. Recommendation(s) / Proposed Decision

3.1 Recommendations to Cabinet:

(i) that delegated authority be given to the Chief Executive to continue negotiations with the land owners of the site as edged red in Appendix 1, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Pride in Place, Transport and Parking and Section 151 Officer on any Heads of Terms to enable the development of Waste Facilities for Torbay Council and associated statutory and non-statutory waste and recycling operations;

(ii) that, having taken into account the options to acquire the land, in the event that the land is not secured by negotiations, the making of the Compulsory Purchase Order (CPO) for the site be approved under section 226(1)(a) of the Town and Country Planning Act 1990, as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment, The Chief Executive be given delegated authority to give effect to this decision, including:

(a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the CPO by the Secretary of State;

(b) to carry out any surveys on the Order Land and enter as may be required to deliver the proposed development by CPO(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;

(c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the CPO(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and

(d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.

That, subject to (i) and (ii) above, Cabinet recommends the Council:

(iii) that Council delegate to the Chief Finance Officer the approval of the expenditure of monies (including by prudential borrowing if necessary) required to cover the acquisition of the land to enable the development of Waste Facilities for Torbay Council and associated statutory and non-statutory waste and recycling operations Street identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the development of waste facilities, which demonstrates how the monies are to be used, and how any prudential borrowing (if necessary) is to be repaid.

Appendices

Appendix 1 – Plan of the extent of the development site

Background Documents

None

Supporting Information

1. Introduction

1.1 The existing Waste Operations facilities are sup-optimal and can not continue to provide the statutory service required by legislation.

1.2 Change is required to ensure regulatory compliance and reduce unit cost of disposal through increases in income and processing efficiency.

2. Options under consideration

2.1 The option to acquire the identified land necessary for the redevelopment by negotiation is being pursued.

2.2 Operational appraisal modelling have determined the extent of land necessary to develop.

2.3 Not pursuing acquisition via CPO if necessary, could result in the EA issuing further noncompliance notices and eventually fines and hence non-delivery of the preferred scheme.

3. Financial Opportunities and Implications

3.1 The Director of Finance has released project development funding and will factor in the medium and longer term capital funding necessary to deliver a phased development in the Medium Term Financial Plan (MTFOP).

3.2 The funding for land assembly is from Government Grant (EPR).

4. Legal Implications

4.1 The use of CPO powers is a common mechanism used by Local Authorities to acquire land for Regeneration and Redevelopment. It requires a prescribed process set out by MHCLG to followed before a CPO order can be made.

4.2 Torbay Councils legal team are actively engaged in both the current acquisition by negotiation and the development of a potential CPO order should it be ultimately required.

5. Engagement and Consultation

5.1 The prescribed process for CPO requires extensive formal and informal consultation to be undertaken and documented with affected parties and stakeholders.

5.2 If we proceed with a CPO order it will require full details of correspondence and consultation.

6. Procurement Implications

6.1 There is no specific procurement activity required in a CPO process.

7. Protecting our naturally inspiring Bay and tackling Climate Change

7.1 If the CPO is required it will follow chronologically after planning consent is obtained for the proposed development. The planning process will take into consideration all extant and emerging Council Policies associated the proposed development and report on them.

8. Associated Risks

8.1 The CPO process is well defined but complex and therefore the procedural risks are moderate. However as property rights are impacted there is significant risk of both legal challenges to the process and financial compensation to both parties directly affected and from third parties, this is normal and provision has been made in the project budget for the likely costs of compensation.

8.2 The risk of not making a decision would be to prolong the development process and create uncertainty on the Councils ability to deliver the scheme.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	No adverse impacts are anticipated as the area within the CPO is unused green space. The project aims to improve or maintain the current standard of provision in the urban realm.	None	Not applicable

Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable

	the 20% most deprived areas in England.			
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Additional considerations				
Socio-economic impacts (Including impacts on child		No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable

poverty and deprivation)				
Public Health impacts (Including impacts on the general health of the population of Torbay)		No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Human Rights impacts		No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None

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TORBAY COUNCIL

Meeting: Cabinet **Date:** 18 November 2025

Wards affected: Tormohun

Report Title: Compulsory Purchase Orders Delegation Union Square and The Strand

When does the decision need to be implemented? ASAP

Cabinet Member Contact Details: Deputy Leader of Torbay Council Cabinet Member for Place Development and Economic Growth, chris.lewis@torbay.gov.uk

Director Contact Details: David Carter, Director of Regeneration, david.carter@torbay.gov.uk

1. Purpose of Report

1.1. At the Council meeting held on 5 December 2024, the Council approved the recommendations of the Cabinet to acquire land at Union Square and The Strand through negotiations and if the negotiations were unsuccessful in reaching an agreement, in principle, to secure the land by means of Compulsory Purchase Orders (CPO). Whilst the intention of the proposal was clear, the inclusion of 'in principle' could present a risk to the Council. This report therefore seeks to confirm agreement of the CPOs for the two areas as originally intended, to enable redevelopment of the areas as part of the land assembly proposals.

2. Reason for Proposal and its benefits

2.1. The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by securing redevelopment of Torquay Town Centre and The Strand.

2.2. The reasons for the proposal and need for the decision, is to mitigate risk of the Council's decision to proceed with CPOs for land at Union Square and The Strand, should the land fail to be secured through negotiations.

3. Recommendation(s) / Proposed Decision

Union Square Land Assembly:

3.1. that delegated authority be given to the Chief Executive to continue negotiations with the owners of the various properties fronting Union Street and Market Street, Torquay, and their tenants, as edged red in Appendix 1 to the submitted report, and any other land, interests or rights subsequently required, in consultation with the Cabinet Member for Place

Development and Economic Growth and Section 151 Officer on any Heads of Terms to enable the redevelopment and regeneration of Union Square shopping centre;

3.2. that, having taken into account the options to acquire the various properties fronting Union Street and Market Street, Torquay, in the event that the land is not secured by negotiations the making of the Compulsory Purchase Order (CPO) for the site be approved under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976, as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment, the Chief Executive be given delegated authority to give effect to this decision, including:

(a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO, including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the CPO by the Secretary of State;

(b) to carry out any surveys on the Order Land and enter as may be required to deliver the proposed development by CPO(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;

(c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the CPO(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and

(d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.

Strand Redevelopment – Land Assembly:

3.3. that delegated authority be given to the Director of Regeneration to continue negotiations with the owners of the various properties previously noted fronting The Strand and The Terrace, Torquay and their tenants as edged red in Appendix 2 to the submitted report, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Place Development and Economic Growth and Section 151 Officer on any Heads of Terms to enable the redevelopment and regeneration of The Strand and The Terrace;

3.4. that, having taken into account the options to acquire the various properties fronting The Strand and The Terrace, Torquay, in the event that the land is not secured by negotiations the making of the Compulsory Purchase Order (CPO) for the site be approved under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 , as outlined below, for land (as shown edged in red at Appendix 2 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment. The Director of Regeneration, in consultation with the Cabinet Member for Place Development and Economic Growth, be given delegated authority to give effect to this decision, including:

(a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the CPO by the Secretary of State;

(b) to carry out any surveys on the Order Land and enter as may be required to deliver the proposed development by CPO(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;

(c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the CPO(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and

(d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.

4. Appendices

Appendix 1: Plan of the extent of the development site at Union Square
Appendix 2: Plan of the extent of the development site at The Strand
Appendix 3: Updated Equality Impact Assessment land at Union Square

5. Background Documents

- Minutes of Meeting of Council 5 December 2024 - Minutes Template
- Agenda and reports for Council 5 December 2024 - Agenda for Council on Thursday, 5 December 2024, 5.30 pm

Supporting Information

6. Introduction

6.1. At the Council meeting held on 5 December 2024, the Council approved the recommendations of the Cabinet to acquire land at Union Square and The Strand through negotiations and if the negotiations were unsuccessful in reaching an agreement, in principle, to secure the land by means of Compulsory Purchase Orders (CPO). Whilst the intention of the proposal was clear the inclusion of ‘in principle’ could present a risk to the Council. This report therefore seeks to confirm agreement of the CPOs for the two areas as originally intended to enable redevelopment of the areas as part of the land assembly proposals.

6.2. The full details of the original proposals can be found at Agenda for Council on Thursday, 5 December 2024, 5.30 pm.

7. Options under consideration

7.1. Option 1 – to confirm agreement of the CPOs for land at Union Square and The Strand – this is the preferred option as it mitigates the risk of a potential challenge to the decision to CPO the land.

7.2. Option 2 – not to agreement of the CPOs for land at Union Square and The Strand – this is not recommended as there could present a potential risk to the Council of challenge to the decision to CPO the land.

8. Financial Opportunities and Implications

8.1. The financial delegation has already been approved by the Council on 5 December 2025 therefore there are no financial implications for this decision.

9. Legal Implications

9.1. The Council's Constitution sets out that decisions on Compulsory Purchase Orders are an Executive Decision and therefore for the Cabinet to make, with Council being required to make any financial decisions outside the approved budget. Budget was approved by Council on the 5 December 2024.

10. Engagement and Consultation

10.1. The prescribed process for CPO requires extensive formal and informal consultation to be undertaken and documented with affected parties and stakeholders.

10.2. If we proceed with a CPO, it will require full details of correspondence and consultation.

11. Procurement Implications

11.1. There is no specific procurement activity required in a CPO process.

12. Protecting our naturally inspiring Bay and tackling Climate Change

12.1. If the CPO is required, the CPO process will require the Council to demonstrate that the implementation of the scheme following confirmation of the CPO is unlikely to be blocked by any physical or legal impediments. This includes the need for planning permission. Accordingly, the Council will need to have in place a clear strategy for securing planning permission for the scheme in tandem with the CPO process. The planning process will take into consideration all extant and emerging Council Policies associated with the proposed development and report on them.

13. Associated Risks

13.1. The CPO process is well defined but complex and therefore the procedural risks are moderate. However, as property rights are impacted, affected landowners and occupiers will be entitled to claim compensation under the Compensation Code. Provision has been made in the project budget for the likely costs of compensation.

13.2. The risk of not making a decision would be to prolong the development process and creates a risk on the Council's ability to deliver the schemes.

14. Equality Impact Assessment

The original Equality Impact Assessments can be found at Agenda for Council on Thursday, 5 December 2024, 5.30 pm. An updated Equality Impact Assessment on the land at Union Square is attached at Appendix 3 to this report.

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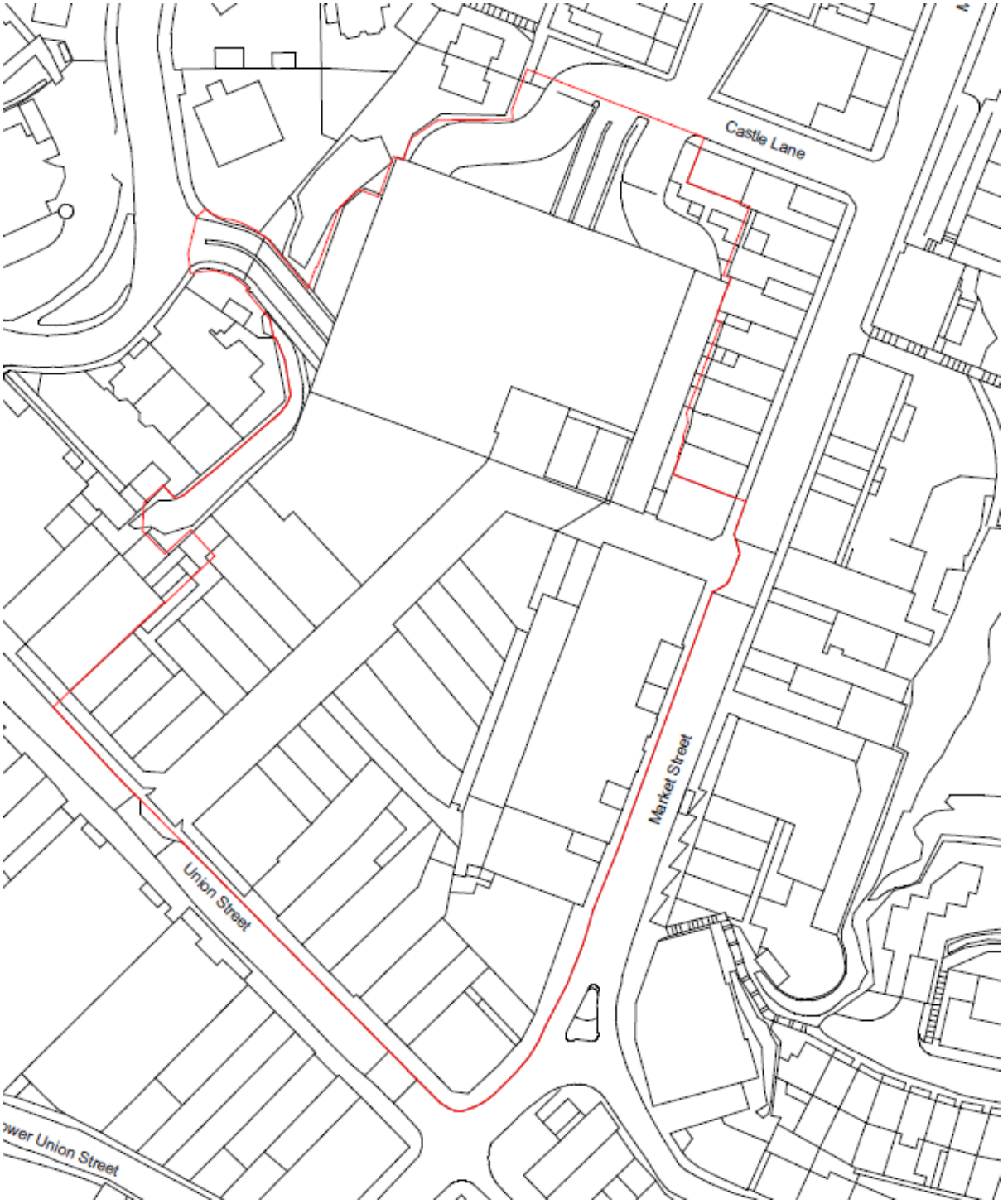
Appendix 1: Extent of Development Site



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RIBA Chartered Practice

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Scale 1:500

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Rev	Date	By	Detail

Drawing status
For Information

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Drawing title
Site Location Plan

Drawing code
5128-KEA-XX-XX-DR-A-11001-A2-P1

Scale(s)	Size	Drawn	Checked
1 : 500	A1	CE	CK

Drawing Number	Suitability	Revision
11001	A2	P1

Agenda Item 10
Appendix 2

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TORBAY COUNCIL

Meeting: Cabinet **Date:** 18 November 2025

Wards affected: Preston, Roundham and Hyde, Goodrington and Roselands

Report Title: Paignton Town Centre Place Vision

When does the decision need to be implemented?

18th of November 2025

Cabinet Member Contact Details: Councillor Chris Lewis, Cabinet Member for Place Development and Economic Growth, chris.lewis@torbay.gov.uk

Director Contact Details: Alan Denby, Director Pride in Place, alan.denby@torbay.gov.uk, Davd Carter, Director of Regeneration, david.carter@torbay.gov.uk

1. Purpose of Report

1.1. Torbay Council was awarded funding from One Public Estate to produce an overarching place vision for 'Transforming Torbay' from the OPE 8 round of funding.

1.2. The successful bids for Future High Streets Funding, Town Deal, Levelling Up Partnership, Levelling Up Round 3 (LUF3), and the recent direct award through the Plans for Neighbourhoods, in addition to the development sites acquired by the Council since 2019, has created the need to for a place vision that links the funding and assets (development sites) together. This will create a clear vision of how development sites work together to regenerate Torbay as whole, and at local level to address both the needs and exploit the opportunities of the economies of Brixham Port and Town Centre, Paignton Town Centre and Harbour and Torquay Town Centre and Harbour.

1.3. Change will come through using the overall vision across Torbay to shape existing and future proposals in line with the vision for Torbay and at a local level in more detailed the visions for Brixham, Paignton and Torquay.

1.4. This paper presents the Town Centre vision for Paignton in advance of the vision for Torbay that will follow later in the Autumn. The development proposals for the sites in Paignton that are currently being worked up have been produced iteratively with the delivery of Paignton and Preston Waterfront Public Realm Improvements which are currently on site, the development of the site proposals for Crossways, emerging masterplan ideas for Victoria Square/Centre and Paignton Gateway which will incorporate the Station Square public realm enhancements.

2. Reason for Proposal and its benefits

2.1. The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by building on the ambition in the Torbay Story and bringing forward and detailing specific opportunities for public and private sector investment that will revive the local economy and reposition Torbay as premier visitor location within the UK by increasing both the duration and spend of visitors from overseas, nationally, regionally and locally.

2.2. The reasons for the proposal, and need for the decision are, to provide a guiding document to:

- Increase investment in our three towns to enable them to develop their own distinct identities and role.
- Attract, retain, and grow our economic specialisms so we have growth which builds on our reputation.
- Create a future pipeline of investment priorities derived from the evidence used to produce the Visions and from our emerging Economic Plan.

3. Recommendation(s) / Proposed Decision

3.1. That Cabinet approve the use of the Paignton Vision document to steer both the delivery of current regeneration sites and the development of future proposals for the sites and areas of public realm identified by the vision as suggested priorities.

3.2. That the document is updated as and when is necessary by presenting the revised document and evidence base to Cabinet.

4. Appendices

Appendix 1: Paignton Vision

5. Background Documents

- Local Plan - Local Plan - Torbay Council
- Torbay Story - Torbay Story - Invest In Torbay
- Regeneration Website -
- Investment and regeneration strategy - Torbay Council
- Town Centre SPDs - Supplementary Planning Documents (SPDs) - Torbay Council

Supporting Information

6. Introduction

6.1. None

7. Options under consideration

7.1. Option 1 – Do Nothing – This would have resulted in handing back the OPE 8 funding allocated for the purpose of producing a strategy of for Transforming Torbay.

7.2. Option 2 – Take a statutory Masterplanning approach by updating the current adopted Masterplans for Paignton and Torquay Town Centres. This would have taken a longer period of time and not covered the wider Torbay area and been subject to a length statutory consultation period. With the current Government requiring that all Local Plans are updated by the end of the current parliament the visions along with the new Local Plan can inform the need to update or supersede the current town centre Masterplans.

7.3. Option 3 – To produce vision documents for; Torbay, Brixham Port and Town Centre, Paignton Town Centre and Harbour and Torquay Town Centre and Harbour.

8. Financial Opportunities and Implications

8.1. The funding for the work is from an external source - OPE 8.

9. Legal Implications

9.1. None

10. Engagement and Consultation

10.1. Engagement for the Paignton Vision was undertaken in series of internal and external meetings with invited stakeholders including (Local Ward Members) drawn from business and investors within the Town Centre and Harbour along with statutory authorities including Devon and Cornwall Police.

10.2. The Paignton Vision was reviewed at the Overview and Scrutiny Board on 5 November 2025. The Board recommended the Cabinet approve the recommendations as set out in the submitted report.

11. Procurement Implications

11.1. The vision has been produced by the Regeneration Partnership.

12. Protecting our naturally inspiring Bay and tackling Climate Change

12.1. The Vision(s) will promote our natural beauty and rich local environmental resources as a key unique selling point to investors.

13. Associated Risks

13.1. If the proposal is not implemented the vision can’t then inform the development of future investment proposals to align them with the Torbay Story and current regeneration strategy.

14. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	No adverse impacts are anticipated from this decision. Individual decisions to deliver the vision will be assessed in their own right.	None required	N/A
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	No adverse impacts are anticipated from this decision. Individual decisions to deliver the vision will be assessed in their own right.	None required	
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	No adverse impacts are anticipated from this decision. Individual decisions to deliver the vision will be assessed in their own right.	None required	N/A

	a physical or mental health condition or illness.			
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	No adverse impacts are anticipated from this decision. Individual decisions to deliver the vision will be assessed in their own right.	None required	N/A
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	No adverse impacts are anticipated from this decision. Individual decisions to deliver the vision will be assessed in their own right.	None required	N/A
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	No adverse impacts are anticipated from this decision. Individual decisions to deliver the vision will be assessed in their own right.	None required	N/A

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	No adverse impacts are anticipated from this decision. Individual decisions to deliver the vision will be assessed in their own right.	None required	N/A
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	No adverse impacts are anticipated from this decision. Individual decisions to deliver the vision will be assessed in their own right.	None required	N/A
Sex	51.3% of Torbay's population are female and 48.7% are male	No adverse impacts are anticipated from this decision. Individual decisions to deliver the vision will be assessed in their own right.	None required	N/A
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	No adverse impacts are anticipated from this decision. Individual decisions to deliver the vision will be assessed in their own right.	None required	N/A

Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	No adverse impacts are anticipated from this decision. Individual decisions to deliver the vision will be assessed in their own right.	None required	N/A
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		An intended outcome of the vision is to boost local employment and skills. This supports the aspirations of the Council to reduce socioeconomic inequality and child poverty.	None required	N/A
Public Health impacts (Including impacts on the general health of the population of Torbay)		It is anticipated that the regeneration of Torbay will contribute to positive public health outcomes.	None required	N/A
Human Rights impacts		No adverse impacts are anticipated from this decision. Individual decisions to deliver the vision will be assessed in their own right for any human rights implications.	None required	N/A
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a	It is anticipated that the regeneration of Torbay will contribute to creating a Torbay that is child friendly.	None required	N/A

	responsibility towards cared for and care experienced children and young people.			

15. Cumulative Council Impact

15.1. None

16. Cumulative Community Impacts

16.1. All the changes proposed should lead to better outcomes for the wider community.

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TORBAY REGENERATION VISION: PAIGNTON

Torquay | Paignton | Brixham

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03 Paignton Indicative Regeneration Vision
Key Principles
Roles of the sites
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Summary

Document: Torbay Regeneration Vision
Revision: v05
Date: September 2025

PAIGNTON
Introduction

PAIGNTON
Key Focus

Paignton
Long Beaches | Family Entertainment | Leisure Offers

Paignton is known for its beautiful beaches, family-friendly attractions, and traditional pier. Famous for its long sandy shoreline and Paignton Zoo, the town offers a blend of natural beauty and entertainment. Paignton's colourful beach huts, bustling promenade, and scenic coastline embody a classic British seaside experience. Its identity is a vibrant mix of coastal charm, recreational fun, and community spirit, making it a beloved destination for visitors and residents alike.

However the town centre currently faces significant economic challenges, which directly impact employment opportunities for the local population. The opportunity is there to build on Paignton's strong identity to attract more visitors, raising spending in the town centre and therefore providing more opportunities for local businesses to thrive.

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PAIGNTON
The Town's Origins

Paignton, from "Paega's Town"

Paignton, a coastal town in Devon, has a deep history shaped by early human settlement, medieval development, and a later transformation into a popular Victorian seaside resort. Its story begins in ancient times, as archaeological evidence shows that the area around Paignton was inhabited by Bronze Age and Iron Age communities, due to its favorable coastal position.

The town's name is derived from "Paega's town," referring to an early Anglo-Saxon leader named Paega. By the time of the Domesday Book in 1086, Paignton, recorded as "Pagentone," was primarily a fishing and farming village.

Page 131

The Middle Ages

In the 14th century, Paignton Parish Church, dedicated to St. John the Baptist, was constructed and became a focal point of the town, with its tower added in the 15th century. This period also saw the establishment of the Bishop's Palace, an impressive residence for the bishops of Exeter, though it is now mostly in ruins.

It was owned by the Bishop of Exeter, which continued until the Reformation in the 16th century. In the medieval period, Paignton developed as a small yet thriving settlement, known for agriculture and its maritime economy.

18th and 19th Century: Growth and Prosperity

The town's character and economy remained relatively stable until the 19th century when Paignton experienced a dramatic transformation. The arrival of the South Devon Railway in 1859 connected Paignton to the broader region, making it easily accessible to visitors from all over the country. Paignton quickly grew into a popular seaside destination for Victorians drawn to its mild climate and sandy beaches. This era saw significant urban and infrastructural development, including hotels, guesthouses, and the construction of Paignton Pier in 1879, a Victorian pleasure pier designed to entertain holidaymakers.

Paignton in 1928

Paignton in 1947

20th Century to Present

As part of the "English Riviera" alongside Torquay and Brixham, Paignton has since become a beloved resort town, known for its family-friendly beaches, vibrant esplanade, and attractions like Paignton Zoo, which opened in 1923. Modern Paignton is a blend of historical charm and contemporary tourism, while retaining traces of its ancient and medieval past.

However the decline of physical retail seen nationally has had its impact on the town centre, leading to a number of vacant retail units.

PAIGNTON
Heritage

1860 →

Between 1860 and 1900, Paignton underwent a remarkable transformation from a small fishing and agricultural village into a bustling Victorian seaside resort. This period marked a time of rapid urban, economic, and social change, spurred largely by improvements in transport and infrastructure that brought an influx of tourists. The biggest catalyst for Paignton's development during this period was the arrival of the South Devon Railway in 1859, which linked the town to Exeter, Plymouth, and further afield. The new rail connection made Paignton easily accessible to tourists from cities, leading to a tourism boom. In 1879, Paignton Pier was constructed, further solidifying the town's status as a seaside resort. The pier, designed by George Soudon Bridgman, offered a promenade, theatre, and amusements, providing entertainment for visitors. By the end of the 19th century, Paignton had firmly established itself as one of the prominent seaside resorts on the English Riviera, alongside Torquay and Brixham.

1900 →

The beginning of the 20th century was a period of consolidation and improvement in Paignton's tourism infrastructure. With the Victorian era's success, Paignton's tourism industry expanded to attract larger crowds. The seafront Paignton Green and Esplanade were improved and landscaped, more hotels and guesthouses were built for longer-stay visitors and the electric tram system connecting to Torquay and Brixham began operation in 1907.
Following the war the 1920s represented the 'golden age' of Paignton's tourism. The pier was restored and expanded and became a lively centre for entertainment with cafes, theatres and funfair games. There were significant road and parking improvements implemented accommodating for day-trippers. Paignton Picture House opened in 1914 and the Zoo in 1923. By 1930, Paignton had solidified its reputation as a premier seaside destination, with improved amenities and a thriving social scene that attracted both families and young holidaymakers.

1930 →

Between 1930 and 1960, Paignton continued to evolve as a prominent British seaside resort. This period encompassed the Great Depression, World War II, and the post-war recovery, all of which shaped the town's development and tourism industry which remained resilient due to its appeal as a low-cost holiday destination.
After the war, Paignton entered a new phase of prosperity as British seaside holidays became a central feature of post-war life. Damage from the war was repaired and revitalised to take advantage in the growth of domestic tourism due to increased disposable income and pent up demand for leisure. In the late 1940s and early 1950s, holiday camps became very popular, offering affordable, all-inclusive holidays with meals, entertainment, and activities. The demand for holiday accommodation grew, leading to the expansion of guesthouses, bed-and-breakfasts, and hotels. The pier was modernised and traditional seaside entertainments and the Zoo drew significant numbers of visitors.

PAIGNTON
Heritage

1960 ⟶

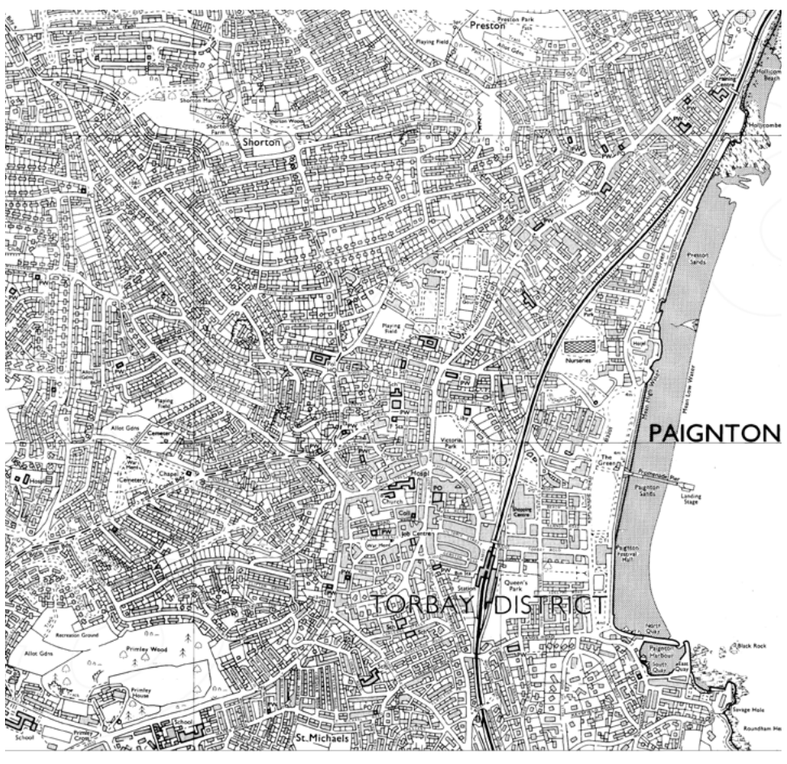
Between 1960 and 1980, Paignton continued to grow as a major British holiday destination. However, this period also saw new challenges as the town faced competition from increasingly affordable overseas travel. Paignton adapted by modernizing its facilities and diversifying its entertainment options to meet changing tourist expectations, but the impact of shifting travel trends began to shape its future. During the 1960's the Zoo expanded, hotels, guesthouses and holiday camps were improved and new arcades were built. Affordable package holidays abroad gained mass-market appeal in the 1970's leading to a decline in tourist numbers visiting Paignton. Efforts to reverse this trend included improving seafront facilities and building new indoor venues such as amusements, bowling alleys and leisure centres. The harbour was enhanced with a boat tours, cafes and shops adding to its appeal . The zoo expanded once more and more festivals and events were put on, such as the Regatta and Torbay Carnival.

1980 ⟶

Between 1980 and 1990, Paignton continued to adapt to a changing tourism landscape. As more Britons travelled abroad, Paignton faced increased competition and needed to innovate to keep tourists coming. This decade was marked by a mix of modernization, efforts to reposition the town's appeal, and a growing emphasis on family-oriented attractions. The downturns of the early 1980's encouraged more 'stay-cations' which helped support Paignton's tourism industry.
The 1980's also saw a concerted marketing effort to brand Paignton, along with Torquay and Brixham, as the "English Riviera," playing up its seaside charm, mild climate, and traditional British holiday appeal. This branding was aimed at differentiating the area from other coastal resorts in the UK and keeping it relevant despite growing competition from foreign destinations.

1990 ⟶

From 1990 to today, Paignton has evolved to meet the changing demands of tourism while preserving its charm as a classic British seaside town. In the 1990s, Paignton strengthened its family-friendly focus, expanding attractions like Paignton Zoo and improving beach facilities. The 2000s saw the town's designation as part of the UNESCO English Riviera Geopark, along with upgrades to the seafront and indoor leisure options to make it a year-round destination. With the rise of digital marketing in the 2010s, Paignton used online promotion to reach broader audiences, tapping into the "stay-cation" trend and highlighting its natural beauty. Recent years have emphasized sustainable tourism, town centre revitalization, and transport improvements to keep Paignton attractive to both tourists and locals. Today, Paignton continues to balance modernization with its traditional appeal, working to secure its place as a resilient and welcoming seaside destination.



PAIGNTON
Present Day

Present-day Paignton is a seaside town in transition, embodying both the enduring appeal of traditional British coastal resorts and the challenges facing many high street centres. The town remains a lively Devon seaside town with sandy beaches, a busy pier, and family-friendly attractions, with its pier serving as a charming landmark offering traditional attractions like dodgems and crazy golf in, old-fashioned 'kiss-me-quick' style.

The town's greatest strength lies in its tourism infrastructure and coastal location. Paignton Pier stands as one of Devon's top family attractions and remains among just a handful of traditional seaside piers still available to holidaymakers. The retail offering includes familiar names alongside independent stores, while visitors can find quirky independent stores alongside favourite high street regulars. The town benefits from its central position within the English Riviera, drawing visitors to its red sandy beaches and family-friendly atmosphere.

However, Paignton's town centre faces significant structural challenges. The ongoing high level of vacancies in the town centre represent both the town's biggest weakness and its greatest opportunity. The decline of physical retail nationally has had a significant affect on the town centre, with large scale retail assets now being converted into homes. The town centre is essentially caught between its past identity as a traditional seaside resort with and is currently undergoing major regeneration, creating both disruption and hope for renewal.

PAIGNTON

Town Centre Zones

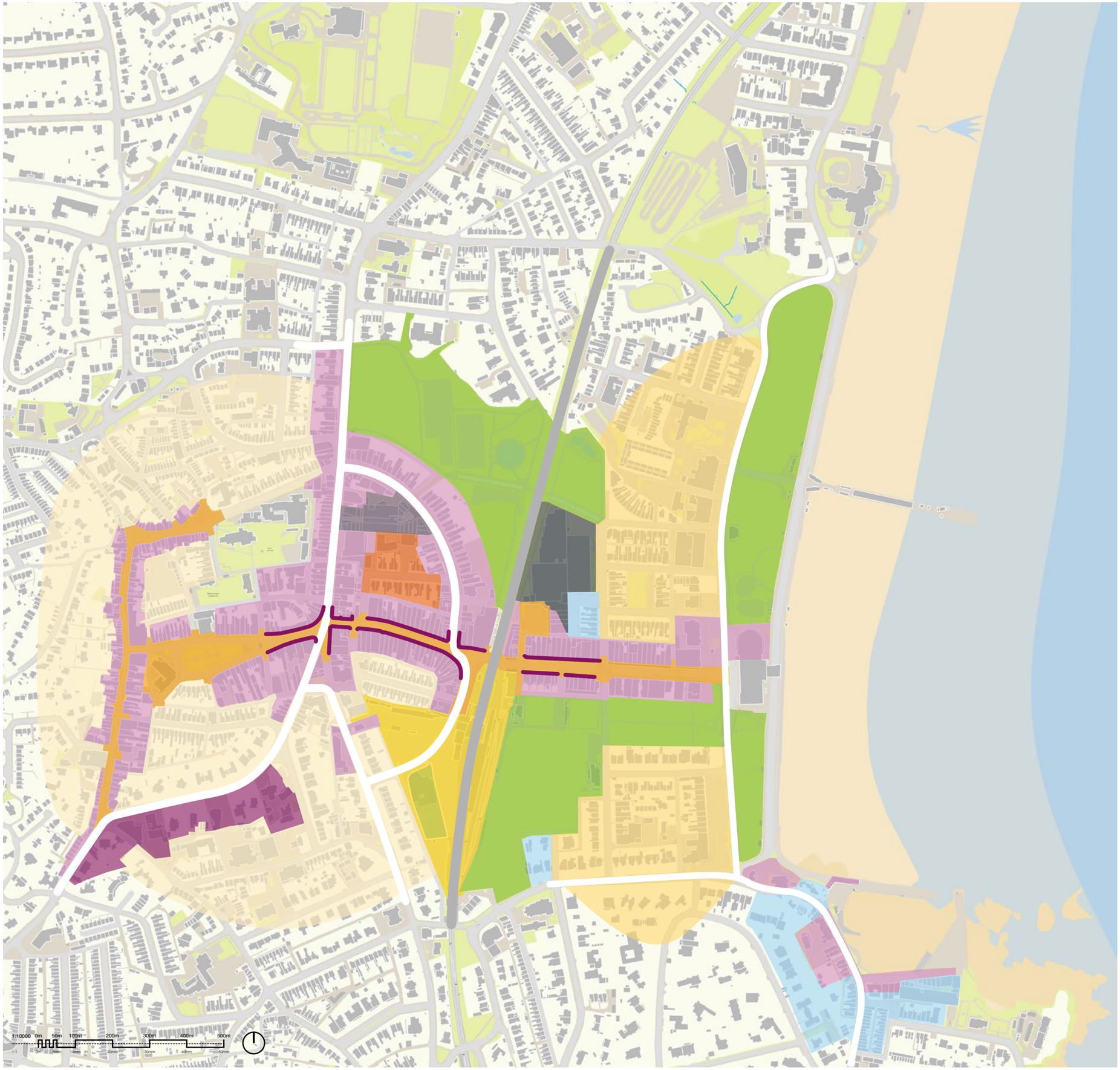
PAIGNTON
Previously Defined Town Centre Zones

This diagram illustrates the zones of the town centre, as outlined in the Paignton Refresh Supplementary Planning Document, 2015.

They indicate that the principal holiday accommodation and tourist offer lies to the east of the railway lines, linked to the retail core of the town via Torbay Road, which terminates with the view of the existing cinema building.

The main pedestrian route of the town lies along Torbay Road and Victoria Street to Palace Avenue. This route links all of the key visitor uses together in the town centre.

Important transport links split this route into three sections, with independent retailers to the west, high street nationals generally in the central section (Victoria Street), and a mix of restaurants, cafes, pubs, amusements and shops leading to the seafront along Torbay Road.



- Retail / Business with residential over
- Primary Shopping Frontage
- Mainly Offices / Residential
- Mainly commercial / Health Facilities / Residential
- Purely Residential Neighbourhoods
- Public Open Space
- Principal Holiday Accommodation Area
- Transport Gateway
- Main pedestrian Route

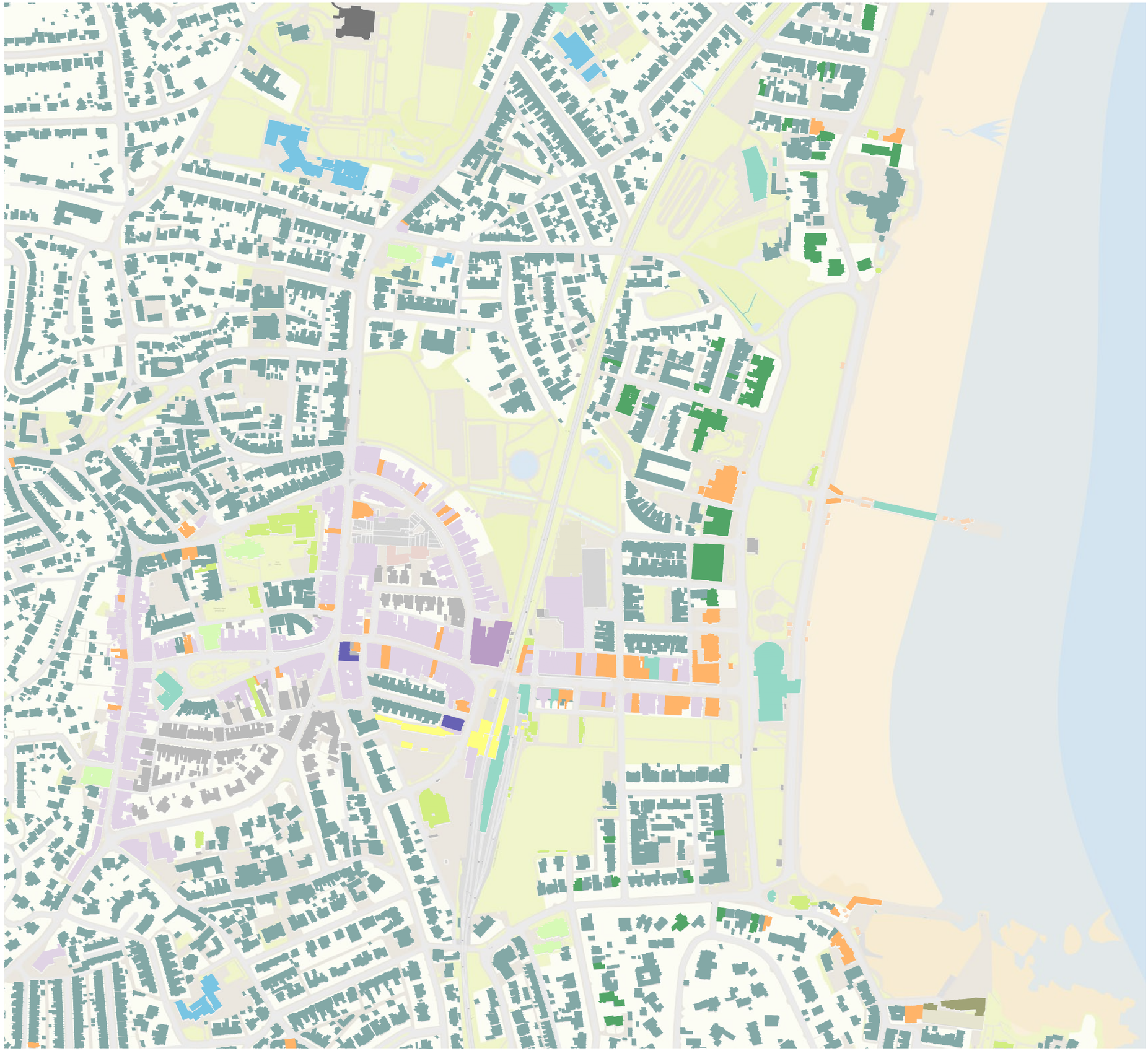
As identified in the 2015 document: Paignton Refresh Supplementary Planning Document

PAIGNTON
Town Analysis

PAIGNTON
Ground Floor Uses

This diagram clearly indicates the retailing activities of the town are located along the east to west axis between Torbay Road and Winner Street via Victoria Street and Palace Avenue. The surrounding areas are generally residential, with the higher concentration of hotels and bed and breakfasts located to the east of the train lines.

This diagram does not illustrate vacant units.



- Residential & B&B's
- Hotels
- Shops
- Food and Beverage
- Shopping Centre
- Supermarket
- Leisure
- Multi-Storey Car Park
- Warehouse / Light Industrial
- Storage

1:5000 0m 25m 50m 100m 150m 200m 250m
1:1 0m 5mm 10mm 20mm 30mm 40mm 50mm

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PAIGNTON
Use Zones

Zoning these areas illustrates the principal holiday accommodation area is largely to the east of the train lines. The closer to the sea, the higher concentration of hotels and holiday lets.

This indicates the zones of local residents and tourists. The retail core of the town, being located on the strong east-west axis. Illustrates the core area to focus on when looking to raise the aspirations of the town centre.

Victoria Square and Crossways are indicated in grey on the diagram, and represent two key opportunity areas to revitalise the town.

- Green Spaces
- Retail | F&B | Businesses (with Resi over)
- Heritage
- Commercial / Health Facilities
- Offices / Residential
- Residential
- Principal Holiday Accommodation Area
- Transport Gateway
- Key Streets
- Parking

1:5000 0m 25m 50m 100m 150m 200m 250m

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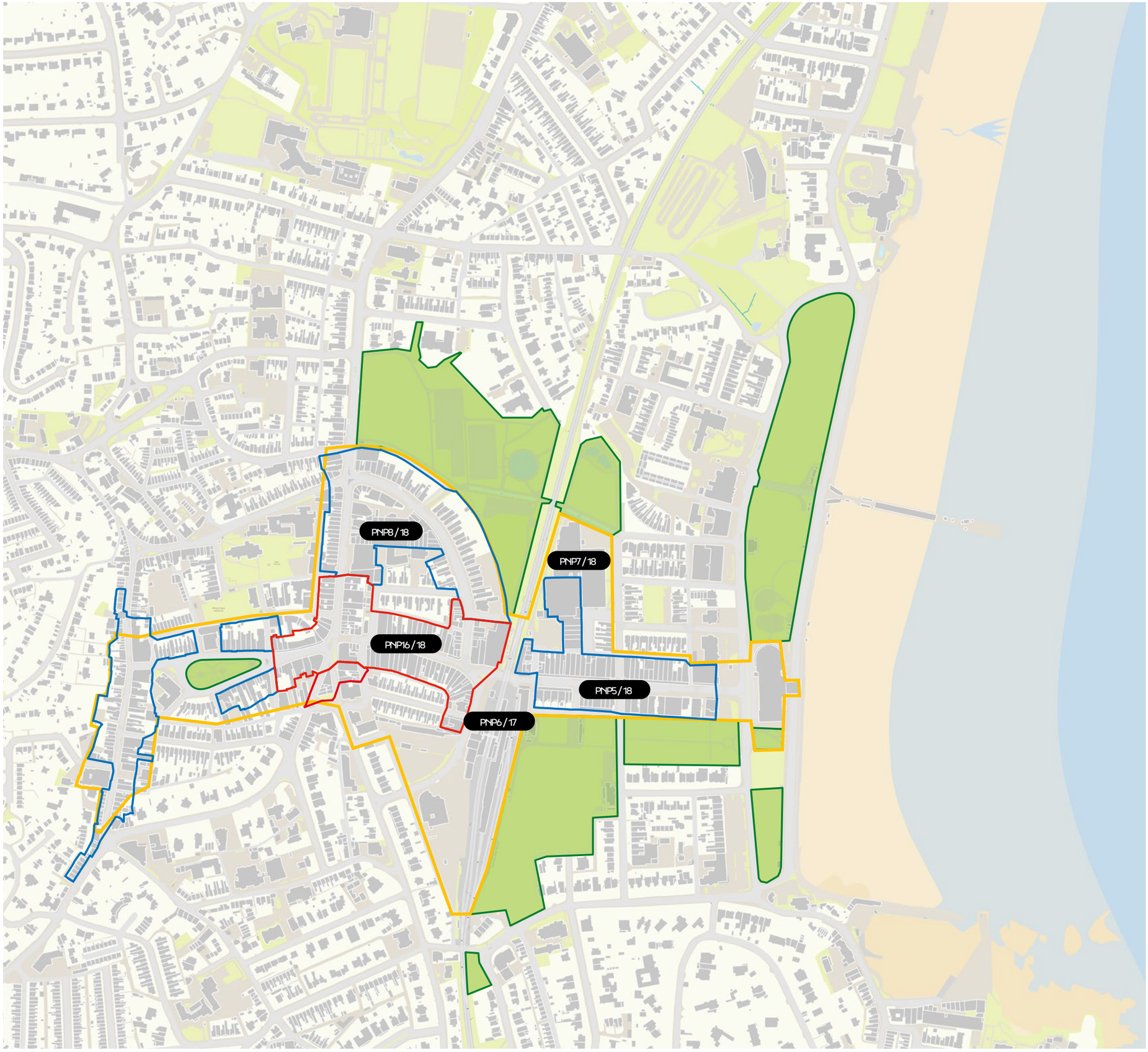
PAIGNTON
Neighbourhood Plan

PNP2 - Town Centre. Development within the Town Centre area shown on the Town Centre boundary as shown in the Torbay Local Plan 2012-2030 will be expected, where appropriate, viable and deliverable to support the recreation of the Garden Town by improving and linking green spaces, greening the streets and buildings that connect them and permeability to the seafront and historic Old Town.

Proposals will be supported where they:

a. Improve the vibrancy, cultural experience, appearance, and layout of the area;
b. Take full account of flood risk;
c. Focus retail use within the Town Centre and promote retail growth;
d. Make it easier to move around by all forms of transport according to the 'hierarchy of sustainability' set out in policy TA1 of the Torbay Local plan;
e. Increase residential accommodation within the area;
f. Protect heritage assets and remove unattractive features which have a negative impact upon the character of the area;
g. Enhance the provision of urban wildlife corridors and biodiversity links within the area, and with adjoining areas; and
h. Meet the relevant Design Guide criteria set out in Policy PNP1(c).



- Site Specific Policies
- Local Open Green Spaces
- Town Centre - PNP2
- Primary Shopping Area
- Secondary Shopping Area

1:5000 0m 25m 50m 100m 150m 200m 250m

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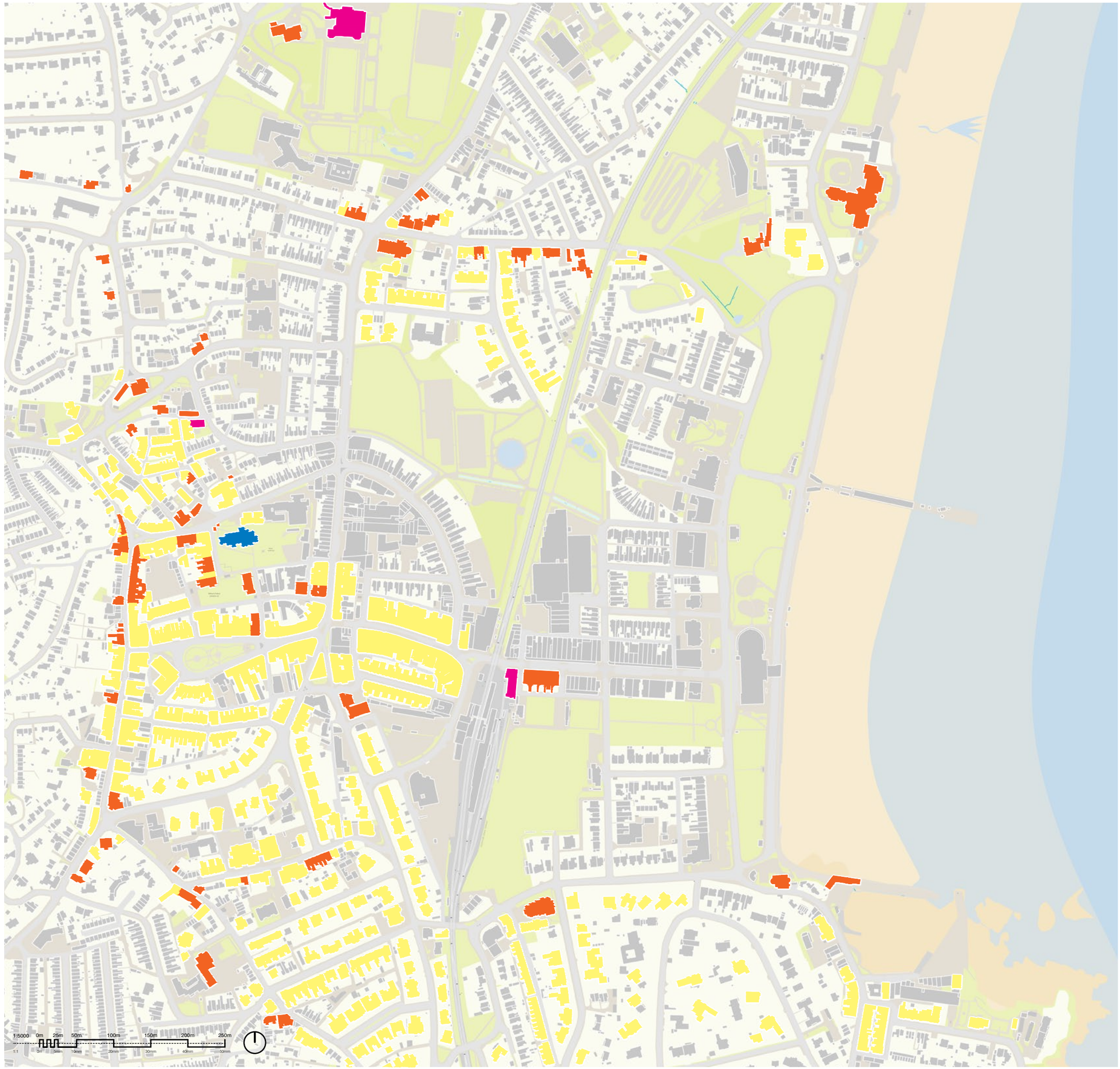
PAIGNTON
Listed Buildings



- Grade I Listed
- Grade II* Listed
- Grade II Listed
- Buildings “which make a significant contribution to the townscape”

PAIGNTON
Conservation Areas

There are 3 Conservation areas encompassing the town centre.

These are subject to review.

→ Viewpoint
Feature of special interest
1 Old Paignton
2 Roundham & Paignton harbour
3 Polsham

PAIGNTON
Conservation Areas

Old Paignton

The Old Paignton Conservation Area extends over urban areas that have been settled for more than millennia, including small densely set streets whose plan forms have been determined by the organic medieval layout; and additionally it encompasses a highly designed late 19th century commercial centre and residential suburb, of fine quality. Until the advent of the Heritage Economic Regeneration Scheme (HERS) in 2000-2004 some of the historic buildings exhibited the results of dreadful neglect and very poor treatment. Many had been allowed to deteriorate, or showed the defects of inappropriate repair.

However the HERS provided the opportunity for economic regeneration by applying the best conservation philosophy. This meant making maximum use of the published design and/or planning guidance both national (English Heritage) and local – the council's own Conservation Team within the Planning Division. The comprehensive approach to conservation did not preclude enhancement of the townscape: promoting quality new-build, matching modern materials with a compatible aesthetic. That two such schemes were brought to fruition in Well Street, outside the HERS core area of Winner and Church Street, is a testament to its influence and success.

Roundham & Paignton Harbour

Unlike the densely populated Old Paignton, Roundham is characterized as a late Victorian and Edwardian garden suburb. Despite some late-20th century degradation, the area has largely retained its original quality due to the preservation of boundary walls and mature trees.

The 20th century saw detrimental changes such as unsympathetic extensions and infill additions, which threatened the area's character. However, recent developments like Ambassador House and Regents Court have shown that new buildings can respect and enhance the existing character. There has been a significant loss of period details, such as original windows and doors, often replaced by PVCu, which is regrettable.

Holiday-related buildings have introduced visual intrusions like prominent signage and discordant colour schemes, which do not align with the garden suburb aesthetic.

Polsham

Polsham Park is a notable example of late 19th-century Victorian planning in Paignton, well-defined by Torquay Road, Lower Polsham Road, the railway, and Victoria Park. Its designation as a conservation area was prompted by the demolition of two large houses, leading to the implementation of Article 4(2) directions to control development.

Unlike the densely populated Old Paignton, Polsham Park remains a quiet Victorian garden suburb, retaining much of its original character despite some demolitions and new developments. The area near the seafront features dense trees and open green spaces, offering a quieter environment compared to the main esplanade. The loss of period details has been halted by the withdrawal of permitted development rights, allowing for better conservation practices and increased awareness of the area's collective value.

PAIGNTON
Main Vehicular Routes

The main vehicular routes through Paignton town centre are structured around a network of A-roads that connect the town to the wider Devon transport system:

Primary Routes
The A380 forms part of the Paignton ring road, coming down from Newton Abbot through Gallows Gate roundabout, Preston Down roundabout, and Churscombe Cross roundabout before reducing to single carriageway as it enters Paignton, finally ending at Collaton St Mary where it meets the A3022.

Key Town Centre Connections
The A385 starts about a mile outside Paignton at traffic lights with the A380 and A3022, providing the main route westward toward Totnes. The A3022 and A379 share the same physical road through the Torbay area (though only the A3022 is signed), with the roads diverging at Paignton where the A379 follows a route through Goodrington.

Ring Road System
The ring road A3022 serves as one of only two routes from Brixham towards Torquay/Newton Abbot, making it a critical arterial route. The ring road system includes the major roundabouts mentioned above, which help manage traffic flow around the town centre rather than through it.

The road network reflects Paignton's role as a key hub within the English Riviera, with routes radiating outward to Newton Abbot (A380), Totnes (A385), and along the coast via the A3022/A379 system.

- Major Road (A)
- Distributor Road (B)
- One Way town centre through routes
- Pedestrianised (shared space)
- Rail Lines
- P Car park

PAIGNTON
Parking

Council Car Parks
1. Victoria (221)
2. Great Western (70)
3. Station Lane (73)
4. Crown and Anchor (76)
5. Churchward Road (37)
6. Roundham (100)
7. Colin Road (87)
8. Oldway Mansion (88)
9. Hyde Road (Crossways) (140) (Temporary)

Total: 892 Spaces

On-Street Parking
10. Eastern Esplanade S (127)
11. Eastern Esplanade N (81)
12. Torbay Road (44)
13. Adelphi Rd & Ln, Queens Rd & Sands Rd (64)
14. Hyde Road (16)
15. Dendy Road (20)
16. Palace Avenue (74)

Total: 426 Spaces

Private Car Parks
17. Paignton Station (74)
18. Kernou Road (20)

Total: 94 Spaces
Total town centre: 1,412 Spaces

Council Car Parks Goodrington
19. Youngs Park (124)
20. Clennon Valley (458)
21. Quay West (970)
22. Goodrington (14)

Total Goodrington: 1,566 Spaces

PAIGNTON
Pedestrian Movement

The walking routes through Paignton Town Centre have been significantly impacted by recent regeneration efforts and traffic management changes. Here are the main pedestrian routes:

Primary Walking Streets
Torbay Road underwent a trial of pedestrianisation after public consultation in early 2022, which was amended to partial pedestrianisation in early 2023, with further changes made to the layout and traffic flow in summer 2023. This remains one of the key walking corridors through the town centre, featuring shopping and leisure with independent businesses.

Historic Walking Areas
Winner Street represents part of the historic core of Paignton, with Old Paignton being “an area rich with history going back to Anglo-Saxon times and with many beautiful and handsome buildings”. This area offers a more traditional walking experience through the town’s historic quarter.

Key Connection Points
The town centre’s walking routes are anchored by several key areas including (currently being redeveloped), the seafront area near the pier, and Victoria Street area. However, the demolition of Victoria Shopping Centre and Victoria multi-storey car park is significantly altering pedestrian flow patterns through the centre.

Coastal Connections
The coastal path connects through Paignton harbour and continues to the cliff top houses, linking to the longer beaches of Goodrington

- Pedestrian Crossing
- Cycle route
- Ferry route
- B Bus Stop
- Vehicle Routes
- Primary pedestrian route
- Secondary pedestrian route

PAIGNTON
Green Spaces

Paignton Town Centre has several important green spaces that serve as community gathering places:

Palace Avenue Gardens serves as the town's central ornamental space. Palace Avenue Gardens is situated just beyond the junction of Brixham Road and Totnes Road. It is an ornamental garden in the centre of the town and in which is also the location of the War Memorial for Paignton. The gardens are a focal point for both residents and visitors.

Victoria Park provides active recreation space in the centre of Paignton, with tennis courts, skate park and a playground, key amenity spaces for young people. .

Goodrington's Youngs Park is a natural habitat for swans, geese and wild birds, it features a boating lake, mini golf, toilets and a cafe right by the seafront, with swan boats and spinny boats for hire, plus a play park and crazy golf.

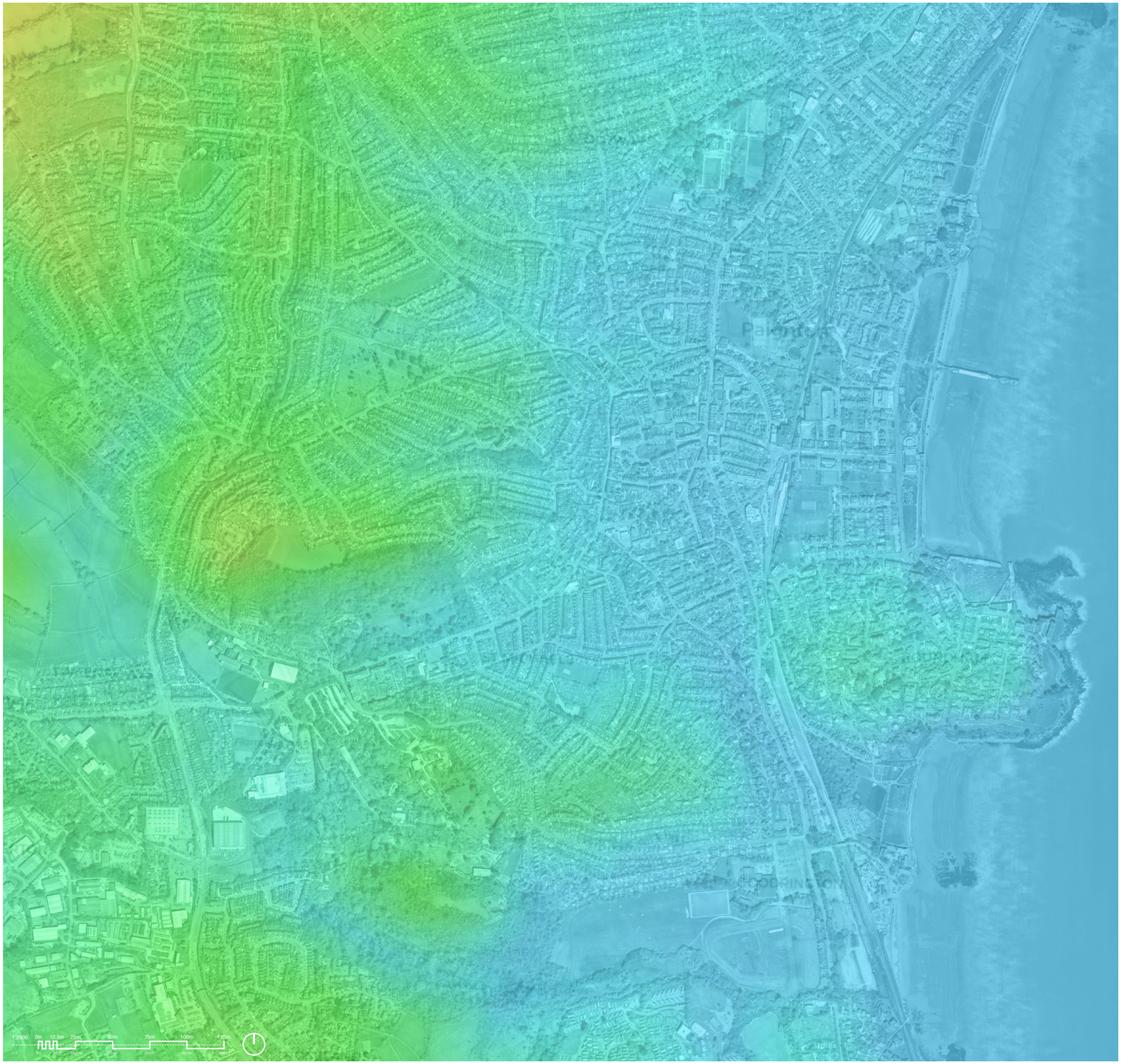
Coastal Green Spaces extend the green network. Roundham Head, Paignton, is at the top of the cliff with parkland and views out to sea all round.

These green spaces collectively provide a mix of formal ornamental gardens, active recreation areas, wildlife habitats, and coastal parkland, creating a diverse network of green infrastructure that serves both the town centre's residents and its many visitors.

1. Victoria Park
2. Geoplay Park
3. Paignton Green
4. Torbay Park
5. Queens Park
6. Oldway Formal Gardens & Park
7. Palace Avenue Park
8. St John the Baptist Churchyard
9. Parkfield
10. Torbay BMX Club / Paignton Skatepark
11. Preston Green

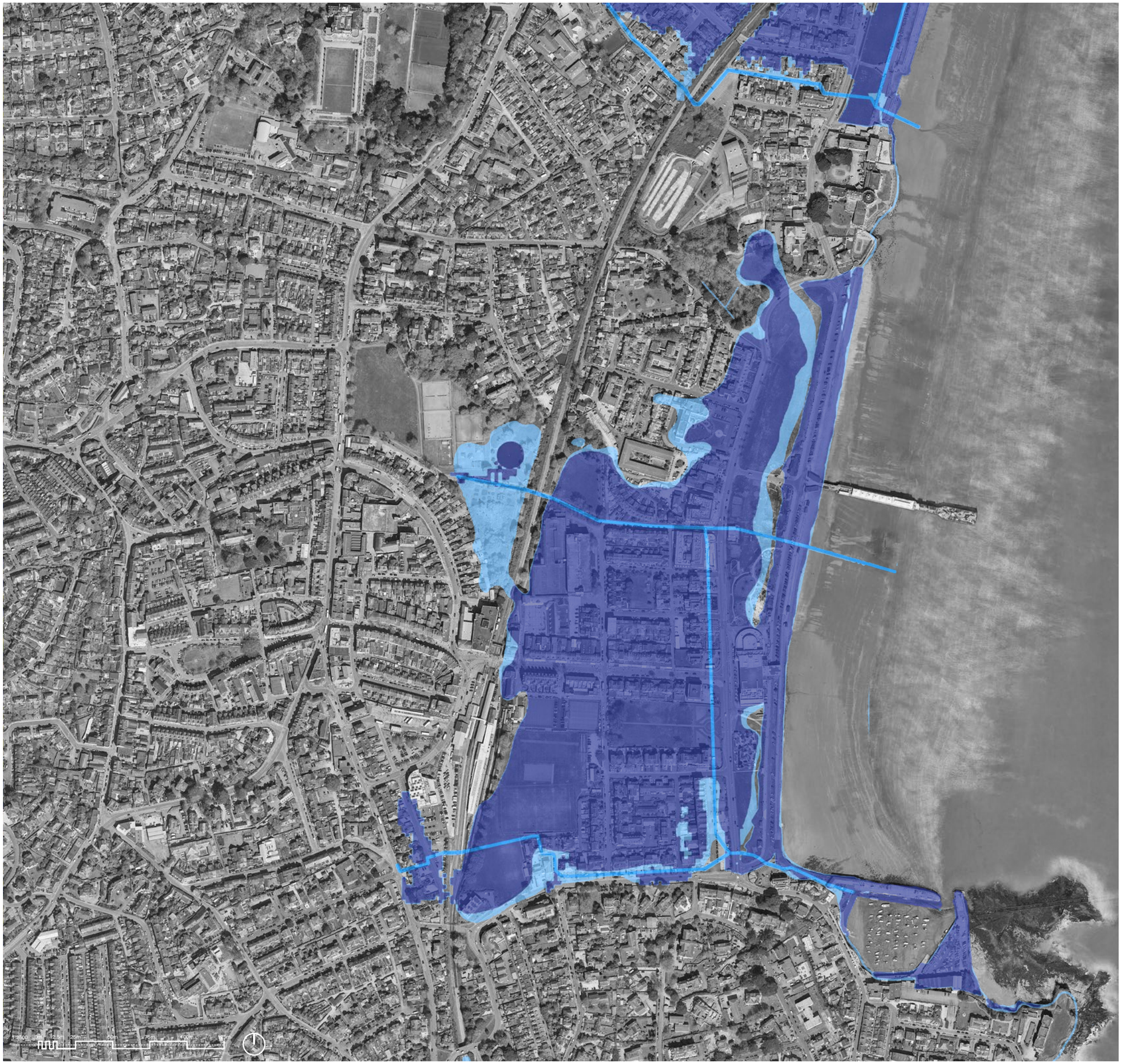
PAIGNTON
Topography

PAIGNTON
Topography



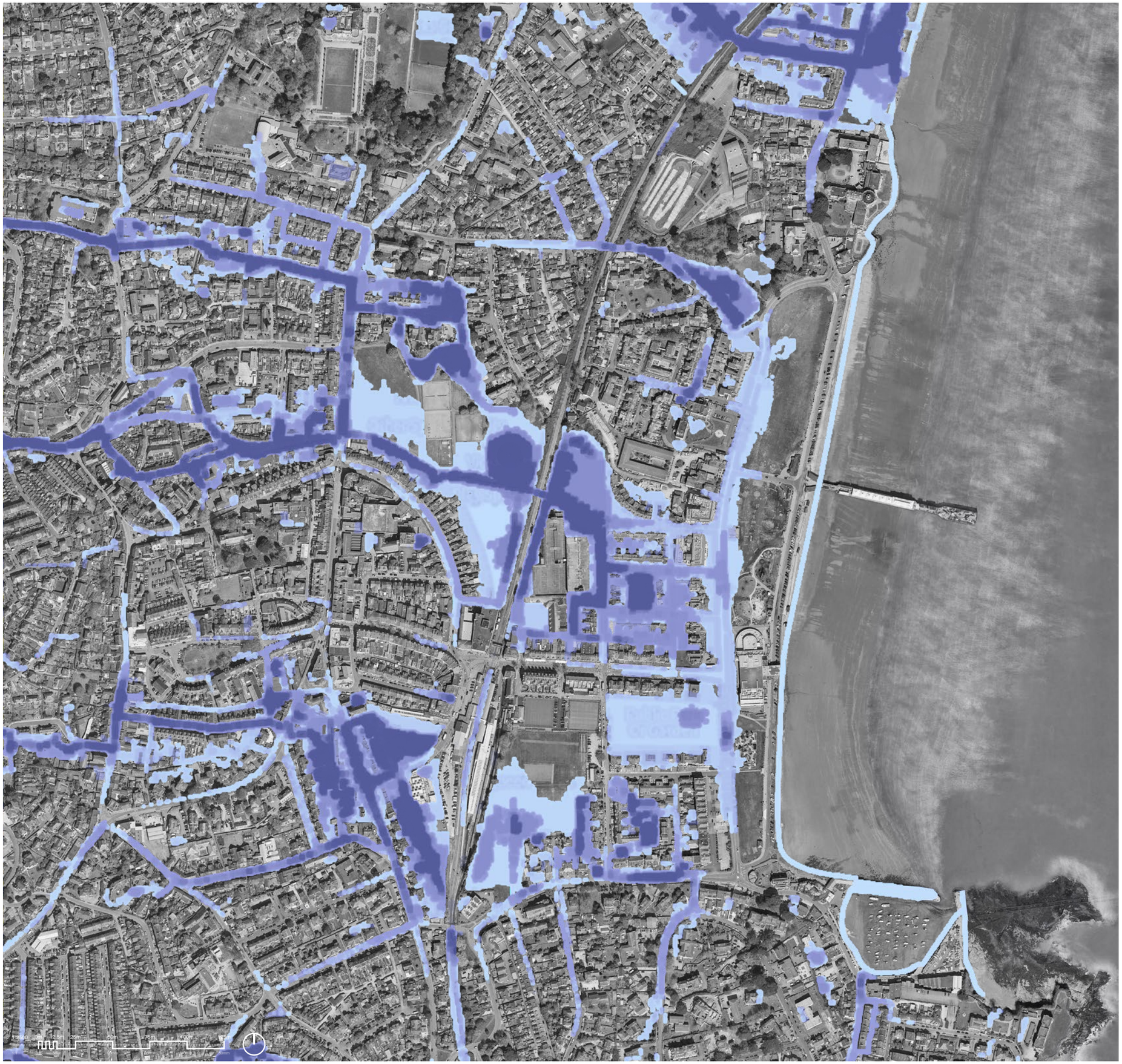
PAIGNTON
Flood Zones

From the government's Flood Map for Planning service at:
www.flood-map-for-planning.service.gov.uk



PAIGNTON
Surface Water Flood Risk

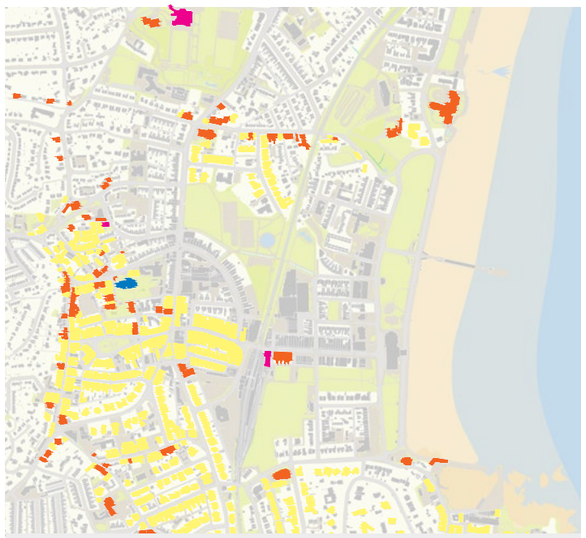
From the government's Flood Map for Planning service at:
www.flood-map-for-planning.service.gov.uk



Surface Water Flood Risk
- Low: Under 1% chance each year
- Medium: Between 1% and 3.3% chance each year
- High: More than a 3.3% chance each year

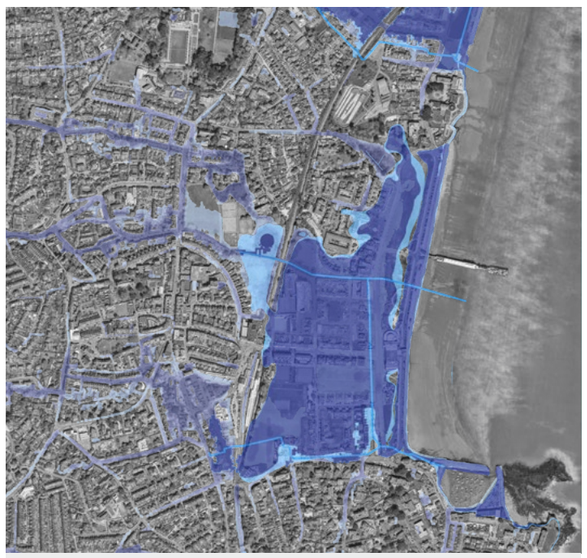
PAIGNTON
Mapping Summary

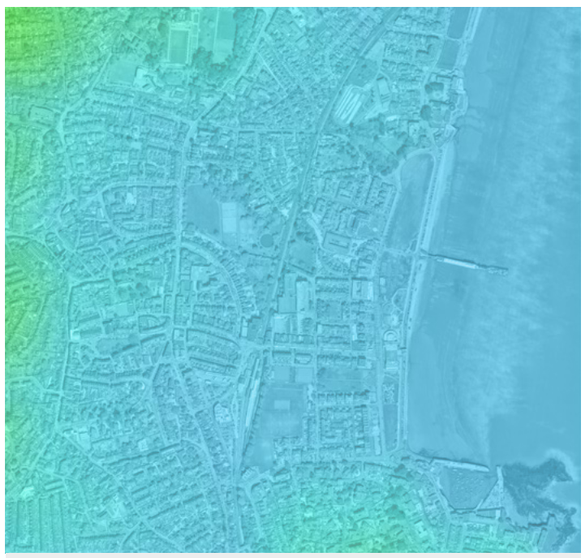
Zones


Listed Buildings

Uses

Vehicle Movement


Flood Zones


Topography

Green Space

Pedestrian Movement

PAIGNTON
Summary Analysis

Strengths

1. The steam railway is a major tourist draw.
2. Paignton Harbour and Paignton Green.
3. Outdoor bars and restaurants around the harbour.
4. Picture House.
5. Palace Theatre.
6. Yacht Club.
7. The sandy beaches are a huge attraction.
8. The Geoplay park.
9. The heritage of Oldway Mansion, if it is restored.
10. Paignton Zoo.
11. The town is a part of the UNESCO World Heritage site.
12. Beach huts along Preston seafront.
13. Victoria Park as a green space.
14. Parkfield, skatepark and BMX track.
15. Paignton has a strong identity of a traditional seaside resort.
16. Paignton is more affordable to live in than other coastal towns, making it attractive to families.
17. There is a strong sense of community.

Weaknesses

1. The town centre / Torbay Road are poorly connected to the seafront.
2. Parking along the Esplanade blocks views of the sea from the greens and reduces the safety of the seafront.
3. Poor seating provision along the promenades.
4. Lack of biodiversity.
5. Vehicular congestion through the town, the one-way system needs rethinking.
6. Public facilities, such as WC's along the promenade, need improving.
7. Perception of safety is poor, especially in Victoria Park, Victoria Street, Palace Avenue and Gerston Road.
8. Parking quality is very poor.
9. Signage and wayfinding across the town is poor.
10. The economy is heavily reliant on tourism in the summer seasons, leading to quieter periods in the off-peak months.
11. National trends are reflected in the struggling retail environment of the town centre.
12. Paignton struggles to expand from its perception as a traditional seaside town.
13. Local competition from Torquay, Brixham and Totnes

Opportunities

1. Support and enhance the popular leisure attractions of the town.
2. Provide new leisure offers and attractions to bring in a wider variety of visitors and extend the season beyond the summer months.
3. A number of regeneration opportunity sites currently exist across the town centre which could support its vitality going forwards.
4. Diversify the economy beyond tourism, through initiatives such as supporting local businesses and attracting new industries.
5. Implement a signage and wayfinding strategy to better connect across the town.
6. Simplify the road system to ease congestion across the town centre.
7. Alongside wayfinding, signage and simplifying the roads network, rationalise the parking strategy for the town.
8. Concentrate the retail of the town in the centre.
9. Better connect the town centre and Torbay Road to the seafront.
10. Create a safer environment along the seafront and promenade.

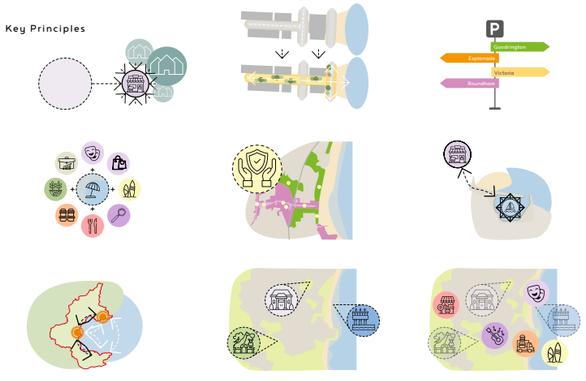
PAIGNTON
Indicative Regeneration Vision

PAIGNTON
Indicative Regeneration Vision

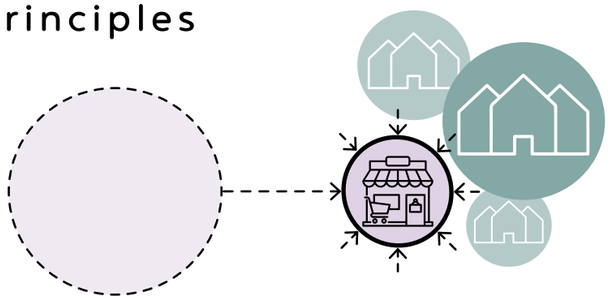
This chapter combines the learnings from the first 2 chapters, including heritage, Paignton's identity, the site analysis and mappings, and combines with the targeted engagement conducted on the 25th September 2024, to realise a number of key principles.

These key principles inform the overall strategy for the area. The roles of the different sites are then outlined, before identifying a number of key interventions that can contribute to the overall vision over time.

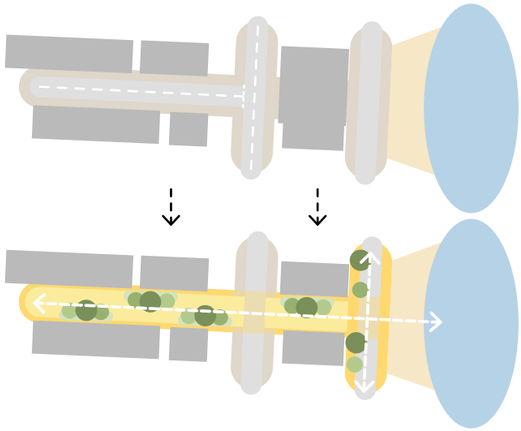
Heritage + Site Analysis & Mappings + Targeted engagement = 9 Key Principles = Roles of the sites + Key interventions



PAIGNTON
Key Principles



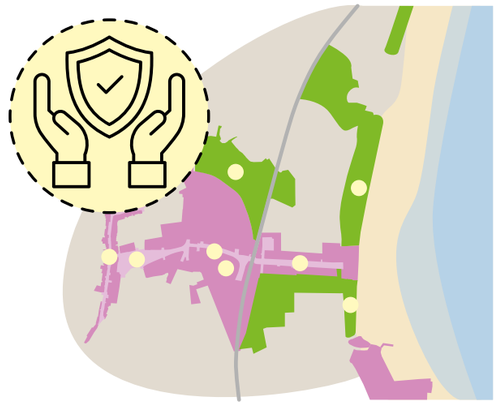
Reduce the size of the Retail Core to support Torbay Road as the primary retail and leisure boulevard.



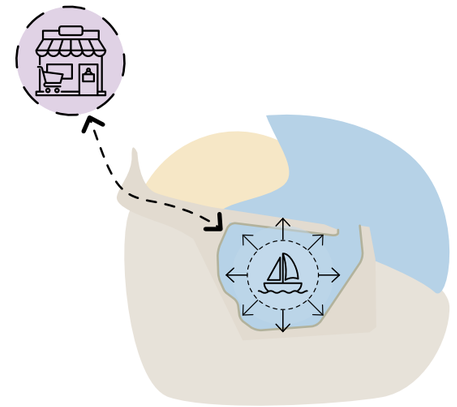
Opportunity to reconnect the centre of town with the seafront along Torbay Road.

Improve signage and wayfinding to Paignton's car parks.

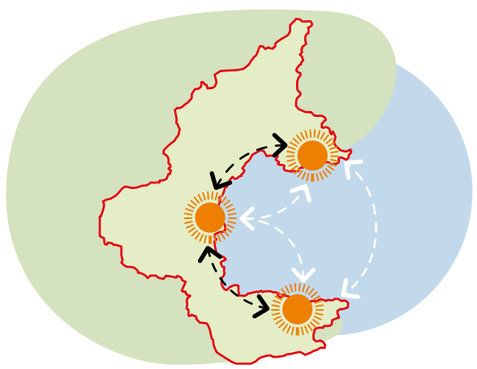
Provide space for events and festivals to enliven the town, and extend the visitor season.



Increase the perception of safety in the town, particularly around Victoria Park, Victoria St, Palace Ave. and Gerston Rd.



Extend an support the Harbour Market to create a destinational experience.



Better connect across Torbay.

Protect and support key assets such as Paignton Zoo, Oldway Mansion and the Pier.

Provide space and activities for younger residents, including key leisure uses such as the theatres, watersports and an improved cinema offer.

Paignton
Key Focus Areas

This map was provided as a starter for 10 identifying the timeline of key sites in the town, from already delivered sites to future opportunities.

Delivered Sites
1 Mercure Hotel
2 Ibis Styles Hotel

Sites In Progress
3 Paignton Picture House
4 Paignton and Preston Coastal Defence and Public Realm Scheme

Proposed Sites
5 Victoria Centre
6 Crossways

Opportunity Sites
7 Area around Paignton's Transport Hub
8 Cinema
9 Bus Station
10 Library
11 Pier
12 Oldway Mansion
13 Harbour Area

Streetscape Opportunities
14 Torbay Road Public Realm
15 Victoria Street Public Realm
16 Palace Avenue Public Realm
17 Winner Street Public Realm
18 19 Esplanade Road Public Realm

Green Space Opportunities
20 Paignton South
21 Paignton Green & Geopark
22 23 Victoria Park

Other Opportunities
24 Goodrington Car Parks
25 Paignton Zoo

Torbay Business Park:
26 EPIC
27 The Electronics and Photonics Production Park
28 South Devon College

Additional opportunities:
29 Parkfield Torbay Skatepark & BMX track
30 Parkfield House CIC
31 Palace Theatre
32 Palace Avenue Methodist Church Community
33 The Paignton Club, Paignton Vista & Harbour Light
34 Inn on the Green Site (recently sold)

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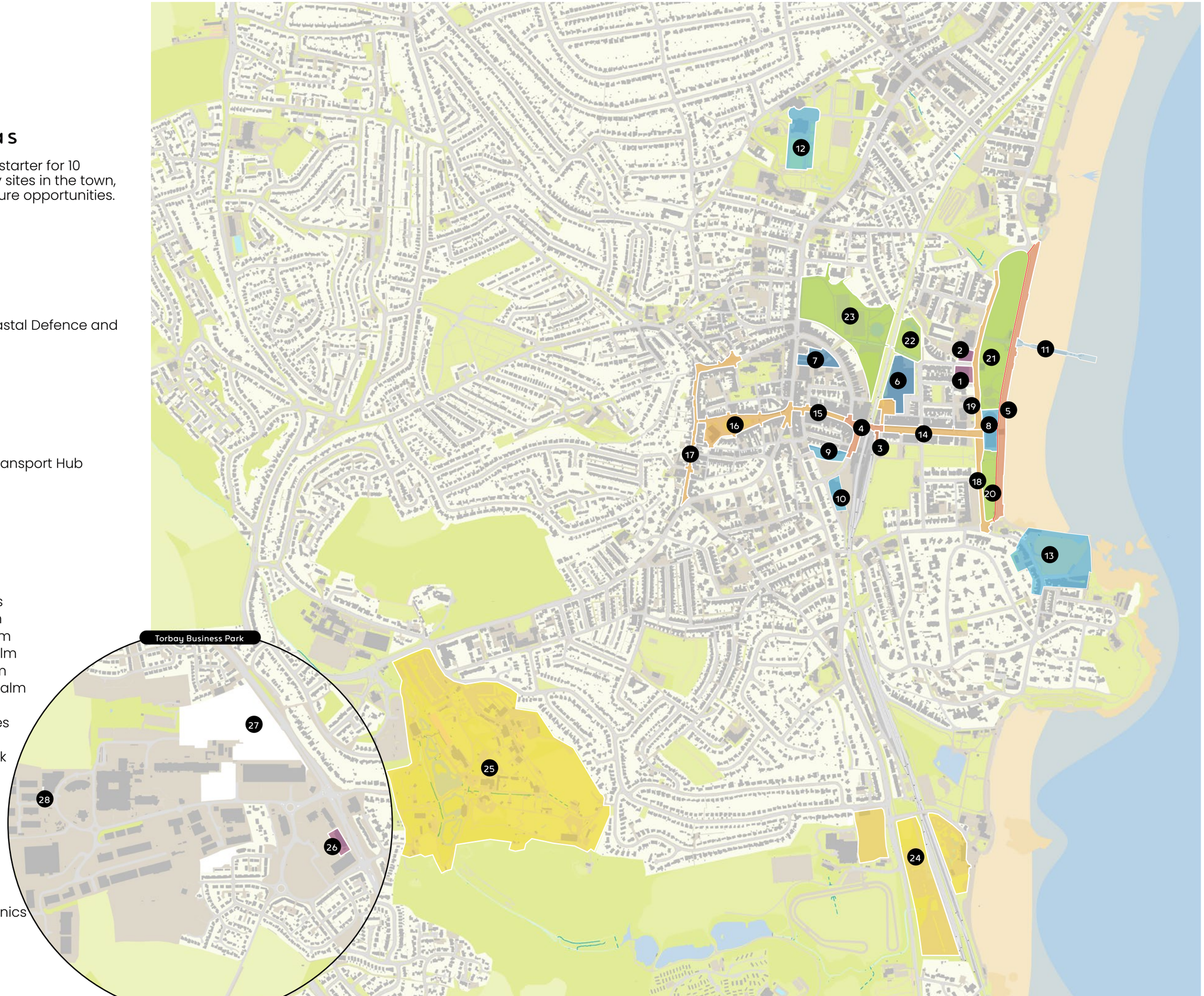
14 Streetscape Opportunities
15 Torbay Road Public Realm
16 Victoria Street Public Realm
17 Palace Avenue Public Realm
18 19 Winner Street Public Realm
Esplanade Road Public Realm

20 Green Space Opportunities
21 Paignton South
22 23 Paignton Green & Geopark
Victoria Park

Other Opportunities
24 Goodrington Car Parks
25 Paignton Zoo

Torbay Business Park:
26 EPIC
27 The Electronics and Photonics Production Park
28 South Devon College



PAIGNTON
Key Sites Timeline

A timeline of delivery

Delivered

1. Mercure Hotel
2. Ibis Styles Hotel

Sites in-progress

3. Paignton Picture House
4. Paignton and Preston Coastal Defence and Public Realm Scheme

Proposed sites

5. Victoria Centre
6. Crossways

Opportunity sites

7. Area around Paignton's Transport Hub
8. Cinema
9. Bus Station
10. Library
11. Pier
12. Oldway Mansion
13. Harbour Area

Public realm opportunities

14. Torbay Road Public Realm
15. Victoria Street Public Realm
16. Palace Avenue Public Realm
7. Winner Street Public Realm
18 19. Esplanade Road Public Realm
20. Paignton South
21. Paignton Green & Geopark
22 23. Victoria Park

Other opportunities

24. Goodrington Car Parks
25. Paignton Zoo
Torbay Business Park:
26. EPIC,
27. The Electronics and Photonics Production Park,
28. South Devon College

PAIGNTON
Previously Defined Town Centre Zones

These zones illustrate the zones of the town centre, as outlined in the Paignton Refresh Supplementary Planning Document, 2015.

They illustrate that the principal holiday accommodation and tourist offer lies to the east of the railway lines, linked to the retail core of the town via Torbay Road, which terminates with the view of the existing cinema building.

The main pedestrian route of the town lies along Torbay Road and Victoria Street to Palace Avenue. This route links all of the key visitor uses together in the town centre.

- Retail / Business with residential over
- Primary Shopping Frontage
- Mainly Offices / Residential
- Mainly commercial / Health Facilities / Residential
- Residential Neighbourhoods
- Public Open Space
- Principal Holiday Accommodation Area
- Transport Gateway
- Main pedestrian Route

As identified in the 2015 document: Paignton Refresh Supplementary Planning Document

PAIGNTON
Futureproofing the town

The town needs to attract more people to Paignton, to drive spend so that businesses can thrive and local people can benefit from a greater choice of higher paid employment.

There are two distinct areas of Paignton:

1. The lower lying harbour area, the waterfront, old retail town centre and some of the residential streets surrounding the area.

This area requires direct intervention to improve the employment options and choices for the population of Paignton and Torbay. This should be the focus for the regeneration of Paignton.

2. The residential, employment and retail areas on the hills above and beyond.

This area does not currently need intervention in the same way. The priority should be on the harbour area and retail core of the town. Shown here as the waterfront and retail and leisure core areas.

PAIGNTON
Movement Framework

Primary landing point into Paignton:

Train or by Car
1. The primary route runs from the transport hub at the train station & the town centre car parks, to the seafront along Torbay Road.

Via Coach
Coach trips are an important part of Paignton's tourism offer and should be accommodated accordingly.

Parking at Goodrington
If utilising the major car parks at Goodrington (Clennon Valley, Quay West, Youngs Park) you can arrive into town in:
- 3 minutes by bus to the train station (every 12 minutes) + 12 minute walk
- 5 minute taxi
- 23 minute walk
- OR a dedicated shuttle could connect these major car parks to the seafront

Shopping / visiting the town:

2. Walking along Victoria Street from the transport hub represents the main retail street in the town centre.

3. Continuing west along Palace Avenue leads to Winner Street, which represents smaller scale retailers and independents with more residential neighbourhoods beyond.

Visiting the seafront:

4. Connecting along the seafront between the harbour and the pier.

5. Walking inland to the leisure uses at Parkfield Torbay, the BMX club and Skatepark.

6. Connecting North to Preston Sands and Preston Green.

PAIGNTON
Parking Strategy

Goodrington Long-Stay Car Parks
A significant issue at peak times is congestion in the town centre, which negatively affects the atmosphere of the town centre. To reduce the parking demand on the town centre, existing car parks at Goodrington could be better connected to the town centre to encourage park and ride.

The current route - 15 minutes total:
3-5 minute walk from car park to bus stop;
3 minute bus into the bus station;
12 minute walk to the seafront.

A dedicated shuttle bus - 5 minutes total:
5 minutes directly to the seafront.

Parking strategies should be based upon the busiest days of the year to accommodate for the appropriate number of tourists and locals.

Town Centre Parking Potential Phasing:

Phase 1.
+ 150 Spaces: Surface Car Park at Crossways
+ 100 Spaces: Provided across the town

Phase 2.
-420 Spaces: Victoria Square demolished in phases

Phase 3.
500 Spaces: Victoria Square temporarily a surface car park

Phase 4.
- 500 Spaces: Victoria Square redeveloped into a mixed-use development.
- 150 Spaces: Crossways redeveloped into a mixed-use development.

PAIGNTON
Roles of the sites

Waterfront
- 1 Mercure Hotel
- 2 Ibis Styles Hotel
- 4 Flood Defences & Public Realm
- 8 Cinema
- 11 Pier
- 13 Harbour Area
- 18 19 Esplanade Road Public Realm
- 20 Paignton South
- 21 Paignton Green & Geopark
- 33 Paignton Club, Paignton Vista & Harbour Light
- 34 Inn on the Green Site (recently sold)

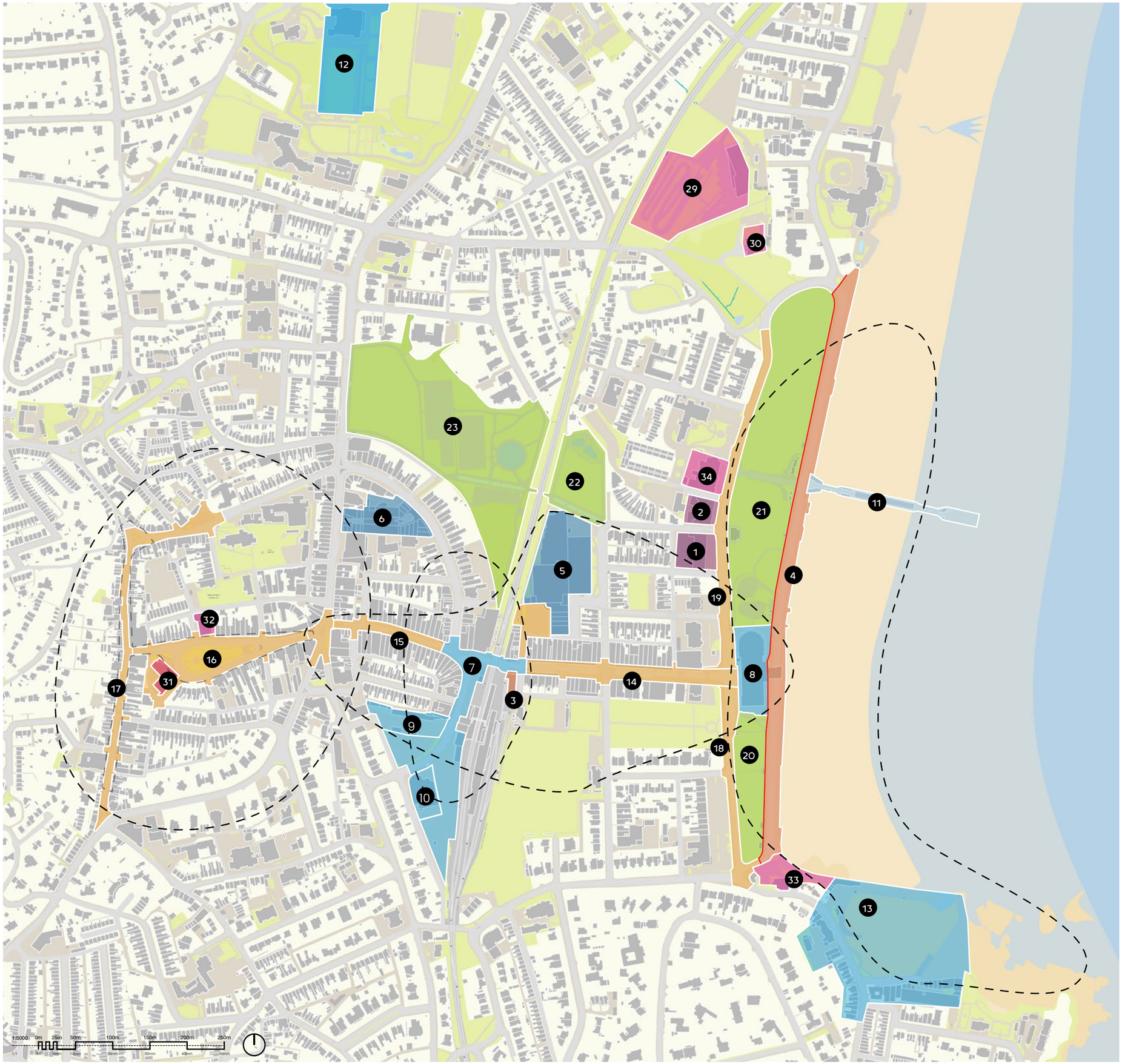
Transport Hub
- 3 Paignton Picture House
- 7 Area around Paignton's Transport Hub
- 9 Bus Station
- 10 Library and Car Park

Retail and Leisure Core
- 14 Torbay Road Public Realm
- 15 Victoria Street Public Realm
- 5 Victoria Centre
- 6 Crossways
- 22 23 Victoria Park

Residential Neighbourhoods
- 16 Palace Avenue Public Realm
- 17 Winner Street Public Realm
- 31 Palace Theatre
- 32 Palace Avenue Methodist Church Community

Opportunity Sites
- 12 Oldway Mansion
- 25 Paignton Zoo
- 26 27 28 Torbay Business Park (EPIC, The Electronics and Photonics Production Park, South Devon College)
- 29 Parkfield Torbay Skatepark & BMX track
- 30 Parkfield House CIC

Infrastructure
- 24 Goodrington Car Parks



PAIGNTON
Roles of the sites
A timeline

This page illustrates the timeline of delivery separated by town centre zone.

Waterfront Area
Both delivered and sites in-progress are in the harbour area, as well as a mix of short and longer term opportunities.

Retail, Leisure Core and Transport Hub
The public realm of Fleet Street, the GPO roundabout and Fleet Walk all represent opportunities to improve the retail core.

Other Opportunities
Significant opportunities to convert key buildings to be more residential-led exist at Union Square and Lower Union Lane, as well as opportunities to improve the connecting street fabric connecting into the retail core. There are also a number of vacant buildings which could represent additional opportunities for conversion.

The next three sections zoom in to the three zones to illustrate potential interventions.

Waterfront Area

Delivered Sites
1. Mercure Hotel
2. Ibis Styles Hotel

Sites In Progress

Proposed Sites

Opportunity Sites
7. Area Around Paignton's Transport Hub
10. Library and Car Park
13. Oldway Mansion
Harbour Area

Streetscape Opportunities
18 19. Esplanade Road Public Realm

Green Space Opportunities
20. Paignton South
21. Paignton Green & Geopark

Other Opportunities
33. The Paignton Club, Paignton Vista & Harbour Light
34. Inn on the Green Site (recently sold)

Retail, Leisure Core and Transport Hub

Delivered Sites
1. Mercure Hotel
2. Ibis Styles Hotel

Sites In Progress
3. Paignton Picture House
4. Paignton & Preston Coastal Defence and Public Realm Scheme

Proposed Sites
5. Victoria Centre
6. Crossways

Opportunity Sites
8. Cinema
9. Bus Station
10. Library and Car Park
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Other opportunities

Delivered Sites
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Sites In Progress
3. Paignton Picture House
4. Paignton & Preston Coastal Defence and Public Realm Scheme

Proposed Sites
6. Victoria Centre
7. Crossways

Opportunity Sites
7. Area Around Paignton's Transport Hub
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Streetscape Opportunities
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16. Palace Avenue Public Realm
17. Winner Street Public Realm
18 19. Esplanade Road Public Realm

Green Space Opportunities
20. Paignton South
21. Paignton Green & Geopark
22 23. Victoria Park

Other Opportunities
24. Goodrington Car Parks
25. Paignton Zoo
26-28. Torbay Business Park (EPIC, The Electronics and Photonics Production Park, South Devon College)
29. Parkfield Torbay Skatepark & BMX track
30. Parkfield House CIC
31. Palace Theatre
32. Palace Avenue Methodist Church Community
33. The Paignton Club, Paignton Vista & Harbour Light
34. Inn on the Green Site (recently sold)

1 WATERFRONT

Key waterfront sites & activities.

The beach, Paignton Green and geopark, pier, hotels, bars, restaurants and harbour represent one of Paignton's biggest attractions for visitors. The visitor economy is essential for the vitality of the town, providing jobs for the local population.

The existing attractiveness of these locations need to be supported and made more of. Key aspects of this area to support the future vitality of the town include:

Better link the centre of town to the beach and waterfront.

Support and enhance the harbour market.

Extend the successful harbour market along the waterfront.

Diversify the range of events and festivals that can be held.

Diversify the range of watersports activities that can be held on the beach.

Enhance the pier.

WATERFRONT

Delivered Sites

1 Mercure Hotel
2 Ibis Styles Hotel

Sites In Progress

5 and Public Realm Scheme

Proposed Sites

Opportunity Sites

8 Area Around Paignton's Transport Hub

11 Library and Car Park

13 Oldway Mansion
Harbour Area

Streetscape Opportunities

18 19 Esplanade Road Public Realm

Green Space Opportunities

20 Paignton South
21 Paignton Green & Geopark

Other Opportunities

33 The Paignton Club, Paignton Vista & Harbour Light
34 Inn on the Green Site (recently sold)

WATERFRONT
Sea Defence Scheme

Paignton and Preston Community Seafront Masterplan, October 2022

Plot 5: Sea Defences. The scheme will transform the seafront of Paignton.

1. Primary flood defence line (+5.5m AOD). Comprising of landform, terraces, and short stretches of natural stone clad wall where flood gates/ boards are required.
2. Flood defence gate/ boards.
3. Resurfaced lower promenade to northern and southern sections.
4. New upper promenade to northern and southern sections with new planting terraces, seating terraces and accessible slopes.
5. New showers and beachside lockers provided adjacent to existing toilet block.
6. Existing shelters relocated to top of flood defences embankments, ensuring ongoing protection from storm events and panoramic views.
7. New bound gravel pedestrian footpaths provided over the Greens following historic path locations. These ensure the Greens are usable for all abilities year-round and increase permeability from Esplanade Road.
8. New turning head for disabled and servicing vehicles.
9. 11 disabled spaces located at the centre of the seafront providing easy access to the mobility toilet, and nearby seafront amenities.
10. Loading spaces.
11. Informal pedestrian crossings to seafront access steps and slopes.
12. GeoPark Cafe relocated behind the flood defences with space for outdoor seating and year-round access remain open when flood defences are closed.
13. Existing 'Proper Coffee Shop' relocated behind the flood defences to allow use year-round.
14. Space provided for existing summer kiosks.
15. Landward side of flood defences integrated into the Geoplay Park with opportunity for new adventure-filled play set within the 1.2m level change.
16. New seating opportunities provided along the length of the closed promenade.
17. New cycle parking spaces and facilities (such as repair and e- charging)
18. Realigned southern entrance road improving access to The Paignton Club and opening up sightlines of the seafront.
19. New vehicular access adjacent to the Adventure Golf to allow central section to be closed.
20. Portion of roadway in front of Vue cinema to be closed and accessible parking spaces moved on-street. Space for loading & taxi pick-up/drop-off moved to on-street. Space connects with closure of Torbay Road and provides a new entrance to the seafront.
21. Contra-flow cycleways retained to north and south Eastern Esplanade. Lanes resurfaced to provide clear distinction from adjacent carriageway.

Existing seafront

WATERFRONT
Sea Defence Scheme

Paignton and Preston Community Seafront Masterplan, October 2022

Plot 5: Sea Defences. The scheme will transform the seafront of Paignton.

Eastern Esplanade - Open Section
- New pedestrian footway located along the top of the embankment, providing panoramic views of the bay.
- The reconditioned shelters will be located along the top of the embankment, protecting them from storm events and allowing year-round use.
- The edge of the embankment will be terraced, providing new colourful planting and seating along the seafront edge. There is the opportunity for public art to be integrated into the terraces such as via a poetry trail or sandblasted patterns reflecting local character.

Eastern Esplanade - Closed Section
- New protected spaces for the GeoPark Cafe and The Proper Coffee Shop.
- Space provided for the summer kiosks that can turn into informal play during the quieter season when the kiosks aren't in place.
- Integration of the defences with the Geoplay Park providing a new 'geological' play edge.
- New seating and lighting along the length of the seafront.
- Flexible use space along the closed section allowing for events to spill on to the promenade.
- Opportunity for new wayfinding and interpretation features along the length of the seafront (subject to separate funding).
- Further features are identified on the masterplan.

WATERFRONT
Sea Defence Scheme

Paignton and Preston Community Seafront Masterplan, October 2022

Linking the Seafront to the rest of the town is important to ensure its viability. A number of 'projects' are set out in the masterplan and are outlined below.

Projects outside the coastal scheme scope:
Short Term Projects (0-8 years)
22.Pedestrian priority crossings to Esplanade Road.
23.Opportunity for more tree planting to the western edge of the central and northern Greens (using species specifically chosen for local microclimate and the appropriate tree anchoring system)
24.New wildflower planting located within the Greens in carefully chosen locations.

Long Term Projects (8-20 years)
25.Future opportunity for the Geoplay Park to be upgraded when the current park's life-span comes to an end. Current location to be retained.
26.Two-way cycleway located adjacent to Esplanade Road. This provides a fast cycling route and future proofs the scheme for future active travel needs.
27. Future opportunity, when funding allows, to implement a small toilet block near to the southern green to support events and use of this end of the seafront.

WATERFRONT
Experience

Linking the Seafront to the rest of the town is important to ensure its viability. A number of 'projects' are set out in the masterplan and are outlined below.

- Proposed cycle lane
- Key attractions / locations
- Key pedestrian routes
- Parking
- B Routes from parking
- Bus stops
- 1 Key link between the transport hub around the transport hub and the seafront.

Projects outside the coastal scheme scope:
Short Term Projects (0-8 years)
22.Pedestrian priority crossings to Esplanade Road.
23.Opportunity for more tree planting to the western edge of the central and northern Greens (using species specifically chosen for local microclimate and the appropriate tree anchoring system)
24.New wildflower planting located within the Greens in carefully chosen locations.

Long Term Projects (8-20 years)
25.Future opportunity for the Geoplay Park to be upgraded when the current park's life-span comes to an end. Current location to be retained.
26.Two-way cycleway located adjacent to Esplanade Road. This provides a fast cycling route and future proofs the scheme for future active travel needs.
27. Future opportunity, when funding allows, to implement a small toilet block near to the southern green to support events and use of this end of the seafront.

WATERFRONT
Parking

Beach activities are key to the success of Paignton.

Parking close to the beach is invaluable for families with lots of luggage for a day out. However parking conflicts with a safe accessible environment for all to enjoy. Therefore a range of solutions needs to be accommodated for.

1. Local multi-storey car parks:
1. Victoria (420)
2. Roundham (100)

On-street parking:
3. Eastern Esplanade S (127)
4. Eastern Esplanade N (81)
5. Torbay Road (44)
6. Adelphi Rd & Ln, Queens Rd & Sands Rd (64)
7. Portion of promenade pedestrianised in the Seafront Masterplan

Significant parking provision at Goodrington that, with a dedicated shuttle service, can link over 1,500 spaces to the beach in 5 minutes:
→ 5 Minute shuttle bus route to:
Youngs Park (124)
Clennon Vlley (458)
Quay West (970)
Goodrington (14)

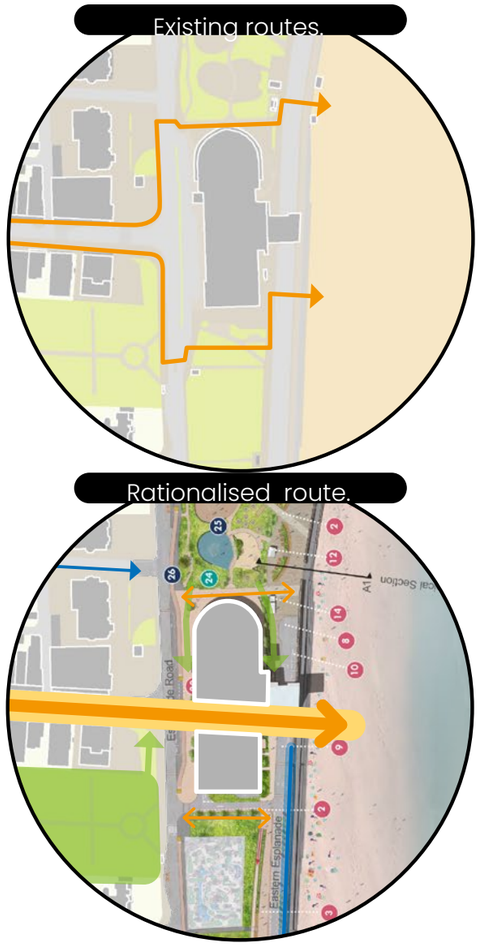
Total Goodrington: 1,566 Spaces

WATERFRONT
Cinema Site

The cinema building is currently a blockage to the key route between the transport hub and the seafront.

Before the current cinema building was built,a historic gate, pavilion and pedestrian promenade led from Torbay Road to the beach.

Future development of the site should look to reinstate this historic route to provide a sightline to the sea from along Torbay Road.



View along Torbay Road towards the beach.

View from the Station along Torbay Road.

Paignton in 1928, showing an open route along Torbay Road to the sea.

Paignton today.

WATERFRONT
Summary

1. Development of the Seafront Masterplan flood defence scheme with associate public realm benefits.
2. Improved planting along the Esplanade Road.
3. Improved pedestrian linkages across Esplanade Road.
4. Cycle paths north to south along Esplanade Road.
5. Improvements to the pier, with additional leisure opportunities and expanding the out of season functionality of the infrastructure.
6. Additional F&B pavilions anchoring the pier.
7. Improved public wc facilities and a new wc to the south.
8. Support and enhance the harbour marketplace with local business support and additional offers to attract locals and tourists.
9. Expand the restaurant and bar offers coupled to the harbourside. to maximise views north across the beach.
10. The potential future redevelopment of the cinema site to open up the vista along Torbay Road to the sea.
11. Future improvements to the geopark offer.
12. Infrastructure improvements to Paignton Green to allow for a wide range of events to be held year-round, including out-of-season opportunities.
13. Additional watersports opportunities.
14. Improved pedestrian routes from the parking at Victoria Centre, Queens and Adelphi Road.
15. Accommodation for a shuttle bus service to seamlessly connect the Goodrington Car Parks to Paignton beach.

2 TRANSPORT HUB & RETAIL/LEISURE CORE

The second section looks at the key transport interchange in the centre of town & the retail and leisure core.

TRANSPORT HUB & RETAIL/LEISURE CORE

Delivered Sites

1 Mercure Hotel
2 Ibis Styles Hotel

Sites In Progress

3 Paignton Picture House
4 Paignton & Preston Coastal Defence and Public Realm Scheme

Proposed Sites

5 Victoria Centre
6 Crossways

Opportunity Sites

7 Area Around Paignton's Transport Hub
8 Cinema
9 Bus Station
10 Library and Car Park
11 Pier
12 Oldway Mansion
13 Harbour Area

Streetscape Opportunities

14 Torbay Road Public Realm
15 Victoria Street Public Realm

18 19 Esplanade Road Public Realm

Green Space Opportunities

20 Paignton South
21 Paignton Green & Geopark
22 23 Victoria Park

Other Opportunities

TRANSPORT HUB & RETAIL/LEISURE CORE Zones

To support the future viability of the town centre the key interventions should align to the overall vision for the town.

The transport hub, namely the junction of Torbay Road and Victoria Street, should act as a gateway into the town via rail as well as allowing vehicular traffic to pass through the town.

Key projects in the Transport Hub zone include:
- 3 Paignton Picture House
- 4 Area Around Paignton's Transport Hub
- 8 Cinema Site
- 9 Bus Station
- 10 Library and Car Park

The retail and leisure core should support the vitality of the town by providing a diverse range of uses for visitors and residents to enjoy.

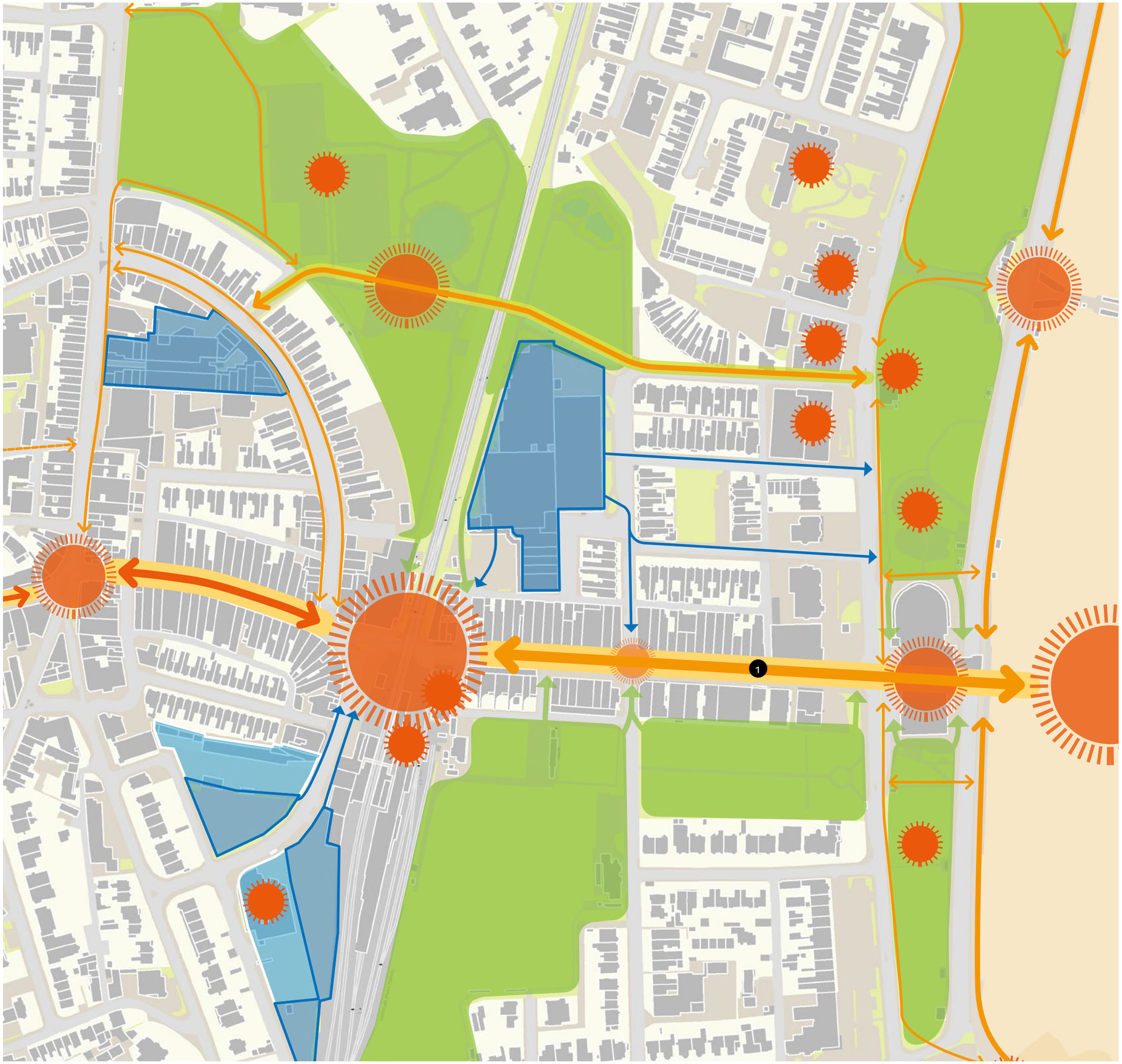
Key projects in the retail and leisure zone include:
- 6 Victoria Centre
- 7 Crossways
- 14 Torbay Road Public Realm
- 15 Victoria Street Public Realm
- 18 19 Esplanade Road Public Realm
- 22 23 Victoria Park

TRANSPORT HUB & RETAIL/LEISURE CORE
Movement Framework

Linking the Seafront to the rest of the town is important to ensure its viability. A number of 'projects' are set out in the masterplan and are outlined below.

- Key attractions / locations
- Key pedestrian routes
- Parking
- Routes from parking
- Bus stops

1 Key link between the transport hub around and the seafront.



TRANSPORT HUB & RETAIL/LEISURE CORE Neighbourhood Plan

Policy PNP5 – Torbay Road

Enhancement of the Torbay Road Area from the railway crossing in the west to the seafront in the east will be encouraged and development proposals supported that:

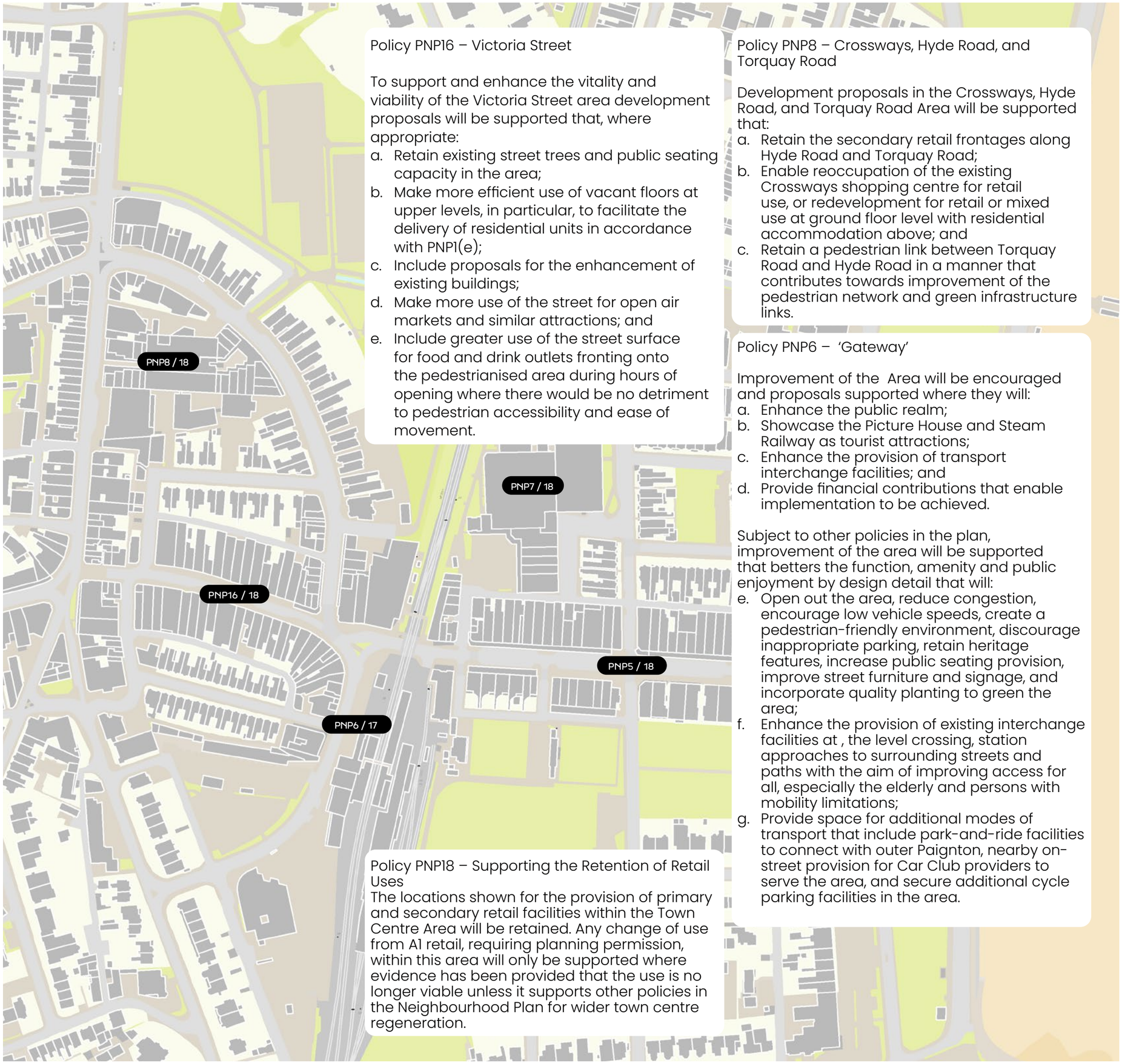
a. Bring the Picture House back to life as a tourist attraction
b. Provide better pedestrian links to the seafront; and
c. Explore the option for pedestrianisation. Schemes will be expected to include where appropriate, achievable and subject to viability:
d. Improvement and extensions to the walkway canopy locations that are sympathetic to the heritage and greening of the area; and
e. Landscaped links to enhance the green infrastructure network and urban wildlife corridors of the existing road and adjoining areas between the level crossing and seafront.

Food and drink developments fronting onto wide pavements on the southern side will be encouraged to make greater use of the route during hours of opening in a manner that does not impede ease of pedestrian movement.

Policy PNP7 – Victoria Square

Opportunities to improve the Victoria Square Area will be encouraged and development proposals supported that where appropriate:

a. Improve the use and amenity of the area;
b. Include parking provision to adopted standards
c. Encourage 'themed markets' on the square;
d. Retain public open space, trees, amenity areas, or pedestrian links that contribute to the greening the town centre;
e. Connect to and enhance the green infrastructure network and urban wildlife corridors of the adjoining areas, especially between the square and seafront;
f. Include provision for electric vehicle charging points for low emission vehicles recharging and parking space for cycles and motor cycles for use by residents Multi-storey car and tourists alike.



Policy PNP16 – Victoria Street

To support and enhance the vitality and viability of the Victoria Street area development proposals will be supported that, where appropriate:

a. Retain existing street trees and public seating capacity in the area;
b. Make more efficient use of vacant floors at upper levels, in particular, to facilitate the delivery of residential units in accordance with PNP1(e);
c. Include proposals for the enhancement of existing buildings;
d. Make more use of the street for open air markets and similar attractions; and
e. Include greater use of the street surface for food and drink outlets fronting onto the pedestrianised area during hours of opening where there would be no detriment to pedestrian accessibility and ease of movement.

Policy PNP8 – Crossways, Hyde Road, and Torquay Road

Development proposals in the Crossways, Hyde Road, and Torquay Road Area will be supported that:

a. Retain the secondary retail frontages along Hyde Road and Torquay Road;
b. Enable reoccupation of the existing Crossways shopping centre for retail use, or redevelopment for retail or mixed use at ground floor level with residential accommodation above; and
c. Retain a pedestrian link between Torquay Road and Hyde Road in a manner that contributes towards improvement of the pedestrian network and green infrastructure links.

Policy PNP6 – 'Gateway'

Improvement of the Area will be encouraged and proposals supported where they will:

a. Enhance the public realm;
b. Showcase the Picture House and Steam Railway as tourist attractions;
c. Enhance the provision of transport interchange facilities; and
d. Provide financial contributions that enable implementation to be achieved.

Subject to other policies in the plan, improvement of the area will be supported that betters the function, amenity and public enjoyment by design detail that will:

e. Open out the area, reduce congestion, encourage low vehicle speeds, create a pedestrian-friendly environment, discourage inappropriate parking, retain heritage features, increase public seating provision, improve street furniture and signage, and incorporate quality planting to green the area;
f. Enhance the provision of existing interchange facilities at , the level crossing, station approaches to surrounding streets and paths with the aim of improving access for all, especially the elderly and persons with mobility limitations;
g. Provide space for additional modes of transport that include park-and-ride facilities to connect with outer Paignton, nearby on-street provision for Car Club providers to serve the area, and secure additional cycle parking facilities in the area.

Policy PNP18 – Supporting the Retention of Retail Uses

The locations shown for the provision of primary and secondary retail facilities within the Town Centre Area will be retained. Any change of use from A1 retail, requiring planning permission, within this area will only be supported where evidence has been provided that the use is no longer viable unless it supports other policies in the Neighbourhood Plan for wider town centre regeneration.

TRANSPORT HUB & RETAIL/LEISURE CORE
Torbay Road

Torbay Road, otherwise known as The Golden Mile, has a rich history dating back to the 1880s. Originally intended as a tree-lined residential avenue, it eventually transformed into a bustling commercial street, earning its nickname due to the significant revenue generated by traders during the summer months.

1880s: Torbay Road was initially planned as a residential area with grand houses and gardens.

Late 19th Century: The arrival of the railway in 1859 boosted Paignton's popularity as a seaside resort, leading to increased commercial activity along Torbay Road.

Early 20th Century: The road continued to develop, with shops, cafes, and entertainment venues catering to visitors and locals alike.

Mid-20th Century: The Golden Mile experienced a period of growth and prosperity, attracting tourists from across the country.

Late 20th Century: The demolition of certain buildings led to the emergence of new retail outlets.

Present Day: The Golden Mile remains a vibrant part of Paignton, offering a mix of shops, restaurants, and entertainment options. Plans are underway to reverse the part-pedestrianisation of parts of the street.

Temporary traffic reduction scheme, 2022.

Two-way Torbay Road, pre-2022.

Torbay Road in 1905.

The Kings Coronation in 1911.

Queens Park Mansions, 1914.

Torbay Road in the 1920s.

TRANSPORT HUB & RETAIL/LEISURE CORE
Torbay Road

The connection along Torbay Road between the station and the beach is the most important thoroughfare for visitors to the town.

Other popular destinations have had considerable success with traffic reduction schemes providing improved visitor experience and ensuring the success of businesses. A few examples include:

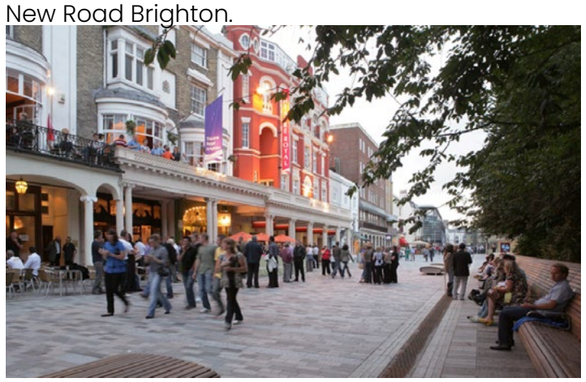
Tenby
From 11am-5:30pm between July and September Tenby is a primarily vehicle-free zone. The scheme has created a cafe culture in the streets, allowing bars, pubs and restaurants to thrive.

Shrewsbury
Sales in pedestrianised areas of Shrewsbury town centre rose by 14% in the same period pre-pandemic. The streets were closed to traffic everyday from 10am to 4pm.

Brighton
New Road in Brighton was pedestrianised and the public realm improved, it has resulted in a more inviting, vibrant destination for both tourists and locals. Foot traffic has significantly increased, leading to increased dwell time benefiting local businesses.

Brighton North Lane alfresco dining.

New Road Brighton.



Shrewsbury traffic-free.

Tenby summer pedestrianisation.

TRANSPORT HUB & RETAIL/LEISURE CORE
Transport Hub

There is the opportunity totransform the major entrance point into the town to improve its image and character, increase safety, reduce anti-social behaviour, provide much needed new parking provision, improve the bus station, train station, taxi rank and steam railway entrance and potentially provide new homes. Interventions could include:

- Overall regeneration of the area bringing back into use and use the land more productively.
- Potential to deliver affordable houses in the Town Centre.
- Provide a new MSCP on the west side of the railway line for a significant number of new parking spaces serving the town on the major transport route.
- Public Realm improvements to better connect Victoria Street, Torbay Road and Great Western Road.
- Potentially reduce the bus station footprint and improve access/egress and the environment for passengers.
- Improve the architecture of the train station to better reflect the town.
- Encourage the refurbishment of facades facing onto the transport hub to create a better entry into the town.
- Better wayfinding to signpost the towns different attractions.

Torbay Regeneration Vision

PLACEHOLDER

PROPOSED SITE
Public Realm

and Torbay Road are some of the most popular areas in Paignton. The area has good transport links and is the social hub of the town.

The council has allocated over £3million of Future High Streets Funding to make improvements to these areas.

The council has been working with and listening to the community since 2015 to develop plans for the area that will:

- Provide a pleasant town centre space
- Improve pedestrian areas
- Deliver much needed high-quality public realm improvements
- Create more social spaces for the community and visitors

Supporting community plans:

- Local Plan 2012-2030 (refreshed in 2015)
- Paignton Masterplan refresh (2015)
- Paignton Neighbourhood Plan (2019)

Since 2022 the council has been trialling different layouts and capturing feedback to ensure that the final scheme meets the needs of:

- Businesses
- Pedestrians
- Motorists
- Transport operators

The council has agreed a permanent scheme design for with key stakeholders and has appointed a contractor (Montel Civil Engineering) to deliver the scheme. The council is expecting work to begin on this project in early 2025.

https://www.torbay.gov.uk/leisure-sports-and-community/regeneration/station-square/

Torbay Regeneration Vision

PLACEHOLDER

PROPOSED SITE
Picturehouse

The restoration of Paignton Picture House, a Grade II* listed building from 1914 and one of Europe's earliest purpose-built cinemas, is underway after years of delays. The £8 million project aims to restore what was known as Agatha Christie's favourite cinema to its former glory, with a grand opening planned for 2026.

The restoration is being funded through a partnership including Torbay Council (contributing over £2 million in Future High Streets Funding plus £3 million in Cultural Development Funding), Arts Council England, the Colwinston Trust, Historic England, The Pilgrim Trust, and public fundraising efforts.

The redevelopment will create a vibrant cultural hub while preserving the building's historic features. The transformed auditorium will retain its spectacular barrel-vaulted ceiling, with improved accessibility including a new lift and level access seating. Original features like the marble mosaic floor, arts and crafts staircase, and stained-glass windows will be conserved as part of a welcoming new foyer.

A sandstone extension will house modern facilities, and sustainability measures include thermal upgrades, air source heat pumps, and rooftop solar panels. The project also discovered the cinema's original 1914 screen configuration during restoration work.

The cinema, which closed in 1999 and was placed on Historic England's "At Risk Register," will offer mainstream and independent films, live performances, educational programs, a café, and community events when it reopens next summer. The Paignton Picture House Trust, established in 2013, continues to seek volunteers and donations to support the project.

Torbay Regeneration Vision

PLACEHOLDER

PROPOSED SITE
Victoria Centre

Updated 1st November 2024:

The Victoria Centre is in the heart of Paignton. It is the largest and most comprehensive redevelopment opportunity in the town centre.

The site was identified for redevelopment and improvement in the Paignton Town Centre Masterplan (2015) and formed part of our successful Future High Streets Fund bid.

The council have already started to unlock this site for redevelopment by demolishing the former Garfield Road car park.

The scheme will:

- Provide around 200 new homes,
- Rejuvenate the area,
- Attract businesses back into the town,

In early 2025 the council will started demolition work. The site is being demolished in controlled phases throughout 2025. The site will be temporarily returned to a surface level car park whilst work to secure planning, and an investor / developer continues.

Victoria multi-storey car park will remain open and accessible until further notice.

https://www.torbay.gov.uk/news/pr9253/

Torbay Regeneration Vision

PLACEHOLDER

PROPOSED SITE
Crossways

In 2020 the council gained planning permission to deliver around 90 extra care and sheltered homes. Like with many of the council's capital projects, the council was unable to move forward with delivering this scheme due to considerable inflationary pressures that have been ongoing nationally since 2020/21.

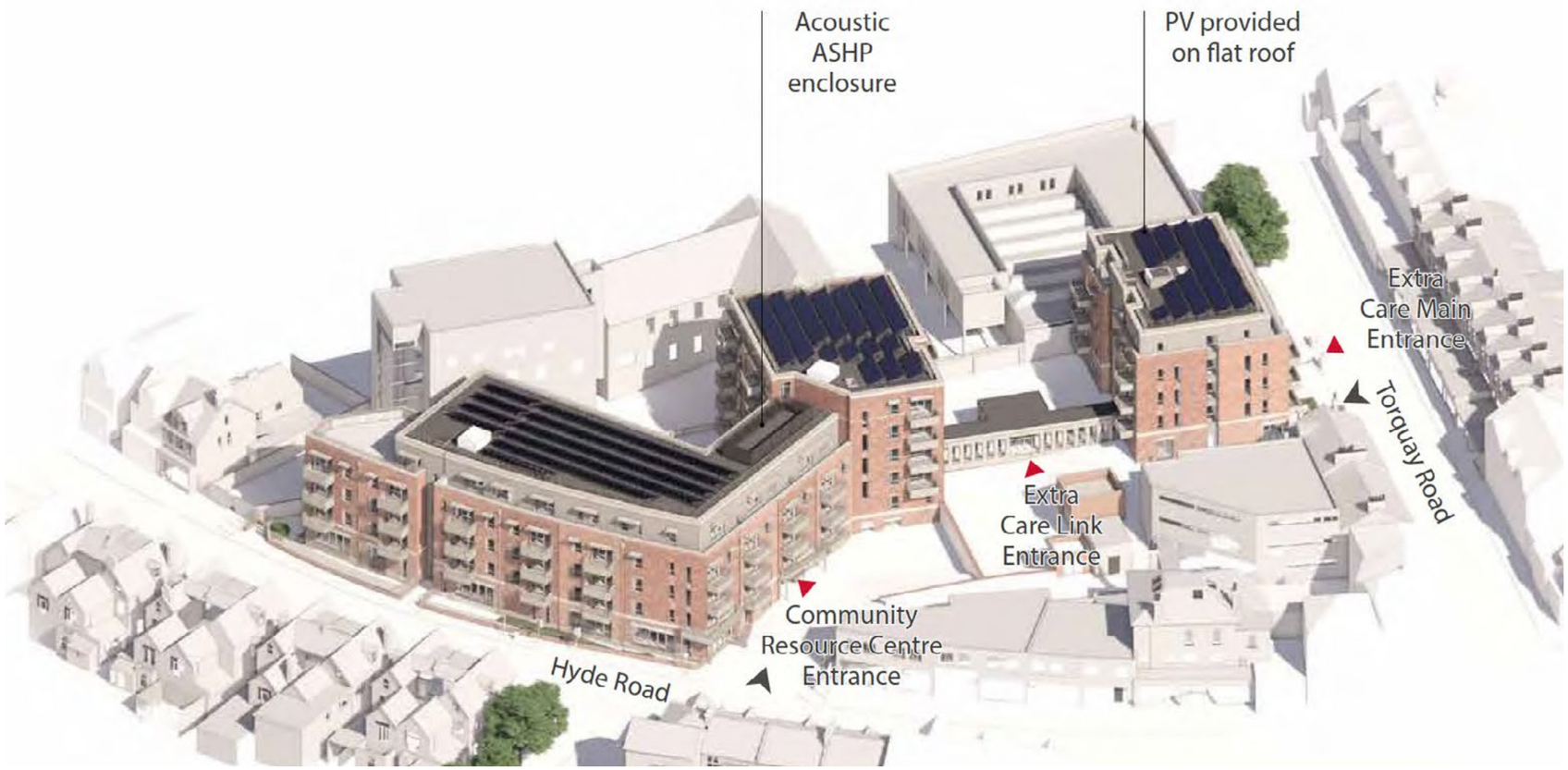
With the council's Regeneration Partners, Willmott Dixon and Milligan, the council is working on developing a revised design that will still provide extra care homes in the town centre.

The council will need to get planning permission for the revised scheme, and is anticipating this will be submitted in the first half of 2025.

In the meantime, the council will be introducing a temporary car park at the site to help maintain parking capacity in the town centre as the council brings forward several transformational projects. The council opened the car park in early winter 2024.

The project will:
- Provide much needed housing for local peoplerejuvenate the area
- Attract businesses back into the town

https://www.torbay.gov.uk/crossways/
Imagery from: Crossways, Paignton, Design and Access Statement, July 2025

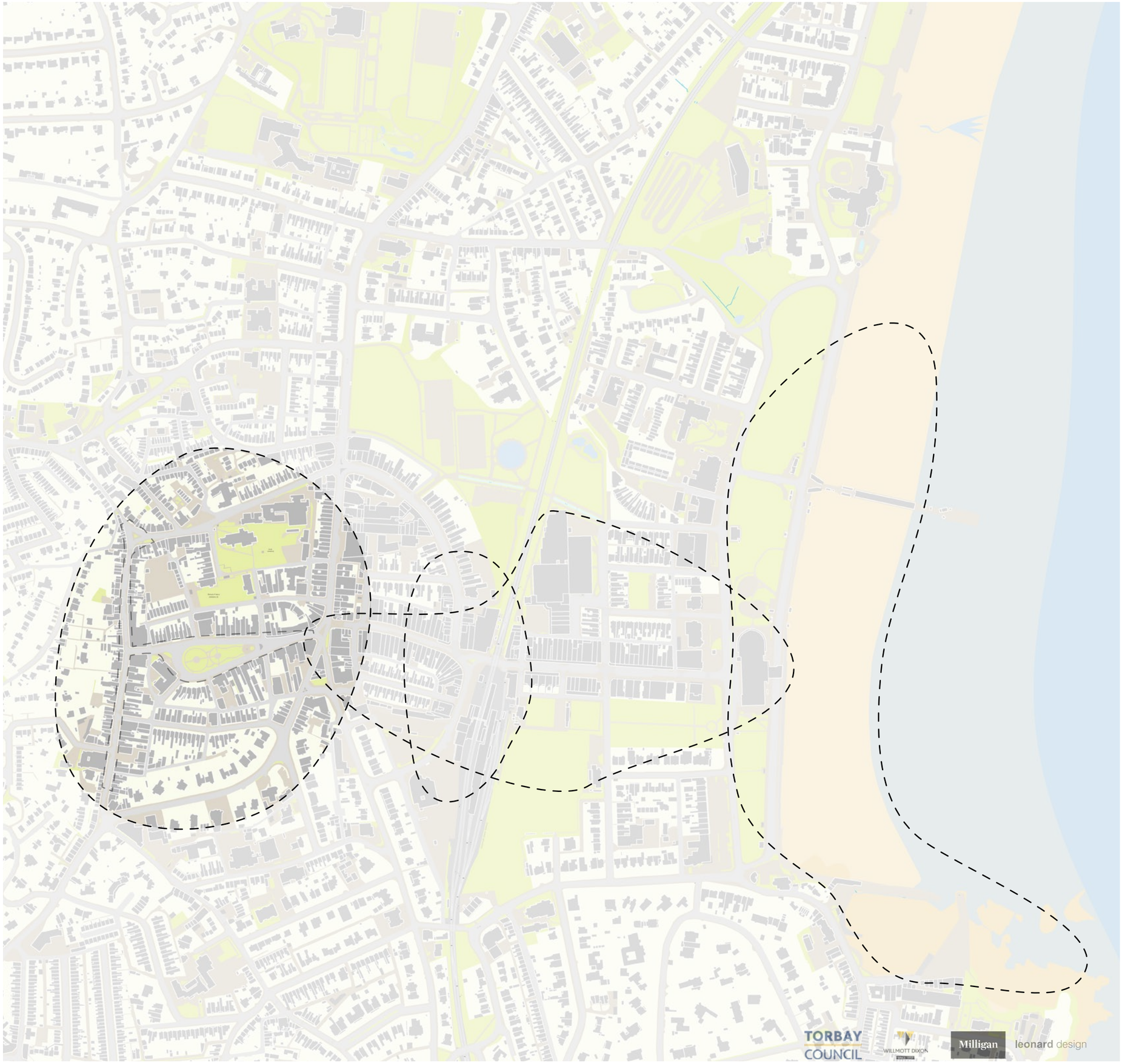


TRANSPORT HUB & RETAIL/LEISURE CORE
Key Interventions

1. The area around Paignton's transport hub to be revitalised.
2. Picture House Cinema Restoration.
3. Pedestrian-friendly improvements to Torbay Road, including greenery, signage, lighting and alfresco dining.
4. Future redevelopment of the cinema site to open up the thoroughfare to the seafront (in Waterfront section).
5. Public realm improvements connecting the redeveloped Victoria Centre to Torbay Road, potentially a square for events.
6. Mixed-Use redevelopment of the Victoria Centre, potentially with a foodstore (to cater new residential, depending on demand).
7. Restore historic façades and encourage residential conversions of upper levels.
8. Explore options for consolidation and futureproofing of the bus station.
9. Potential development opportunities at the Library car park.
10. Mixed-use conversion of the Crossways site.
11. Potential for artworks through the railway viaduct connecting both sides of Victoria Park and beyond to the seafront.
12. Leisure and sporting events / offers at Victoria Park whilst retaining the open green space and amenity for residents. For example a padel tennis club maximising use of the existing court space, or other activities providing healthy activities for free.

3 RESIDENTIAL NEIGHBOURHOODS

The third section looks at the area around Palace Avenue and Winner Street.



RESIDENTIAL NEIGHBOURHOODS

Delivered Sites

1. Mercure Hotel
2. Ibis Styles Hotel

Sites In Progress

3. Paignton Picture House
4. Paignton & Preston Coastal Defence and Public Realm Scheme

Proposed Sites

5. Victoria Centre
6. Crossways

Opportunity Sites

7. Area Around Paignton's Transport Hub
8. Cinema
9. Bus Station
10. Library and Car Park
11. Pier
12. Oldway Mansion
13. Harbour Area

Streetscape Opportunities

14. Torbay Road Public Realm
15. Victoria Street Public Realm
16. Palace Avenue Public Realm
17. Winner Street Public Realm
18 19. Esplanade Road Public Realm

Green Space Opportunities

20. Paignton South
21. Paignton Green & Geopark
22 23. Victoria Park

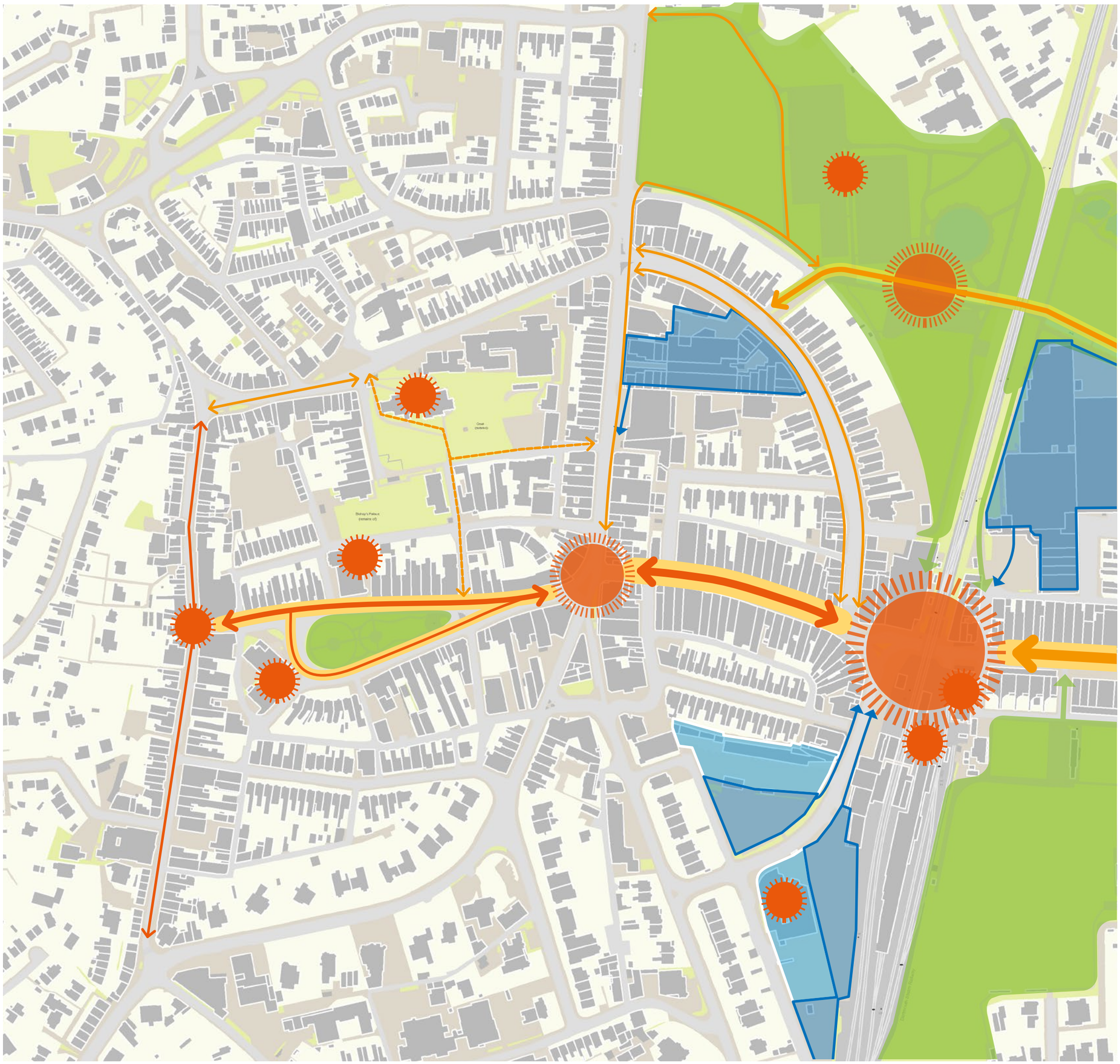
Other Opportunities

24. Goodrington Car Parks
25. Paignton Zoo
26-28. Torbay Business Park (EPIC, The Electronics and Photonics Production Park, South Devon College)
29. Parkfield Torbay Skatepark & BMX track
30. Parkfield House CIC
31. Palace Theatre
32. Palace Avenue Methodist Church Community
33. The Paignton Club, Paignton Vista & Harbour Light
34. Inn on the Green Site (recently sold)

RESIDENTIAL NEIGHBOURHOODS
Movement Framework

Various shops and businesses reside along Palace Avenue, with smaller and more independent retailers along Winner Street. The environment is less tourist-focussed in nature and looks to cater more towards residents.

- Key attractions / locations
- Key pedestrian routes
- Parking
- Routes from parking
- Bus stops



RESIDENTIAL NEIGHBOURHOODS Key Interventions

1. Improved Pedestrian crossings over Totnes Road.

2. Encourage independent retailers and businesses to take up units in Palace Avenue, with national brands locating along Torbay Road or Victoria Street.

3. Encourage residential conversion of the upper floors of retail buildings where possible.

4. Improve lighting along Palace Avenue and Winner Street.

5. Incorporate improved wayfinding illustrating the variety of destinations on offer, including the Palace Avenue Theatre and Coverdale Tower.

6. Maintain Palace Avenue Park.

7. Explore traffic reduction measures on Winner Street.

8. Explore incorporating planting and public realm improvements such art murals, art and seasonal activations connecting Palace Avenue and Winner Street. Eg. 'Paignton in-bloom'.

4 OTHER LEISURE OPPORTUNITIES

Delivered Sites

1. Mercure Hotel
2. Ibis Styles Hotel

Sites In Progress

3. Paignton Picture House
4. Paignton & Preston Coastal Defence and Public Realm Scheme

Proposed Sites

5. Victoria Centre
6. Crossways

Opportunity Sites

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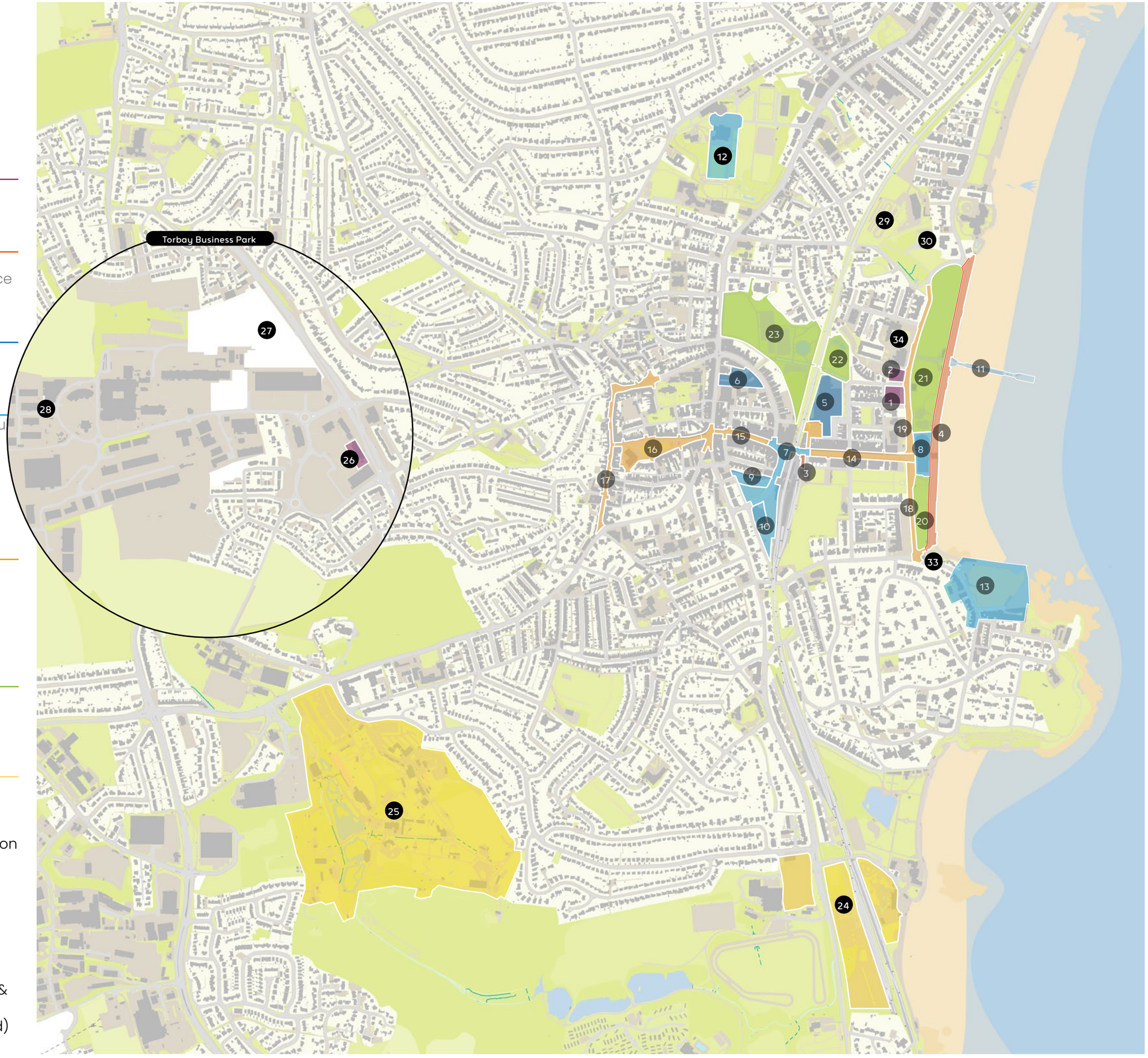

Torbay Regeneration Vision

PLACEHOLDER

PROPOSED SITE
Oldway Mansion

Development Information:

The restoration of Oldway Mansion in Paignton, Devon is a complex project that is expected to cost around £54 million and take several years to complete:

Funding
The initial phase of the restoration is being funded by £1 million from Torbay Council and £8 million from the government.

Phases
The restoration will be phased over several years. The first phase will focus on making the mansion wind and watertight, and will include repairs to the mansion, outbuildings, and grounds.

Partners
The council is working with commercial partners to help revive the property.

Community engagement
The council is engaging with the community at every stage of the project.

3D model
A 3D model of the building is being created as a permanent record and to help with the restoration process.

LEISURE OPPORTUNITIES
Key Interventions

1. Restore Oldway Mansion and its gardens back to its former glory as an outstanding destination for the region.

2. Support, restore and explore expansion opportunities for Parkfield, the skatepark and BMX track.

3. Support and enhance Goodrington Beach, Quaywest and the surrounding area for tourists.

4. Revitalise and ensure the ongoing operation of Paignton Zoo as a key part of Paignton's family-friendly offer.

5. Provide a shuttle service connecting the large car parks at Goodrington to the centre of Paignton.

6. Support the expansion of businesses at Torbay Business Park.

7. Support the expansion of South Devon College.

SUMMARY
Key Principles

Reduce the size of the Retail Core to support Torbay Road as the primary retail and leisure boulevard.

Opportunity to reconnect the centre of town with the seafront along Torbay Road.

Improve signage and wayfinding to Paignton's car parks.

Provide space for events and festivals to enliven the town, and extend the visitor season.

Increase the perception of safety in the town, particularly around Victoria Park, Victoria Street, Palace Avenue and Gerston Road.

Extend an support the Harbour Market to create a destinational experience.

Better connect across Torbay.

Protect and support key assets such as Paignton Zoo, Oldway Mansion and the Pier.

Provide space and activities for younger residents, including key leisure uses such as the theatres, watersports and an improved cinema offer.

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JESSICA BUCKLEY
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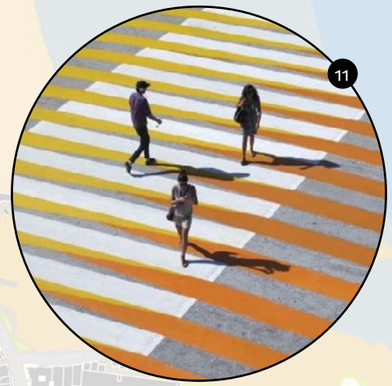
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TORBAY COUNCIL

Meeting: Cabinet **Date:** 18 November 2025

Wards affected: All

Report Title: Consultation Draft Torbay Local Plan 2025-45 (Regulation 18).

When does the decision need to be implemented? Approval is sought to publish the draft Local Plan for public consultation between 28 November 2025 and 26 January 2026.

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1. Purpose of Report

1.1. This report seeks approval to publish the draft Torbay Local Plan for public consultation. If agreed, we will carry out a Regulation 18 (Town and Country Planning (Local Planning) (England) Regulations 2012) Consultation between 28 November 2025 to 26 January 2026. Because this runs over the Christmas break, it is proposed to carry out an 8-week consultation, rather than the legally required 6-week period.

1.2. Following consultation on the Regulation 18 Draft Plan, it is intended to prepare a Regulation 19 Publication Plan (or "Preferred option") for consultation in Summer 2026. This must be submitted to the Secretary of State (i.e. the Planning Inspectorate) by the end of December 2026. December 2026 is the deadline set by the Secretary of State for submission of Local Plans under the current system. An updated Local Development Scheme is set out in Section 2 which clarifies the remaining programme for the Local Plan.

1.3 The Local Plan Working Party has met monthly since September 2024 has agreed a range of matters for inclusion in the Plan. The Working Party has assessed all known potential development sites, and the draft Plan reflects its recommendations. There were two previous stages of Regulation 18 Consultation in 2022, focussing on growth options and initial housing sites, and this consultation is on a full draft Plan. The Working Party has also considered the changes to the planning system introduced through the December 2024 National Planning Policy Framework (NPPF), specifically the introduction of "binding housing need targets" (see below).

1.4 This stage of consultation is at Regulation 18, and seeks comments about "what the local plan ought to contain". Following closure of this consultation officers and the Working Party members will assess comments made and prepare a Regulation 19 Publication Plan

(sometimes called a “preferred option” or pre-submission plan). The Regulation 19 version will be the Plan that the Council intends to submit for examination.

2. Reason for Proposal and its benefits

2.1 Local Planning Authorities (LPAs) have a legal requirement (under Section 19 of the Planning and Compulsory Purchase Act 2004) to prepare a local plan setting out strategic priorities and policies to address these. Together with neighbourhood plans, the local plan forms the “Development Plan”, which is the legal starting point for determining all planning applications. Having an up-to-date local plan will allow the council to align land use planning decisions more closely to Community and Corporate Plan objectives. The Council is preparing a Plan under the P&CP Act 2004 and 2012 Local Planning Regulations. Plans prepared under this system must be submitted to the Secretary of State for Examination by December 2026.

2.2 There is a legal requirement for Plans to contribute to the achievement of sustainable development (S39 of the P&CP Act 2004). This gives the National Planning Policy Framework legal weight in plan preparation. The secretary of state has powers to direct councils to consult on Plans or to take over plan preparation themself. However, in practice not approving regeneration or affordable housing funding is a more potent sanction against councils that do not prepare local plans.

2.3 Where a council does not have an up-to-date development plan, it must apply the Presumption in Favour of Sustainable Development.

2.4 The Government has clearly stated that it wishes to boost housing supply, and has set many areas, including Torbay, with very high housing need figures. Officers have not sought to underplay the difficulties of preparing a local plan, or the difficult decisions that need to be made. However, without a plan in place the council is much more vulnerable to speculative greenfield development, particularly if the housing market improves, both before and after any local government reorganisation. This risks more suburban sprawl and less urban regeneration.

2.5 Local government reorganisation is also a potential disincentive to local plan preparation. The Planning and Infrastructure Bill currently going through Parliament includes proposals to introduce strategic plans (spatial development strategies) which are likely to be the function of strategic authorities. However, the Government has repeatedly emphasised that local planning authorities should prepare local plans and there are some signs of pragmatism from the Planning Inspectorate in assisting with Plan adoption.

2.6 The Local Plan Working Party has met on a monthly basis since September 2024 and has considered a range of matters and site options. Headline themes are summarised in the following section. Housing and development sites often dominate plan making. But it is important to note that the local plan covers a full range of other policies and seeks to meet other development needs and to provide green infrastructure and environmental protection.

2.7 The proposed Regulation 18 Draft Local Plan consultation is a genuine chance for people to have their say. It will be the third regulation 18 consultation to have taken place (the previous two being the Growth Options Consultation January 2022 and Housing Site

Options 2022). It is therefore hoped that the Council can move quickly in 2026 to a Regulation 19 publication plan. The Planning Inspectorate's Procedure Guide for Local Plan Examinations - GOV.UK states that: *1.1. The plan that is published for consultation at Regulation 19 stage should be the plan that the LPA intends to submit to the Planning Inspectorate for examination.* The Regulation 19 stage is accordingly more limited and formal in scope than the current consultation stage.

2.8 The timetable below recommends a pathway to preparing a Local Plan for Submission to the Secretary of State for Examination by the end of December 2026. This is a very tight deadline, but MHCLG has indicated that this deadline for submission of Plans under the 2012 Regulations will not be extended[1]. This timetable seeks Council approval for the Plan we intend to submit to the Secretary of State (subject to the formal Reg 19 consultation) in July 2026.

Date	**Stage**
18 November 2025	Agreement of full Draft Plan by Cabinet (At Regulation 18 stage)
28 November 2025 – 26 January 2026	Public Consultation on Draft Plan (at Regulation 18). Duty to Cooperate Meetings with other authorities and engagement with statutory consultees. Engagement with departments across the Council and partners.
February-June 2026	Preparation of Publication Version ("preferred option") Regulation 19 Plan and background documents. Assessment of representations by the LP Working Party Ongoing Duty to Cooperate meetings. Meeting with Planning Inspectorate
14 July 2026	Regulation 19 Publication Plan agreed by Cabinet.
23 July 2026	Regulation 19 Publication Plan agreed by Council. It is proposed to seek agreement to submit this plan following consultation and assuming no major modification is needed to the Plan following consultation.
August-September 2026	Regulation 20: Consultation on Regulation 19 Publication Plan (for Soundness and Legal Compliance).
September-November	Preparation of Submission Plan ("The Reg 22 Plan"), Duty to Cooperate Statements etc.
December 2026	Submit Local Plan (Reg 22) to Secretary of State for Examination
11 December 2026	Contingency for Full Council Meeting if needed (Note that this is the only scheduled Council meeting that the Local Plan can go to if there is a need to make major modifications following Reg 19 Consultation, in order to meet the Secretary of State's December 2026 deadline).
2027	Examination, Modifications if needed, and Adoption.

[1] The Regulations governing 30-month Local Plans under the Levelling Up and Regeneration Act 2023 are not yet in force. Not meeting the Government's deadline to submit under the 2005 Act will require the Local Plan to go back to square 1.

3. Recommendation(s) / Proposed Decision

1. That Cabinet approves the Draft Local Plan as outlined in Section 6 and Appendix 1 for Regulation 18 public consultation between 28 November 2025 and 11.59pm on 26January 2026.

2. The Local Development Scheme (LDS) is amended to show the timetable in paragraph 2.6 of the submitted report.

3. The Divisional Director, Place Strategy (or equivalent post) be authorised to make minor amendments and edits to the Draft Local Plan in consultation with the Cabinet Member for Place Development and Economic Growth.

4. Appendices

4.1 Planning Inspectorate Local Plan Examination Checklist**.**

4.2 Draft Local Plan Written Statement (Draft text for Regulation 18 Consultation).

5. Background Documents

- Chief Planner's newsletter December 2024
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework - GOV.UK
- Local plans: pre-examination checklists - GOV.UK
  Pre_Examination_checklist_for_full_local_plans.docx
- The Town and Country Planning (Local Planning) (England) Regulations 2012

Supporting Information

6. Introduction

6.1. The Draft Local Plan has been discussed by the Local Plan Working Party at monthly meetings between September 2024-September 2025. The Draft Local Plan builds on the previous Growth Options (January 2022) and Housing Site Options (October 2022) consultations and is intended as a first full draft for consultation, rather than a finished project. Consultation responses will be used to prepare the Regulation 19 Publication Plan, which sets out the version of the Local Plan that the Council expects to submit for Examination.

6.2. The Local Plan encompasses the whole range of issues that may be needed to determine a planning application. It has been drafted to align as closely as possible to the Community and Corporate Plan 2022-42 and to present a strongly supportive framework for town centre and waterfront regeneration and renewal. We are currently reviewing the draft plan to ensure close alignment with the language used in the Corporate and Community Plan and Torbay Story. With this in mind, the Local Plan's primary purpose is to set a framework for determining planning applications. Accordingly, we have tried to remove some of the background information to make the plan more succinct. The current draft contains a large amount of background information and evidence. This will be moved into Topic Papers to create a more concise main document.

6.3. The Local Plan is intended to be strategic in nature. It cannot anticipate every last need or proposal, and therefore some matters are set out as broad areas of search, or criteria based policies within the broad urban regeneration strategy noted above. The Government is in the process of preparing National Development Management Polices (NDMPs) which will carry more weight than local plans or neighbourhood plans. We will need to keep the detailed development management policies under review and some of them may fall away when we prepare the Reg 19 Publication Plan in order to avoid duplication with NDMPs.

6.4. It is proposed that the Local Plan should cover the period 2025-45. In practice there is a great deal of emphasis on identifying specific deliverable sites for the first five years following adoption, with the ability to identify broad locations in later years. The Plan is about much more than housing, but a lot gravitates around the headline rate of housing growth (e.g. infrastructure needs, service needs, labour supply, school place and health care needs, environmental protections and mitigation etc).

6.5. Draft Local Plan chapters are summarised below and a link provided to the Local Plan Working Party text. It is proposed to edit the explanations to reduce the length of the document prior to consultation. The Plan has been drafted to accord with the Community and Corporate Plan and to reflect feedback from the Working Party. Although it is proposed to produce a new Local Plan covering the period 2025-45, many of the existing Local Plan's policies are still relevant, and as noted in earlier reports to cabinet remain broadly up to date. Whilst the whole plan has been updated, some of the later chapters for example on the natural and historic environment, design, waste and minerals are an evolution rather than a transformation of the previous Local Plan. The vision, strategy and housing policies have necessitated the greatest change due to the impact of the Government's housing targets. However, the overall spatial strategy remains similar to that adopted in the Torbay

Local Plan 2012-30, which also strongly promotes brownfield regeneration. The most significant change from the last Plan is that the Council's Town Centre Regeneration Visions and Accommodation Repurposing programmes, supported by a Regeneration Partnership, create a significant opportunity to deliver on the regeneration aspirations.

6.6. The Local Plan chapters and key issues are as follows:

1) Introduction and Vision. This sets a vision and key objectives for the Plan. It aligns the Plan closely with the Community and Corporate Plan and Town Centre Regeneration Visions, Torbay Story and Accommodation Repurposing/ Hotels to Homes programme. The Plan sets out a strong Presumption in Favour of Urban Regeneration and support for affordable housing. It sets out a target of 400 dwellings per year over the Plan period 2025-45. This is a minimum number and not a ceiling, should sustainable urban sites be available to exceed this figure. It is also proposed to deliver a minimum of 80,000 sq. m. (up to 28ha of employment land). It will be important to provide sufficient affordable housing and family homes in order to reduce the risk of labour shortages due to an aging population and falling numbers of younger people, whilst protecting the intrinsic qualities of the natural environment including the context of climate change, resilience and Torbay's status as a premier resort.

2) Spatial Strategy and Neighbourhood Area Policies. This chapter sets out a spatial strategy for Torbay focusing on a brownfield regeneration first approach, summarised in Figure 1 below. It provides area-specific proposals for the three main towns of Torquay, Paignton and Brixham as well as the Broadsands Churston Galmpton Villages (BCG Villages), and sets development targets for those areas, pursuant on achieving the Local Plan's overall level of growth. These targets have been derived from existing population levels, as well as an assessment of the environmental and infrastructure constraints and the previous Local Plan's strategy.

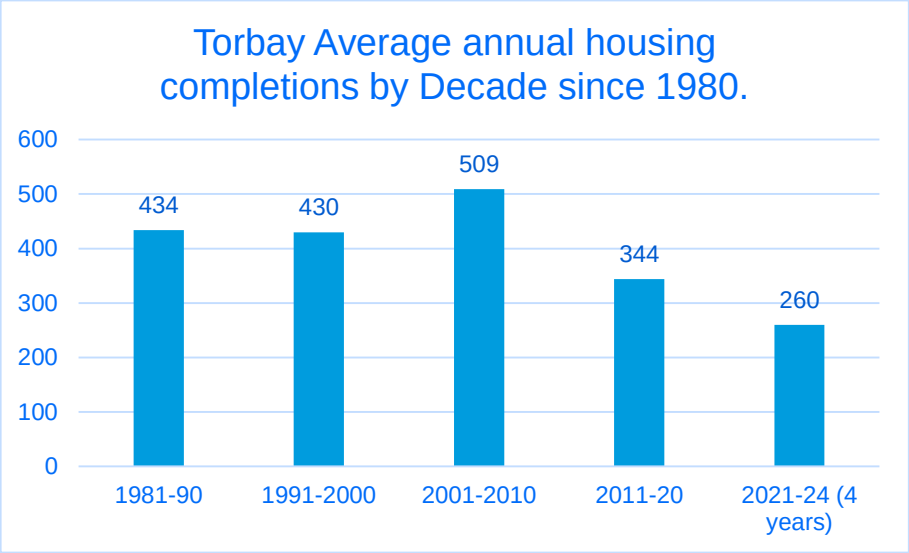
Figure 1 Recommended Local Plan Housing and Employment Targets by Neighbourhood Plan area.

	Proportion of Torbay at 2021 Census. (For information)	Annual Housing target	Over 20 years. 2025-45	Class E(g), B2,B8 Employment Uses. 2025-45
Torquay	50%	180	3,600	37,000 sq. m
Paignton	35%	170	3,400	37,000 sq. m
Brixham (Town Council area).	12%	20	400	5,000sq m
Broadsands, Churston and Galmpton Villages	3%	30	600	1,000 sq. m
Torbay	100%	**400**	**8,000**	**80,000**

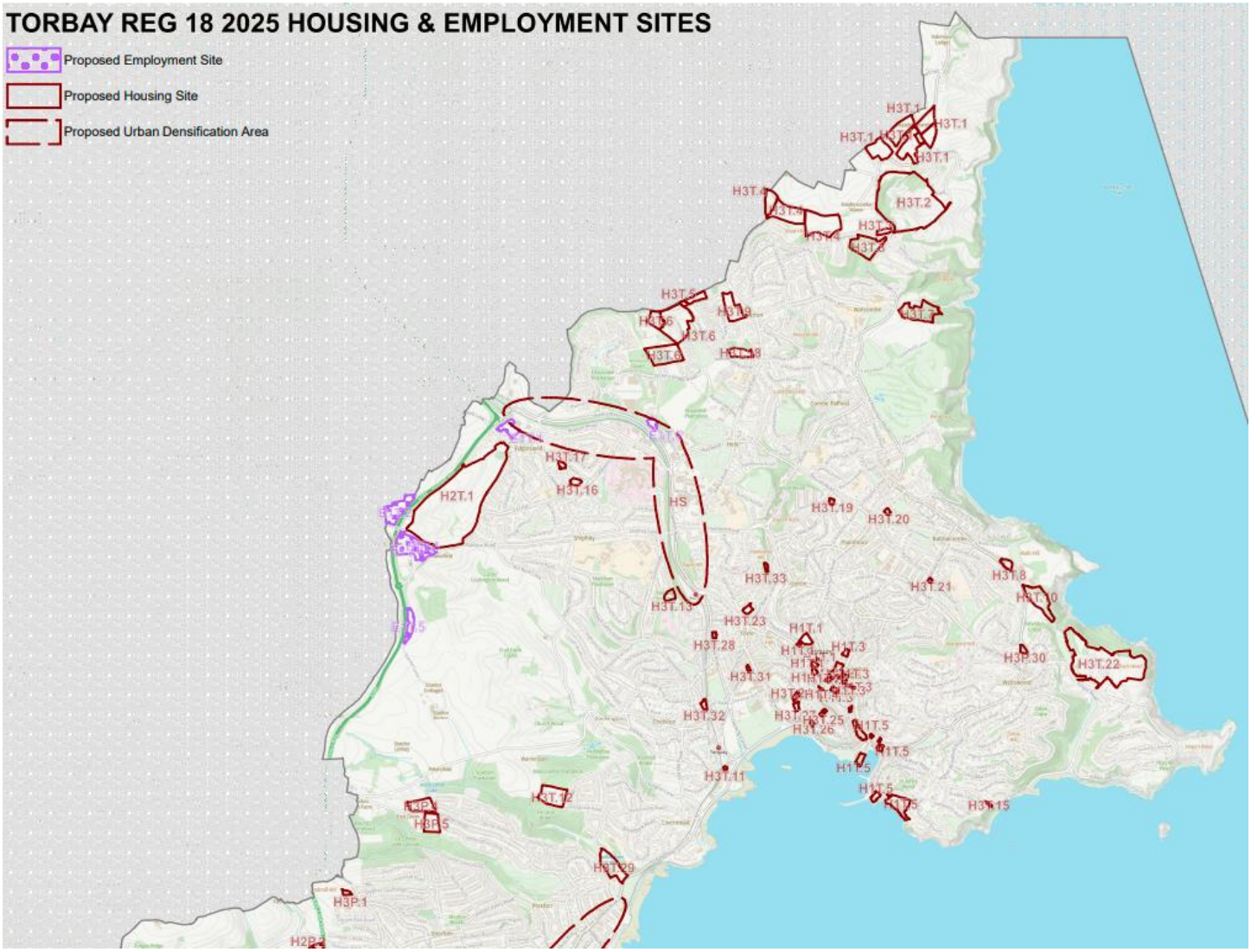
It is recognised that proposed development sites, and the overall growth level, are frequently the most controversial part of a Local Plan Consultation. The Local Plan contains a draft site allocations map to support the proposed development allocations that are needed to achieve a growth trajectory of 400 dwellings a year/ 8,000 dwellings over a 20-year plan period. Achieving this level of growth will be significant challenge.

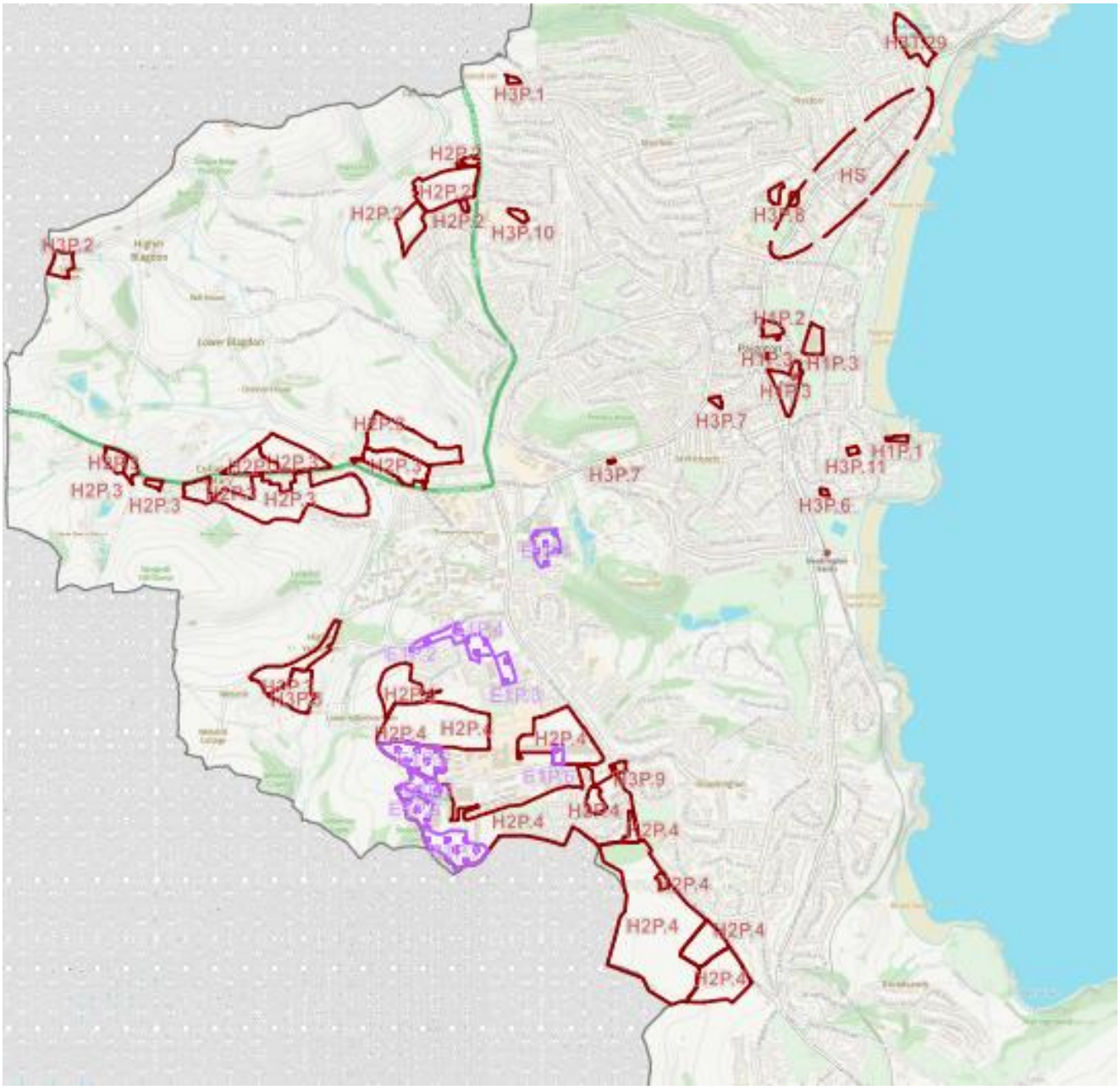
This figure is well below the Government's Standard Method Local Housing Need figure of 950 dwellings per annum (dpa). However, it is higher than the 300 dwellings a year proposed by the 2022 Housing Site Options consultation. It is also above the average of the past 5 years (260 dpa). The figure demonstrates our ambition to deliver more, whilst recognising the constraints and challenges locally.

The council's housing monitoring data is available back to 1980 and is summarised below. The long-term average number of homes recorded is about 420 dwellings per year. There was an increase in the 2000s but this has not been sustained since the financial crash of 2008. Broadly 400 dwellings a year represents a return the level of housing growth achieved in the 1980s and 1990s, but with a much stronger emphasis on urban renewal.



In terms of the distribution of development, the Local Plan focusses on Torquay and Paignton with a heavy push to increase development in town centres and the built-up areas. Other growth areas and broad locations are proposed particularly on the West of Paignton (see also chapter 3 Housing). A more constrained approach is taken to land to the Southeast (i.e. Brixham side) of Windy Corner, in recognition of the Brixham Peninsula's greater environmental and accessibility constraints. Nevertheless, some sites are proposed in the south of the BCG Villages and the Brixham area aimed primarily at meeting local needs. The sites and broad locations proposed in the map extracts shown below.


TORBAY REG 18 2025 HOUSING & EMPLOYMENT SITES
Proposed Employment Site
Proposed Housing Site
Proposed Urban Densification Area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Chapter 3 Housing Policies. Chapter 3 contains detailed housing allocation policies, summarised below. This seeks to achieve at least 400 dwellings a year. Central to this is the presumption in favour of brownfield regeneration and the council's accommodation repurposing ("hotels to homes" programmes"). It will also be important to safeguard employment land or achieve an improvement in employment prospects.

Policy	Figure 4 Potential Local Plan Sources of Housing.		
		Total (20-year plan)	**Per annum (20-year plan)**
H1	Torquay Town Centre Regeneration	600	
H1	Paignton Town Centre Regeneration	260	
H1	Brixham Town Centre Regeneration	50	
HS	Other brownfield regeneration including accommodation repurposing.	1,000	
HS	Torre Gateway Corridor (The Willows District Centre to Torre Station).	300	
HS	Preston Brownfield Cluster (within environs of the District Centre)	200	
H2	Future Growth Areas	1,800	
H3	Other allocated sites of 10+ dwellings	2,360	
NA	Windfalls (all non-major sites) at 120 dwellings a year	2,400	
	Total	8,970	448
	10% non-completion	8,073	403

The housing chapter also sets out policies on affordable housing thresholds, tenure mixes and guidance on onsite/offsite provision. It proposes to introduce a rural exceptions policy for considering affordable housing schemes that may come forward outside of the built-up area. The chapter also contains policies on specialist housing including for older people and Gypsies and Travellers.

Chapter 4 Economy, Tourism and Town Centres. This chapter deals with employment and seeks to allocate land to achieve a minimum of 80,000 sq. m. of (Class B2, B8 and E(G) employment land over the Plan period. The chapter also deals with Tourism policies. An updated Destination Management Plan will provide further advice on this. As part of the Local Plan review, Members have assessed Core Tourism Investment Areas (CTIAs). Key Waterfront and Harboursides, Babbacombe Downs and some of Belgrave Road areas remain designated as CTIAs. Outside of these prime areas, the Local Plan take a more flexible approach to allowing change of use away from tourism accommodation. The chapter also seeks to protect and support key tourism facilities and attractions. Finally, this chapter contains policies on retail and town centres. In accordance with the recommendation of the Town Centre Regeneration Visions, the Local Plan seeks to focus commercial activity in "Primary Shopping Areas" in parts of the town centres closer to Harbourside and Waterfront areas.

A key issue across this chapter is that national policy has greatly increased the scope of permitted development rights (subject to a slimmed down prior approval process), including the creation of an overarching Class E commercial use, and rights to change commercial premises into dwellings. The Local Plan seek to support commercial development, whilst recognising the limitations of planning control over commercial uses, and the realities of market pressures.

Chapter 5 Healthy and Sustainable Communities. This contains policies on public heath, sport and recreation provision, education and community facilities. Where proposed development generates the need for additional open space or sports provision, or affects existing facilities, improved or replacement facilities should be provided. An area of search for new cemetery provision is also identified, likely in the south of Torbay.

Chapter 6 Transport Vision, Hierarchy and Strategic Improvements This chapter contains a transport vision in line with the recently adopted Local Transport Plan, seeking to provide greater travel choices by increasing the network of active travel and public transport whilst unlocking development and supporting growth. It provides more detailed advice to support planning proposals.

Chapter 7 Infrastructure. This chapter sets out an infrastructure strategy and approach to prioritising S106 and CIL contributions (following the broad approach in the Planning Contributions and Affordable Housing SDP of prioritising contributions based on site deliverability, affordable housing and employment and broader sustainable development. The Local Plan will need to be subject to a Whole Plan Viability Assessment (which Three Dragons has been commissioned to carry out), and there is likely to be a need to scale back the unlimited “asks” on the development industry to render development viable. The Local Plan requires an Infrastructure Delivery Plan, which is closely related to the Planning Contributions and Affordable Housing Supplementary Planning Document. The Local Plan will support and update to the SPD and Community Infrastructure Levy Charging Schedule.

Infrastructure needs will have to be kept under review as the Plan progresses. At April 2025 housing delivery against the previous Local Plan target was 1,980 fewer dwellings than previously planned for since 2012. This leaves a level of infrastructure headroom, but also create problems, for example for school place and labour supply numbers. The key infrastructure challenges identified so far are in relation to Climate Change resilience measures especially in relation to water management and flood risk in chapter 8 below, the natural environment (chapter 9), and waste in Chapter 12.

Chapter 8 Climate Change, Flooding and Water Management.

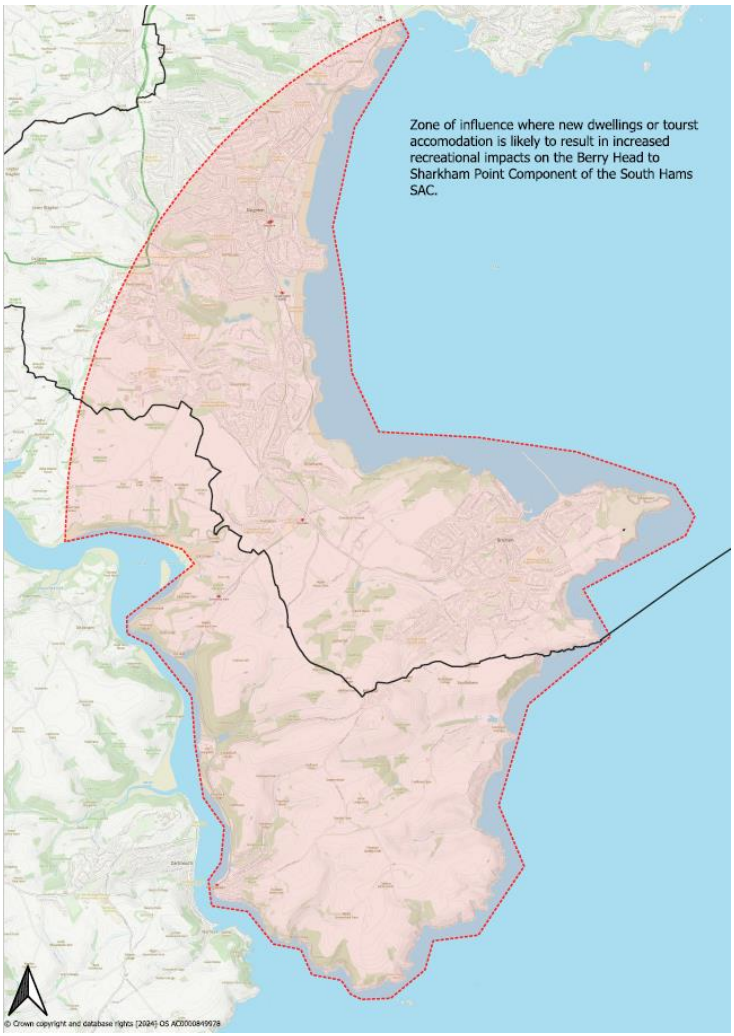
This section sets out a Net Zero and climate change adaptation/ resilience strategy. It proposes that all new homes built from adoption of the Plan should produce at least 75% fewer carbon emissions than required by 2013 Building Regulations standard. This will be achieved by higher fabric and energy efficiency standards, as well as heating sources that do not utilise fossil fuels and the installation of solar PV panels. The Chapter also contains policies on embedded carbon (in existing buildings), and guidance on heritage and climate change.

Parts of Torbay are vulnerable to flooding and climate change. The whole of Torbay is a Critical Drainage Area, with the exception of part of Maidencombe, which has no mains drainage. There is a legacy of shared sewers, which is a flooding, water management and Habitats Regulations

issue in relation to combined sewer overflows into the Marine Special Area of Conservation (SAC), especially at Hopes Nose. The Local Plan will be supported by a Strategic Flood Risk Assessment and Water Cycle Study. A schedule of costed flood mitigation measures will be included as part of the Local Plan's Infrastructure Delivery Plan. This includes Paignton and Preston Promenade coastal flood protection scheme as critical infrastructure to protect Paignton and Preston seafronts.

As well as physical infrastructure, there is a need to reduce water run-off through Sustainable Drainage measures. This is both a flooding issue and where combined sewer outfalls occur, has the potential to harm the Marine SAC.

Chapter 9 Landscape and the Natural Environment This chapter contains policies on the countryside, landscape , ecology , biodiversity and geodiversity. In terms of Torbay's natural environmental constraints, the south of Torbay is designated National Landscape (formerly AONB). The countryside around much of Torbay is within the Greater Horseshoe Bat sustenance zone, and also the Berry Head calcareous grassland 8 km zone of influence (see below).



Both of these issues relate to the South Hams Special Area of Conservation (SAC). The Local Plan identifies a need for Suitable Alternative Natural Greenspace (SANG), active management and dog-friendly facilities in order to reduce pressure on the Berry Head grassland, which is part of the SAC designation. Delivery of homes or holiday accommodation in the south of Torbay requires a positive strategy to manage likely significant impacts on the South Hams SAC. This is a critical soundness measure for the Local Plan (and for allowing new homes or holiday accommodation in the south of Torbay.

Chapter 10 Historic Environment This chapter sets out policies on designated heritage assets (listed buildings etc) and for conservation areas. It seeks to preserve and enhance Torbay's historic environment as an asset for regeneration.

Chapter 11 Design and Development This Chapter sets out policies on good design, including reference to taller buildings, where appropriate.

Chapter 12 Waste and Minerals Chapter 12 Waste and Minerals.pdf The Waste and Minerals policies in the previous Local Plan remain largely up to date. They set out a waste hierarchy of reuse and recycling to reduce the amount of waste going to landfill and help to achieve municipal recycling targets.

The Local Plan continues to identify Yalberton and Yalberton Tor Quarry for Waste Management purposes. It allows consideration of proposals to support the existing material recycling facility (MRF) including provision for waste and recycling collection vehicles. The Plan also seeks to ensure that Yalberton Road is not sterilised from waste related activities by allowing residential development to encroach too close to it e.g. at Berry Acres.

An implementation and monitoring section will need to be added for the Publication Plan following consultation.

7. Options under consideration

7.1. This report recommends launching a consultation on the draft Local Plan.

7.2. The Council previously consulted on Local Plan Growth Options (January-February 2022) and Housing Site Options in January (October-December 2022). Prospective sites and policies have been considered by the Local Plan Working Party whose conclusions have been used to prepare a Draft Local Pan.

7.3. Although we are proposing to consult on a full Draft Local Plan, the Regulation 18 stage is often called an "issues and options stage". The next stage, i.e. Regulation 19 Publication Stage proposed for Summer 2026 is a more formal consultation focussed on soundness and legal compliance issues.

7.4. Cabinet approved the Local Development Scheme in February 2025 which sets out a roadmap to preparing a Local Plan, and different consultation options. Decision - Local Development Scheme (Local Plan Timetable) .

7.5. Delaying the consultation until 2026 would allow a more finished product to be consulted on. However, this will shorten the timescales and risk missing the Government's December 2026 deadline for submission. This would mean starting the Local Plan again under the Levelling Up and Regeneration Act (2023) new style plan system. Secondary legislation for this has not yet come into force for this.

7.6. Whilst the Council could decide to delay plan making until the new system comes into force. As noted, this would impose significant additional delay and increase the risk of speculative planning applications and costs at appeal. Moreover, the Secretary of State is likely to intervene and direct Torbay Council to consult on its draft Plan (or even take over Plan making); both of which would cause reputational damage to the Council.

8. Financial Opportunities and Implications

8.1. The Local Plan is the legal starting point for determining planning decisions. It also contains policies for Section 106 Obligations and provides the basis which Community Infrastructure Levy may be sought.

8.2. Without an up-to-date Local Plan, there is increased risk of a Planning Inspector considering that a planning refusal (particularly for housing) is unreasonable and awarding costs against the Council at appeal.

8.3. Unless it makes progress on submitting a Local Plan, the council may be treated less favourably in infrastructure bidding.

8.4. There is a significant revenue cost to preparing a Local Plan. Research by the RTPI in 2021 suggested that the cost for a medium size authority such as Torbay was in the region of £1-1.5 million Planning for a better future | Championing the power of planning. Existing budgets are under pressure and are unlikely to be sufficient to meet the full costs through to adoption. In 2024/25, Torbay received a grant from government to directly support the adoption of a Local Plan (£221k). This is provided brief respite to the budget pressures, but it is not clear whether that grant payment will be repeated in 2025/26 or beyond. MHCLG recently hinted that additional support may be offered, dependent on the forthcoming Budget.

8.5. As noted, the Council has been awarded additional funding to deliver the Local Plan, and unless it is able to demonstrate progress towards a December 2026 submission, may be called upon to repay this to MHCLG.

9. Legal Implications

9.1. The Local Plan is governed by legal requirements, set out in various Planning Acts and secondary legislation. The Local Plan is being prepared under the Planning and Compulsory Purchase Act 2005 (as amended) and Local Planning Regulations 2012. The National Planning Policy Framework (NPPF) has legal force for Plan Making. In particular the Presumption in Favour of Sustainable Development at paragraph 11 (a-b) and the tests of Soundness at Paragraph 36 will be used to assess the Local Plan at Examination.

9.2. The Local Plan must be supported by other documents including a Sustainability Appraisal (SA), Habitats Regulations Assessment, Duty to Cooperate statements from neighbouring authorities and statutory consultees.

10. Engagement and Consultation

10.1. The Local Plan is subject to several stages of consultation, specified in the Local Planning Regulations 2012. The Local Plan will be supported by a Statement of Community Involvement setting out how consultation on the Local Plan has been achieved. There is a requirement for engagement with neighbouring authorities and consultants (especially Natural England, Historic England and the Environment Agency) under the Duty to Cooperate.

10.2. As set out in the main report, Cabinet approval is sought to consult on the draft document, prior to preparing a Publication Version (Regulation 19) version of the Plan.

10.3. Engagement will take place with residents and stakeholders, including statutory consultees from 28 November 2025 to 26 January 2026. This follows the previous Regulation 18 options consultations which took place from 10th Jan 2022 – 28th February 2022 and 28th October 2022 – 5th December 2022.

11. Procurement Implications

11.1. Local Plans need to be supported by an extensive evidence base, some of which has already been procured. The Planning Inspectorate indicates that evidence should have been prepared or updated within two years of submission. So a significant amount of the Plan's background evidence will need to be updated in 2026. The Local Plan also requires an online consultation platform capable of meeting Planning Inspectorate requirements for managing consultees. The Local Plan also requires a Policies Map which sets out proposals and designations, which is currently being procured.

12. Protecting our naturally inspiring Bay and tackling Climate Change

12.1. The Presumption in Favour of Sustainable Development requires local plans to promote a sustainable pattern of development that seeks to meet the development needs of an area, align growth and infrastructure, improve the natural environment, mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.

12.2. Whilst several policies in the Local Plan refer to climate change, Chapter 8 of the Local Plan sets out specific policies relating to climate change. The need for positive management of greenspaces and particularly the South Hams SAC is a key green infrastructure challenge of the Plan.

12.3. Meeting the full Standard Method Local Housing Need figure of 950 dwellings a year (plus 20%) would cause substantial damage to Torbay's natural and historic environment, and result in serious flood risks. The proposed growth rate of 400 dwellings a year is challenging and represents the figure that officers consider to be the most that can be achieved within environmental limits.

12.4. The Local Plan has a legal requirement to be accompanied by a Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA) and Equality Impact Assessment (EqIA) . These Assessments help decision makers understand the potential consequences of allocations or polices within the plan and will also be available during the consultation period. The need to identify a Suitable Alternative Natural Greenspace (SANG) and positively manage the South Hams Special Area of Conservation (especially the calcareous grassland at Berry Head) is a critical green-infrastructure requirement of the Plan.

13. Associated Risks

13.1. Corporate Risk 49 identifies failure to have an up-to-date plan in place as a moderate risk. Delivery of the Local Plan also helps mitigates the following risks: SERS H05

(accommodation repurposing programme, H02 (the council's new build programme), CP48 (town centre regeneration projects), and SERSPM 01 (biodiversity net gain).

13.2. There are likely be public objections to some of the housing and other development allocations. This stage of consultation is an opportunity for people to "have their say" on a draft Local Plan proposal. It is not the Council saying "this is the right option".

13.3. The risk of not updating the Local Plan is that the Government could directly take over Plan making, or commission private consultants to prepare a Plan. This is unlikely in the case of Torbay, as some other LPAs have made far less progress with Plan preparation. However, the Government has indicated that it "will not hesitate" to use its powers to take over plan making if need be. The housing minister has recently used his powers to direct councils to proceed with draft Plan consultations. A more likely outcome of refusing to update the Local Plan would be the withdrawal or non-renewal of regeneration and affordable housing funding.

13.4. Where a local planning authority does not have an up-to-date development plan, it is subject to the presumption in Favour of Sustainable Development. This leads to an increased likelihood of housing applications being approved at appeal.

13.5. The proposed timetable to reach Submission stage by December 2026 is very tight, and delays to the process will risk the Plan not being ready to submit by this date. However, the Government is pushing councils to get an up-to-date plan in place, and is demonstrating pragmatism to support them achieving this. Delaying the Plan to a "new style" Local Plan under the Levelling Up and Regeneration Act risks trying to develop a Plan in a less supportive environment.

14. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	Boosting the supply of housing will benefit younger people who are increasing unable to afford housing. Engaging with younger people in the Local Plan is a significant challenge.	Consultation will be focussed upon reaching as wide a demographic as possible. This includes: NHS staff news Torbay staff news Weekly One Torbay Newsletter Press release Social media campaign Three Engagement in person events (one in each three town). Agents Forum DRP Planning Newsflash	Spatial Planning: As part of the consultation process.
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	Boosting housing numbers will provide opportunities for adapted housing and specialist housing to help those with care needs and responsibilities.	NHS staff news Torbay staff news. The Local Plan seeks to maximise the provision of affordable housing and make best use of	Spatial Planning,

		Engagement with working age people, other than those raising a site-specific objection is often a challenge. A shortfall below need will put additional pressure on the housing stock, which may impact people with care needs or responsibilities.	urban regeneration sites to provide specialist housing. The Local Plan also promotes a minimum level of adapted and accessible homes (M4(2) and M4(3) and other community facilities.	
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	The Local Plan provides opportunities to provide improved facilities and accommodation for people with additional health needs.	Documents provided in accessible formats. The Local Plan seeks to maximise the provision of affordable housing and make best use of urban regeneration sites to provide specialist housing. The Local Plan also promotes a minimum level of adapted and accessible homes (M4(2) and M4(3) and other community facilities.	
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact.	None required	NA

Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.		There is no differential impact in terms of consultation.	NA
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	Increasing housing supply is likely to help people start a family and get on with their lives.	See comments above about seeking as wide a range of responses as possible.	
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	The need to identify transit pitches for Gypsies and Travellers has been identified. The current Gypsy and traveller accommodation Needs Assessment (GTAA) needs to be updated as part of the Local Plan supporting evidence.	Consultation with the Devon Traveller Lead	
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is limited differential impact. The Local Plan contains policies for community facilities including religious spaces. The Local Plan identifies the need to provide additional cemetery spaces and associated ceremonial spaces and sets out an area of search for such facilities.	Engagement with faith groups.	

Sex	51.3% of Torbay's population are female and 48.7% are male	There is evidence that a shortage of affordable housing affects women disproportionately, although people of all genders will benefit from boosting housing supply.	There is no differential impact in terms of consultation.	
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact	Non required.	
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	Former service personnel have additional access to affordable housing – managed through Devon Homes Choice (rather than directly through planning).	Torbay is part of the Armed Forces Covenant Consult with armed forces lead (Will Harris). Former service personnel have additional access to affordable housing – managed through Devon Homes Choice.	
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		The intended outcome of the Local Plan is to support economic growth and in particular the town centre regeneration visions and to improve provision of affordable housing and community facilities.	Seek to encourage responses from groups who would benefit from regeneration.	
Public Health impacts (Including impacts on the general health of the population of Torbay)		Providing decent housing has a significant impact on health. There are significant health differentials between the most and least affluent areas in Torbay. The Local plan requires the provision of public open space and opportunities for active travel.	Because Torbay is reaching its environmental limits development above 400 dpa would impact on the natural environment, which is a major source of people's wellbeing. Even 400 dwellings per year will	

			have significant challenges. The Local Plan needs to reach a trade-off between some level of environmental impact and meeting people's needs.	
Human Rights impacts		No direct differential impact.	See actions above in relation to specific groups with protected characteristics.	
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	The Local Plan provides an opportunity to seek to meet housing and economic needs. Maximising the provision of affordable housing one of the most significant ways in which child poverty can be reduced. The Local Plan contains policies seeking to provide affordable housing and to incorporate local training agreements into commercial development.	See consultation measures above. Contact with schools and Soth Devon College.	

14.1 The Local Plan will be supported by a more detail Equalities Impact assessment. But broadly speaking the more the Plan can do to boost the delivery of homes, particular affordable housing in sustainable locations, the greater its beneficial benefit on equalities matters will be.

15. Cumulative Council Impact

15.1. The Local Plan will affect areas of the Council's services operations that have a land use planning implication. This includes (but is not limited to) town centre regeneration, accommodation repurposing, housing, adult social services, highways and sustainable transport, climate emergency and environmental protection. The Local Plan has been drafted to support delivery of the Community and Corporate Plan objectives.

16. Cumulative Community Impacts

16.1. The Local Plan will affect everyone who is affected by land use planning decisions.

16.2. The Local Plan sets a framework for Neighbourhood Plans. Torbay has baywide coverage of neighbourhood plans and Torquay Neighbourhood Forum and Brixham Town Council are preparing updated neighbourhood plans. These will need to be in general conformity with the Local Plan's strategic policies. Neighbourhood plans gain additional weight (under paragraph 14 of the NPPF) where they contain policies and allocations to meet their identified housing requirement. This is usually set by the strategic policies in the local plan.

Appendix 1: Planning Inspectorate Local Plan Examination Checklist

This is a summary of the Planning Inspectorate's Checklist of requirements for Local Plans Prepared under the Planning and Compulsory Purchase Act 2004[2]

1. Practical arrangements for the examination

Programme officer: Appointment of as suitably experienced and qualified Programme Officer, appointed at least one year prior to examination.

Examination website: An examination website, that complies with PINS guidance[3], operational shortly after the plan has been submitted for examination.

Venue for hearings: A suitable venue available for the examination hearings. A video conferencing platform such as Teams for virtual hearings.

LPA staff and resourcing: Sufficient staff and resources, including consultancy or specialist support, available for a period of at least one year.

2. Legal requirements

Local development scheme: Showing that the plan was prepared in accordance with the required timetable.

Public consultation Statement: Showing that plan preparation took place in accordance with the statement of community involvement.

The Duty to Cooperate: **Duty to Cooperate Statement** and signed **statements of common ground** with all other relevant LPAs and prescribed bodies demonstrating that it engaged constructively, actively and on an on-going basis in relation to strategic matters. Duty to Cooperate Statements identify:

- The strategic matters[4] that needed to be addressed during the preparation of the plan?
- The LPAs and other prescribed bodies that were engaged with and how this took place.
- The main areas of agreement and any areas of disagreement.
- Any relevant LPAs or precribed bodies with whom DTC statements have not yet been agreed and signed.

Sustainability appraisal and Non Technical Summary.

A Sustainability Assessment is required setting out how the Local Plan was informed throughout its preparation by a sustainability appraisal. The SA should set out and assess:

- The plan's objectives
- Its relationship with other plans
- Baseline environmental data
- A consistent methodology for assessing options.
- the likely significant effects on biodiversity, health, climate, heritage
- proposed mitigation measures.

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[2] Pre_Examination_checklist_for_full_local_plans.docx

[3] https://www.gov.uk/guidance/local-plan-examination-webpages-advice-for-local-planning-authorities

have a significant impact on a county matter [section 33A(4) of the 2004 Act].

- Reasonable alternatives, including spatial strategy and housing requirements, using consistent methodology. This should also include a "do nothing" scenario where the Plan is not implemented.

Habitat regulations assessment

A habitat regulations assessment of the Plan under the Habitats Regulations 2017 which considers the likely significant effects of all the development proposed in the Plan (in combination with other relevant plans and projects) on relevant habitat sites and species in the plan area and elsewhere[5]?

Climate change

A statement of how the plan includes policies designed to secure that the development and use of land in the planning authority's area contributes to the mitigation of, and adaptation to, climate change.

Regulation 22 consultation statement

A consultation statement setting out:

- Statement of who was invited to make representations on the plan at Regulation 18 consultation stage, summary of representation and how they were taken into account.
- The number of representations made under Regulation 20 (i.e. consultation on the regulation 19 Publication Plan), and a summary of the main issues raised in those representations.
- A summary all of the main issues raised in representations made under Regulation 20 and the Council's response.

Copy/ Database of Representations

All of representations made under Regulation 20 (Publication Plan consultation) should be formatted and referenced. These should be ordered alphabetically by representor name and posted on the Examination website in a downloadable format. (Note that ordering by subject is also necessary).

3. Plan content and evidence

Full suite of up-to-date evidence-based documents. PINs procedural guidance (1.19) is that assessment of need must have been undertaken or updated no more than two years before the submission date of the plan. Copies of all supporting documents should be provided for the examination.

Statement s of the Plan's

- Strategic priorities for the development and use of land in the area. These should look forward at least 15 years from the proposed adoption date.
- What development plan policies will be superseded by the new plan.
- The plan period

Housing requirement

Does the plan include a minimum housing requirement figure that meets or exceeds local housing need calculated using the standard method in national planning practice guidance? If **NO**: A statement showing

[5] Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

how the Presumption in Favour of Sustainable development tests have been applied and options taken to boost housing supply.

Housing land supply and trajectory

A housing trajectory showing a sufficient supply and mix of sites (to ensure that the minimum housing requirement can be met) comprising:

a. Specific, deliverable sites for five years following the intended date of adoption[6]?
b. Specific, developable sites or broad locations for growth for the subsequent years 6-10 and, where possible, for years 11-15 (following adoption)?

Up-to-date evidence to demonstrate that each site that makes up the land supply identified in the plan is "deliverable" and "developable", along with a trajectory for completion.

Affordable housing

Up-to-date evidence on affordable housing need?

Gypsies and Travellers

Up-to-date evidence to establish the accommodation needs of gypsies and travellers and travelling showpeople.

Pitch targets for gypsies and travellers and plot targets for travelling show people including a 5-year supply of deliverable pitches and deliverable pitches/broad locations for years 6-10 and 11-15.

Economic development

Up-to-date evidence on the the need for additional floorspace for industrial and storage/distribution uses for 15 years post adoption.

Up-to-date evidence of the need for additional floorspace for office, retail, and leisure uses looking at least 10 years ahead. Statement of how the land identifies sufficient land to meet the identified need for additional employment, retail etc. needs.

Site selection methodology

Statement explaining how the allocations (for housing, economic development and other uses as relevant) were chosen and other potentially reasonable alternative sites not chosen.

Viability

Up to date viability assessment carried out in accordance with national planning practice guidance.

Flood risk

An up-to-date level 1 strategic flood risk assessment.

Where the plan allocates any sites for housing or economic development that are within areas at risk of flooding:

- An up to date **Level 2 flood risk assessment**.
- Up to date evidence that the sequential test has been applied.
- Up to date evidence that the exception test has been applied.

Transport

Up to date evidence assessing the individual and cumulative impacts of the development proposed in the plan on highway safety and the road network?

Infrastructure
Up-to-date evidence about the new or improved infrastructure required to facilitate the development proposed in the plan.

Biodiversity
Up-to-date assessing the impacts of the development proposed in the plan on biodiversity.

Landscape
Up-to-date, adequate evidence assessing the impacts of the development proposed in the plan on the landscape?

Historic environment
up-to-date evidence assessing the impacts of the development proposed in the plan on the historic environment.

Other soundness issues
Identification and assessment of any other soundness issues raised in representations made under regulation 20 that could potentially require a significant amount of work to address during the examination.

TORBAY COUNCIL

Draft Torbay Local Plan 2025-45:
A Landscape to Thrive

Regulation 18 Draft Plan. November 2025

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Chapter 1: Our shared vision - A healthy, happy and prosperous Torbay

Introduction

The scope of this Plan

1.1 This is the draft Local Plan for Torbay. It is a Plan for growth, within environmental limits, and strongly promotes regeneration and modernisation of the built-up area. It seeks to minimise damage to the natural environment and to provide resilience to the effects of Climate Change whilst reducing carbon emissions.

1.2 The Plan contains a strong Presumption in Favour of Urban Regeneration and support for affordable housing. It seeks to achieve an average of 400 dwellings per year over the Plan period 2025-45. This is a minimum number and not a ceiling, should sustainable urban sites be available to exceed this figure. It is also proposed to deliver a minimum of 80,000 sq. m. (up to 28ha of employment land). It will be important to provide sufficient affordable housing and family homes in order to reduce the risk of labour shortages: this theme is noted in the Community and Corporate Plan. Members have also agreed broad policy principles on Climate Change and Tourism for inclusion on the draft Local Plan.

1.3 The Plan is not intended to be a sales-pitch document. However, it seeks to implement and provide a positive planning framework to implement other key visions and strategies in particular:

- The Council's Corporate and Community Plan 2023-43
- The Torbay Story
- The Housing Strategy
- Regeneration and "Hotels to Homes" programmes.

1.4 When adopted the Plan will form the legal starting point for determining planning applications and related proposals in Torbay. Decisions are still subject to other material considerations, especially those set out in the government's National Planning Policy Framework (NPPF, currently December 2024), Planning Practice Guidance (PPG) and National Development Management Policies.

1.5 This plan will replace the Torbay Local Plan 2012-30. It covers the period 1st April 2025-31 March 2045. But realistically, the Plan will require a review five years from adoption.

This version of the Plan is the “Regulation 18” draft plan. This means that it is at an early stage of consultation where people’s views can be considered. It builds on, and fleshes out, the January 2022 Growth Options consultation and the October 2022 Housing Site Options consultations.

1.6 Local Plans are prepared within the strict parameters and legal framework that the government sets. These are set out in Legislation but also the National Planning Policy Framework National Planning Policy Framework - GOV.UK and accompanying planning practice guidance.

1.7 The Local Plan is required by planning law to promote sustainable development (S39 of the Planning and Compulsory Purchase Act 2004), and this means applying the Presumption in Favour of Sustainable Development in Paragraph 11 of the Framework. Although the “Regulation 18” stage is a chance to “have your say” the council has to follow planning law and guidance.

1.8 Comments made on the draft Local Plan will be used to compile a “Regulation 19” Pre-Submission Plan, which we intend to consult on in Summer 2026. The Regulation 19 consultation is often called a “preferred option” because it set out what the council consider to be a sound Plan. Consultation on this is much more restricted to whether the Plan meets its legal requirements or the “Tests of Soundness” set out in paragraph 36 of the NPPF. It is intended to submit the Local Plan to the Secretary of State for Examination before the end of 2026. Further information can be set out in the council’s Local Development Scheme Local Development Scheme - Torbay Council

Challenges for the Plan

1.9 Torbay faces significant challenges but also opportunities. We need to be realistic and acknowledge that Torbay has a significant need for development, but limited space or environmental capacity to grow, and limited viability to support its infrastructure and other needs.

1.10 There is a very high Local Housing Need figure as calculated by the government’s Standard Method, which changes twice a year but currently sits at 950 dwellings a year. This is more than Torbay has ever delivered, and there is limited viability for housebuilding. Nevertheless, Torbay has a very significant need for affordable housing (at least 1800 households on the waiting list for rented housing, not counting the demand for intermediate homes), and is one of the most deprived areas in the South West. The government’s clear commitment to boosting housing supply and support for regeneration provides a once in a generation opportunity to kick-start urban regeneration and economic recovery.

1.11 Torbay has a significantly ageing population and need s to plan for the implications of this. It needs to encourage a younger demographic, particularly working age families, as well as provide for the needs of older people. This will be important to meeting Torbay's economic regeneration goals.

1.12 Torbay fantastic environment is its Unique Selling Point. It is justly branded the English Riviera, with a world class tourism offer. It has glamour, high profile businesses, beautiful marine setting and internationally important environmental assets. This is accompanied by a rich historic environment dating back to prehistoric times. Torbay faces challenges arising from Climate Change and a need to achieve Net Zero. Development is likely to impact upon the South Hams SAC and the Lyme Bay and Tor Bay Marine SAC, and this needs to be mitigated. Torbay's best asset is its spectacular environment, and it is vital that development does not erode that. Hence the need to double down on urban regeneration and focus growth in the built-up area. Including building upwards where necessary and feasible.

1.13 Like the previous Torbay Local Plan, this is a Plan for growth within environmental limits, but the above seeks to be realistic about the scale of the challenges and the scope of a Local Plan to contribute to solutions. The solutions are wider than planning and it is critical that the land use framework supports the council's wider regeneration programmes.

1.14 The previous Local Plan 2012-30 contained a longer section on Torbay's natural beauty, and expounding on the opportunities for Torbay. Whilst not discounting these, the current Plan seeks to be focus more concisely on policies relevant to determining planning applications and governing land use. This is in the interest of a shortened more planning focussed plan and also recognises that the Torbay has other detailed visions and masterplans that provide a framework for what the Plan needs to achieve, always within the legal parameters set by central government.

The National Planning Policy Framework (NPPF)

1.15 The NPPF has a legal weight in Plan making. councils are required by law to prepare a local plan and to seek to achieve sustainable development. Key to this are the Presumption in Favour of Sustainable development at paragraph 11 (a-b) of the NPPF and the Tests of Soundness (Paragraph 36). The NPPF sets out what Local Plans should include:

> **15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing**

other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

16. Plans should:

(a) be prepared with the objective of contributing to the achievement of sustainable development (legally required under S39(2) of the Planning and Compulsory Purchase Act 2004).

(b) be prepared positively, in a way that is aspirational but deliverable;

(c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

(d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

(e) be accessible through the use of digital tools to assist public involvement and policy presentation; and

(f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

17. The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area.

There is an expectation that Local Plans should be strategic in nature and should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for:

a) homes (including affordable housing), employment, retail, leisure and other commercial development;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

> **c) community facilities (such as health, education and cultural infrastructure); and d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.**

1.16 The NPPF is supported by online Planning Practice Guidance. The Levelling Up and regeneration Act 2023 allows the Secretary of State to publish National Development Management Policies (NDMPs) which when published will take primacy over local plans where they are in conflict.

1.17 Within these parameters, there are important local documents, visions and blueprints that the Local Plan seeks to support and ensure that land use decisions are aligned with meeting these community and corporate goals.

The Torbay Community and Corporate Plan 2023-43

1.18 The Corporate and Community Plan sets out the council's Vision, Objectives and Priorities, and to provides the strategically grounded foundation for everything the council does. This includes informing strategic, operational strategies, plans and policies including the Local Plan.

> **The Corporate and Community Plan perceptively states: "Despite everything that is fantastic about Torbay, we know that we face challenges and that some parts of the Bay suffer from nationally significant levels of poverty. There is huge potential, and this Plan brings together the interlinked priorities we need to address to make Torbay a happy, healthy and prosperous place for our whole community".**
>
> **The Plans' Vision Statement is:**
>
> **We want to see a healthy, happy and prosperous Torbay.**
>
> **Torbay is a glorious part of Devon with an inspiring natural environment. We are a magnet for tourists and known as the English Riviera. We are home to globally significant technology businesses and have a rich leisure and cultural scene.**

> **We want to deliver for our people and our place. We know we have challenges, but we have high aspirations. By continuing to work closely with our communities and partners and capitalising on our strengths, we want make Torbay a great place to do business – a place where everyone is able to live their best life.**
>
> **A healthy, happy and prosperous Torbay for all.**
>
> **To achieve this the Corporate and Community Plan identifies three strategic themes, all of which are relevant to the Local Plan:**
>
> - **Community and People**
> - **Pride in Place**
> - **Economic Growth**

1.19 Land use planning policies are integral to Pride in Place and play a substantial role in community and people and achieving economic growth. Therefore, it is worth quoting from the Corporate and Community Plan at length on these objectives.

Community and People

1.20 On the face of it, the community and people objectives contain matters that go beyond land use planning. However, “Putting all of our residents at the heart of everything we do” means that the Plan will need to try to reach out to all sections of the community.

1.21 Providing all residents with a safe home in a thriving community means building homes as well as improving the stock of existing accommodation. The Community and Corporate Plan specifically identifies children and older people, and the need to ensure that town centres are safe and welcoming for all. Measures set out within the Community and People Theme include reducing the difference in age expectancy between the most deprived wards and the least deprived, and reducing the number of children living in the 20% most deprived areas. Supporting regeneration, ensuring access to active travel opportunities, open space, fresh food, education facilities are all key matters for the Local Plan.

Pride in Place

1.22 The Pride in Place objective is entirely development plan related. It refers to the provision of affordable housing, place-making and protection of our environment. It entails

regeneration, improved connectivity, and renewal of town centres and investment in the public realm, including waterfronts, residential areas, places of work and town centres. Increased town centre living is proposed.

1.23 The objective undertakes to protect Torbay's cultural heritage and address the Climate Emergency and reduce waste.

1.24 There will be more good quality, affordable and permanent properties that people, including those who are vulnerable or care experienced, can call their home. We will work with landlords and developers to maximise the use of suitable housing stock, including social housing, and create decent accommodation across Torbay. We want this to be an even better place for people to live in whilst protecting our environment.

1.25 In delivering our Housing Strategy, we will work to deliver a diverse choice of housing for our residents that meets every stage of life and lifestyle – homes that are safe, warm, fit for purpose and more environmentally friendly. Where appropriate, we will consider proactive intervention in the housing market. We will continue to protect homeless households and those threatened with homelessness, whilst putting an end to street sleeping.

1.26 We will work to get the basics right, so that our town centres, seafronts and residential areas are clean, safe and well-maintained. Alongside this we will also deliver an ambitious programme of investment across Torbay – improving the public realm, reshaping the town centres, increasing town centre living, improving connectivity – to bring confidence, employment and homes for our community.

1.27 We will celebrate and protect the places that make Torbay special, maximising the cultural, heritage and event opportunities for our residents and visitors alike. Working in partnership we will continue to address the climate emergency so as to create a sustainable future. Continuing to implement our Resource and Waste Management Strategy will see us working with our communities increase our recycling rate and reduce the amount of waste sent for energy recovery and disposal.

1.28 The outcomes we want to see:

- Enhanced high streets that attract long-term tenants and an increased number of visitors.
- An enhanced and coherent culture, heritage and events offer with increased engagement and participation.
- Increased customer satisfaction with our parks, green spaces and streets
- More equitable access to warm, healthy, affordable homes for all people in Torbay

- Younger, skilled people are attracted and retained to live and/or work in Torbay
- Increased customer satisfaction with the council's planning service
- Increased resident satisfaction with the local area
- How we will measure progress:
- Delivery of town centre regeneration programmes
- Net additional homes provided
- Number of affordable homes delivered
- Number of social rented housing available
- Cultural participation
- Percentage of people who are economically active in Torbay
- Number of Resident Satisfaction Survey respondents who very or fairly strongly feel satisfied with their local area as a place to live (raw data)

Economic Growth

1.29 The Community and Corporate Plan seeks to improve employment and learning opportunities, to attract investment, and improve economic performance. The need to boost affordable housing, transport links and local training opportunities are important elements in supporting economic growth.

1.30 We will attract, retain and grow our economic specialisms so we have growth which builds on our reputation. There will be good employment and learning opportunities that enhance the potential for our residents and our communities. Residents will be able to access those opportunities because of the improved connectivity to, from and within Torbay.

1.31 Torbay is looking to the future and reaching out to collaborate, attract more investment and make the most of the considerable assets and opportunities it has. We will make the most of government and private sector investment, with the voice of business being heard as we move forward with our plans.

1.32 We want to create the conditions for a strong and sustainable economy that supports a diverse mix of industries and jobs that inspire, providing equality of opportunity. We will support businesses to flourish and grow as well as attracting new businesses to the Bay. In addition, we will work with our stakeholders to ensure that roles in key sectors such as tourism and health and social care are viewed as positive opportunities.

1.33 In delivering our Economic Growth Strategy, we will work with our partners, including those across the South West, to improve economic conditions and, in doing so, help

businesses to improve performance – creating new opportunities for residents, tackling poverty and improving health outcomes. We know that, to retain and attract the workforce that Torbay needs, we must have sufficient affordable housing and a sufficient supply of employment to accommodate growth and inward investment.

Our Priorities

1.34 We will:

- Encourage aspiration, providing opportunities for everyone to raise their skill level, particularly in high value careers.
- Drive training opportunities across all sectors to empower people to improve their skills.
- Improve transport links to and within Torbay.
- Develop a year-round economy.
- Increase the amount of full-time employment opportunities within Torbay.
- Focus on inclusive growth, with opportunities which benefit everyone.

1.35 The outcomes we want to see:

- Established pathways for young people, including those with special educational needs and/or disabilities (SEND), and unemployed to employment opportunities with skills levels moving toward national averages.
- People have better transport and digital connections to jobs and amenities.
- Vacancy rates falling year on year with business reporting they can find talent.
- Improved productivity in Torbay which closes the gap compared to the national data.
- The number of businesses and jobs in Torbay increases.
- Better balance of full-time to part-time opportunities.
- Targeted approach to inward investment which attracts new high- tech companies.

The Torbay Story

1.36 The Torbay Story is a strategic initiative aimed at transforming Torbay's prospects whilst celebrating and enhancing its glorious natural assets and heritage. The Torbay Story is the Torbay Place Leadership Board's springboard to promote investment, regeneration,

and community development across Torbay. The initiative encourages collaboration between public and private sectors to unlock Torbay's full potential.

1.37 It aims to celebrate and realise the fantastic opportunities for Torbay to be:

- The Premier Marine and Natural Experience
- A hub for adventurers and tech innovation
- A place to invest, live, and thrive

1.38 The Torbay Story promotes "tech by the bay" seeking to improve Torbay's amazing knowledge based businesses scattered across the amazing environment. Whilst there is limited (but important) manufacturing; the Bay has a massive knowledge-based economy based on ideas, innovation thinking and ingenuity, with many globally significant companies in photonics (the science of light), environmental science, marine engineering, green technology, medical technology etc. The Torbay Story aims to grow relationships with regional universities and to encourage start-up business and benefit for the clusters of similar businesses. The spectacular environmental benefits of Torbay to live and work in are key to this.

1.39 The Torbay Vision wants the area to be a Hub for Active Adventurers enabling people to better curate their health and especially mental health by providing a connection with nature, with endless recreation activities in Torbay's globally important countryside and marine environments.

1.40 The "Big idea" for Torbay is for an overall Torbay as The Premier Marine and Natural Experience. This idea is intended to help the public, private and voluntary sectors think differently to better utilise Torbay's assets, radiate influence, cultivate and encourage strong leadership and developing new relationships to bring business and place together,

1.41 Within this "strategic signature" a vision for each town is set out, to develop their own distinct identities and roles to create a unified and complementary offer.

1.42 Brixham is a centre for creative arts and industries, Food and Fishing Fusion. Paignton is Family Fun on the Foreshore offering traditional values to the best standard it can be with beautiful sandy beaches, nearby zoo, steam railway and oldest surviving cinema in Europe. Paignton is also home to clusters of "tech by the sea" high tech businesses. It is therefore also a centre for Enterprise, Electronics and Entrepreneurship. Torquay is the heart of the English Riviera and a premier holiday experience with the marina, waterfront, Agatha Christie Heritage, Global Geopark, food and drink, leading on Leisure and Lifestyle by the Sea.

Town Regeneration Projects

1.43 A range of transformative projects and opportunities aimed at revitalising key areas are proposed as part of the Torbay Story and the council's wider regeneration programmes. Key to this is a range of ambitious urban regeneration projects, all of which are embraced and proposed for development in the Local Plan. These include:

- Stand Torquay
- Union Square Torquay
- Crossways Centre Paignton
- Victoria Centre , Paignton

1.44 Wider regeneration to create jobs, invest in key economic sectors such as "tech by the sea" knowledge-based industries and medtech.

1.45 Working with the Plan for Neighbourhoods to help realise a 10-year strategy to help those in most need in Torquay.

Other Visions and Strategies

1.46 The above documents set out a high-level vision for Torbay. The Local Plan seeks to provide a land-use basis to realise those visions. Both the Local Plan and its supporting documents are informed by other Plans and Strategies. Where relevant, these will be returned to in the Policy Explanations or more detailed topic papers.

1.47 Some of the key documents are:

- Economic Growth Strategy - Torbay Council
- English Riviera Destination Management Plan - Torbay Council
- Housing Strategy 2023 to 2030 - Torbay Council
- Greener Way for Our Bay Framework and Action Plan – Torbay Council
- Torbay Council Climate Change Action Plan - Torbay Council
- Environment and Net Zero Carbon Policy - Torbay Council

Local Plan Key Objectives

1.48 The Previous Torbay Local Plan 2012-30 sets out several key aspirations. These are still largely consistent with the objectives in the NPPF, Community and Corporate Plan and

The Torbay Story. The proposed aspirations are set out below but have been amended to confirm that they are the Plan's strategic priorities. They also take into account:

- A higher priority to urban regeneration and the provision of affordable housing.
- Responding to Climate Change being given a higher priority.
- A focus on matters that land use planning is unable to control (e.g. land use allocation) rather than things beyond the control of planning.

1.49 This Plan has five strategic priorities for the Bay:

- Achieve a better connected, accessible Torbay and essential infrastructure
- Secure economic regeneration, affordable housing, employment and success
- Respond to climate change
- Create more sustainable communities and better places
- Protect and enhance a superb environment

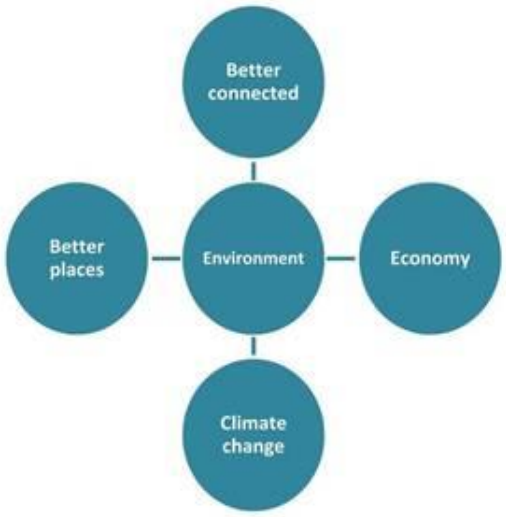

Figure 1 – The Five Strategic Priorities for the Bay

1.50 These aspirations are interconnected, but at their heart is the need to focus development on urban renewal in order to protect the wider environment.

Strategic Priority 1: Secure Inclusive Economic Growth for All

1.51 To achieve economic growth and deliver new jobs and housing, in order to promote equality, reduce disadvantage and poverty and increase Torbay's competitiveness. This will be achieved by meeting the following objectives:

- To strongly support town centre and other urban regeneration to provide more home, including affordable housing, jobs and commercial development. The Plan sets out a Presumption in Favour of Urban Regeneration.
- To drive forward regeneration schemes and provide sufficient land and co-ordinated infrastructure to achieve sustainable growth.
- To boost the supply of affordable housing.

- To provide sufficient, varied full-time employment and increase earning potential.
- To support existing employment sectors whilst providing land, training opportunities and a positive climate to encourage new employment, particularly in the knowledge based, high tech and medical technology sectors.
- To ensure the English Riviera achieves its potential as a premier tourist resort by continued investment in existing facilities, waterfront areas and marine environment, and the provision of new attractions.
- To cater for changing holiday demands and expectations to attract new visitors, investment in high quality facilities and accommodation, whilst releasing outdated accommodation and facilities for housing.
- To encourage a younger demographic in Torbay, including retaining college leavers by providing better job and training opportunities and better access to housing.
- To provide a range of goods, services, events and facilities that make Torbay a leading destination of choice for people with money to spend, particularly new and improved provision in the town centres.
- To strengthen Torquay town centre as the Heart of the English Riviera and a retail commercial, social and cultural focal point. Paignton and Brixham town centres to develop their role, on a proportionate basis, focused on meeting the needs of their own residents and tourists.

Strategic Priority 2: Respond to Climate Change and Protect our Communities

1.52 To ensure the use of energy and natural resources, the sensitivity of the natural environment and public health needs are taken into consideration when planning new development. This will be achieved through meeting the following objectives:

- To promote the installation of low carbon and renewable technologies, particularly making better use of existing and new roof spaces for solar energy.
- To improve the energy efficiency of new developments, and existing buildings, to reduce the reliance on fossil fuels and the impact of rising utility bills on poverty.
- To roll out a network of electric charging for vehicles and other infrastructure needed to transition to a low-carbon economy.
- To become resilient and adaptable to climate change.
- To minimise flood risk to new and existing development by incorporating sustainable drainage and other measures to address run-off, sea level rise, increased storminess and unpredictable weather.

- To recognise the multiple benefits provided by open spaces, biodiversity, green infrastructure such as green corridors/wedges, rural landscapes, beaches and the Bay itself, having regard to their statutory significance and value to the community over the lifetime of development.

- To minimise the generation of household, business and construction waste and reduce its negative impacts upon the environment by focusing on the prevention, re-use and recycling of waste as set out in the waste hierarchy and prevent pollution.

- To support the growth of environmental technology and related businesses in Torbay.

- To resist the installation of fossil fuel dependent infrastructure or facilities.

Strategic Priority 3: Connect Communities through Improved Accessible Transport and Technology

1.53 To ensure that Torbay has excellent accessibility and connectivity within the Bay and elsewhere. This will be achieved by meeting the following objectives:

- To increase accessibility throughout the Bay and beyond with fast, frequent, reliable and sustainable travel, giving people real choice as to how they make their journeys.

- To encourage active travel to promote health and environmental sustainability.

- To deliver an integrated transport system, providing a choice of transport and supporting walking, cycling and public transport.

- To improve road, rail links, cycling and walking routes, to reduce congestion and environmental impact.

- To promote water-based transport in the Bay, for both work and leisure.

- To ensure the safe and convenient movement of people and goods.

- To minimise the length of journeys for employment, shopping and other activities by the careful siting of development and through the detailed planning of the mix of uses in growth locations.

- To require the creation of permeability for active travel in all major development and to mandate interconnectivity between adjoining developments.

- To provide next generation broadband connections.

Strategic Priority 4: Protect Torbay's Natural, Cultural and Built Heritage

1.54 To conserve and enhance the richness and diversity of the built, historic, marine and natural environments, which provide Torbay with its unique setting and important economic benefits. This will be achieved by meeting the following objectives:

- To safeguard existing and maximise opportunities for biodiversity enhancement in and around developments to deliver a net gain for biodiversity.
- To provide a network of recreation and Green Infrastructure including Suitable Alternative Natural Greenspace (SANG) to relieve recreational and other pressure on the South Hams Special Area of Conservation and other critical environmental assets.
- To ensure new development makes a positive contribution to local character and identity, including the wider landscape character river corridors, open spaces, country parks and natural areas and setting of proposals.
- The safeguard the Best and Most Versatile Agricultural Land to assist with food security in a changing environment.
- To safeguard heritage assets including those at risk in a manner proportionate to their significance, having regard to their ability to deliver economic regeneration, express local identity, reveal social histories and narratives and increase the connection of communities with place.
- To avoid mediocre design by the application of clear design standards, including the use of Torbay's Design Review Panel to maintain quality development that is well integrated in its surroundings and responds successfully to local character.
- To require conversions and extensions positively to enhance the existing building, especially in Conservation Areas, removing unsympathetic extensions and rectifying poor quality alterations where necessary.
- To encourage the re-use of empty homes and businesses, including bringing back historic buildings into beneficial use.
- To make the most of the English Riviera's status as the world's first internationally recognised Urban Geopark in recognition of its geological, historical and cultural heritage and sustainable tourism value.

Strategic Priority 5: Build Better Communities with the Homes, Spaces and Opportunities that People Deserve

1.55 To meet the needs of Torbay's residents, including disadvantaged, care-experienced, and minority groups, and to provide everyone with a full range of opportunities in life. This will be achieved through meeting the following objectives:

- To build enough houses to give all Torbay residents a chance of a decent home.
- To end the cycle of deprivation linked to substandard accommodation and resist inappropriate conversions and poor design where this may exacerbate disadvantage and deprivation.
- To provide a range of supporting living opportunities to assist existing Torbay residents live independently in their own home for as long as possible.
- To resist development that will create additional costs to the healthcare and social services, unless the impact of these is fully funded.
- To provide a full range of facilities and shops within town centres necessary to meet day to day needs, particularly the provision of fresh food.
- To resist inappropriate development that would harm the vitality and viability of town centres.
- To diversify the leisure and cultural offer in the town centres, particularly the night time economy in Torquay.
- To create a more enjoyable, creative built and natural environment using heritage assets, public art and revitalisation of the public spaces to attract events, exhibitions and festivals that celebrate and enhance the culture of Torbay.
- To allow tall buildings in appropriate locations where this secures wider regeneration benefits.
- To provide a suitable and sustainable range of physical and community infrastructure to promote economic prosperity and social cohesion and contribute towards higher aspirations and achievement, particularly amongst the young.
- To support the expansion and improvement of existing educational establishments, especially South Devon College, and plan positively for new education and lifelong learning, and links to employment especially in the knowledge based economy.
- To help tackle hotspots of child poverty, multiple deprivation, high levels of crime and unemployment wherever they arise.
- To support new and enhanced recreational, play and leisure facilities, to promote health and social wellbeing for all, including young people.
- To create sufficient burial and ceremonial spaces, as part of the green infrastructure offer to provide dignified resting, ceremonial and remembrance facilities.

Housing Numbers

1.56 The Plan seeks to provide at least 400 homes a year. This is around the long-term average achieved since 1980 and will require a significant uptick in urban regeneration and increased urban living. There is a particular need to boost the supply of affordable housing.

1.57 Careful assessment of spatial options for growth has shown town centres, Torquay Gateway and West Paignton as the most sustainable locations. These will require updated masterplans.

Environmental Capacity

1.58 Crucially, the Plan recognises the unique quality of the Bay's natural environment. This attracts people, investment, businesses and visitors. It is vital this Plan protects and enhances that quality, to bring more investment, more visitors and more people into the Bay. Torbay enjoys a significant historic built environment, and there is a need to conserve and enhance the most important heritage assets, and also improve the quality and perception of parts of the built up area, to assist urban renewal.

Land and Labour Supply

1.59 The Local Plan, working alongside Torbay's Economic Growth Strategy supports a step change in the economic fortunes of the Bay. The Plan seeks to provide a minimum of 80,000 sq. m of employment land over the Plan period. The Local Plan seeks to set out a positive land use framework to support businesses, and particularly urban regeneration.

1.60 A key economic threat is a shortage of working-age people due to Torbay's ageing demographic. It will therefore be important to boost the supply of affordable housing and family homes to support economic recovery. It will also be critical to support the needs of young people, especially care-experienced, to enter the local jobs market, for example through local training agreements.

Infrastructure

1.61 The Local Plan recognises the need to invest in infrastructure across the Bay – whether in green infrastructure or additional road capacity. Much is already being planned to improve infrastructure: a new rail halt at Edginswell; an enhanced ferry service across the Bay; increased capacity on the Western Corridor, and flood protection scheme at Paignton.

1.62 At present, infrastructure ‘pinch points’, such as shared sewers in the town centres, the need for better resilience to climate change, and the need to improve the management of the South Hams Special Area of Conservation are potential constraints. The Plan sets out flood resilience, water management and Green Infrastructure proposals to address these issues.

1.63 The level of growth planned for in the Torbay Local Plan 2012-30 is unlikely to be exceeded until well into the 2030s, and therefore it is not thought that there are likely to be other infrastructure “show stoppers” in terms of water or power availability. However, this will be kept under review as the Plan progresses.

1.64 The level of environmental constraint and access difficulties get more significant in the south of Torbay, particularly south of Windy Corner. The Plan seeks to focus more strategic development in Torquay and Paignton, with more localised development proposed in the Brixham Peninsula focussed at meeting the more localised needs and its fishing and food specialisms.

Monitoring

1.65 The Local Plan will be monitored annually against the delivery of new homes, affordable housing and urban regeneration. The council will set these out in its Authorities Monitoring Report Adopted Local Plan (2012–2030) Evidence Base and Monitoring - Torbay Council

Duty to Cooperate

1.66 The government is proposing a system of strategic planning in the Planning and Infrastructure Bill. At present councils are still under a Duty to Cooperate with neighbour authorities and other key consultees/ prescribed bodies. The Localism Act 2011 requires councils to co-operate with their neighbours “constructively, actively and on an ongoing basis” when preparing local plans. The extent of co-operation is a key test of soundness of the Plan.

1.67 Although Torbay is a largely self-contained housing market area (HMA) and Functional Economic market Area (FEMA), its population growth is entirely driven by inwards migration. This is largely from people moving from elsewhere in the UK. Whilst the closest neighbours are Teignbridge and South Hams, the council considers that unmet housing need, (as calculated by the Standard Method and demographic projections) is a sub-regional matter that needs to be resolved in cooperation with wider Devon Authorities.

Navigating the Local Plan

1.68 The Local Plan is set out in theme-based chapters. The NPPF requires Plans to indicate where a policy is strategic. Each subject is prefixed with an overarching strategic policy (HS, ES etc.) however other policies in the Plan are strategic and these are indicated. The NPPF indicates that strategic policies are those that are necessary to address the strategic priorities for the area (including cross-boundary matters) but should not extend to more detailed matters.

- Chapter 1: Our shared vision - A healthy, happy and prosperous Torbay (this chapter)
- Chapter 2: Shaping our places - Local identity and community-led planning
- Chapter 3: Homes for all - Meeting Torbay's housing needs
- Chapter 4: Building a prosperous and inclusive Torbay - Unlocking opportunity for all
- Chapter 5: Thriving communities - Wellbeing, safety and belonging
- Chapter 6: Moving Torbay: Sustainable travel and inclusive access
- Chapter 7: Building for the future: Resilient and smart infrastructure
- Chapter 8: Our changing climate: Protecting our Bay for future generations
- Chapter 9: Our natural places: Protecting and enhancing Torbay's environment
- Chapter 10: Our shared history: Protecting and enhancing Torbay's heritage and identity
- Chapter 11: Designed with quality: Taking pride in Torbay's place-making
- Chapter 12: Responsible resource use: Minerals and waste
- Chapter 13: Making it happen: Monitoring and partnership working

Chapter 2: Shaping our places - Local identity and community-led planning

Torbay

The Premier Marine and Natural Experience

A Plan for a healthy, happy and prosperous Torbay

Spatial Strategy and Area Policies

Strategic Policy SS1: Torbay Growth Strategy - Prioritising our communities through improved health, housing, place making and opportunities for all

All development should support the achievement of Torbay Community and Corporate Plan 2023-43 priorities. In particular, proposals should contribute to achieving the following as far as relevant and proportionate:

People Priority

Support real, sustainable change for those in greatest need within our communities, to thriving communities where people can prosper. This should have regard to the following priorities:

- **Ensure our town centres are safe and welcoming for all.**
- **Keep children safe in their communities and provide safe environments for our young people to thrive in.**
- **Ensure early intervention is effective and targeted.**
- **Provide the best care and support available so that residents are empowered to achieve what matters most to them.**
- **Provide clear signposting for those needing our help.**
- **Support and encourage community action.**

- **Improve wellbeing and reduce social isolation.**

Pride in Place Priorities

Support investment in the three town centres to enable them to develop their own distinctive roles, including supporting the provision of affordable housing in town centres. Regeneration of brownfield urban sites will be supported in principle. Regard should be had to contributing to the following priorities:

- **Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects.**
- **Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors.**
- **Ensure the effective operation of SWISCo to have resources to reinvest in Torbay.**
- **Deliver priority capital projects within the council's Capital Programme.**
- **Improve the delivery, affordability and quality of housing (including housing standards) for residents in Torbay.**
- **Improve the delivery of our planning service.**
- **Protect and enhance our lived, built and natural environments, including our green spaces.**

Economic Growth Priorities

To attract, retain and grow the economy to create good quality and learning opportunities, and to retain and attract the workforce that Torbay needs including the provision of affordable housing and opportunities for investment in employment. This should have regard to the following priorities:

- **Encourage aspiration, providing opportunities for everyone to raise their skill level, particularly in high value careers.**
- **Drive training opportunities across all sectors to empower people to improve their skills.**
- **Improve transport links to and within Torbay.**

- **Develop a year-round economy.**
- **Increase the amount of full-time employment opportunities within Torbay.**

Focus on inclusive growth, with opportunities which benefit everyone.

Torquay will remain the largest town within Torbay. Major urban regeneration in the town centre and waterfront is proposed to support its housing, retail and tourism role as the Heart of the English Riviera.

Paignton will retain its family tourism role, particularly around the Esplanade and beaches and will provide better public transport and active travel links to other tourist attractions within Paignton and beyond.

Brixham and its rural hinterland will accommodate more limited development consistent with meeting its local needs and supporting its role as a major fishing port and high quality food and leisure centre of excellence.

All development should contribute to safeguarding the area's natural and built environment. The highest level of protection must be afforded to European Wildlife Sites.

All development will make full and appropriate use of opportunities for low carbon and renewable energy technologies, consistent with the need to reduce Torbay's carbon footprint, and provide resilience to climate change. All development must be supported by appropriate evidence setting out how it mitigates and adapts to climate change.

The Plan supports the creation of at least 80,000 sq. m of Class E(g)/B2/B8 net employment space over the Plan period, equal to at least 20 ha. with an emphasis on bringing employment space forward as early as possible in the Plan period. All developments capable of delivering 100 or more dwellings should provide at least 25% of the area as employment space.

The Plan also seeks to deliver at least 8,000 new dwellings over the Plan period of 2025-2045 equal to an average of around 400 dwellings a year over a 20-year Plan period.

Proposals for housing on previously developed land in the built-up area will be supported unless they cause substantial harm to the economy, environment or amenity. Proposals should contribute to creating mixed and balanced communities and avoid creating concentrations of deprivation or compounding the top-heavy demographic structure of Torbay. The council will apply the Presumption in Favour of Sustainable Development to proposals for brownfield regeneration that meet these criteria, even where the Local Plan's housing target is exceeded.

Town Centres

Town centre regeneration schemes will be brought forward and supported where appropriate through master planning.

Future Growth Areas

Future Growth Areas, shown outlined in red on the Key Diagram and shown on the policies map are the focuses for delivering growth and change in the Bay over the Plan period. They are allocated in the plan as strategic and sustainable locations for new employment space, homes, and infrastructure over the Plan period. They are:

SS1.1 Torquay Gateway

SS1.2 West of Paignton

Development in Future Growth Areas should come forward in accordance with updated masterplans, and/or in neighbourhood plans. They will deliver a balance of jobs, homes, and infrastructure, including green infrastructure. At least 30 % of new homes should be provided as affordable housing. A minimum of 25% should be provided as employment use, with a preference for on-site provision, or through developer obligations towards job creation or urban regeneration where not possible.

Other Housing Allocations

Other housing allocations are proposed in Policy H3 of the Plan and should be brought forward in accordance with the requirements in Policy H3.

Major development proposals outside the built-up area, Future Growth Areas and allocated sites will only be supported where all of the following are met:

The proposal is subject to an environmental assessment that shows it is acceptable in terms of landscape, biodiversity and infrastructure impacts, including consideration of the cumulative impact of development and;

- **It is demonstrated that there is no likely significant effect, alone or in combination, on European Wildlife sites (or equivalent designation).**
- **Is demonstrated to meet an economic, social or environmental need that significantly and demonstrably outweigh the impacts of the proposal.**

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.1 The Local Plan seeks to balance the need for growth with the protection of the environment and responding to the Climate Emergency. It actively promotes urban regeneration that creates sustainable living, working and leisure environments, supported by high quality infrastructure. The strategy seeks to support the provision of affordable housing to meet local needs. This will be achieved within the Bay's built and natural environmental and infrastructure capacity. As described in Chapter 1, the Plan seeks to implement the priorities and vision of the Corporate and Community Plan 2023-43 and the Torbay Story.

2.2 This policy sets out a growth strategy for Torbay until around 2045. The Plan relies very heavily on regeneration of brownfield sites and other urban areas to maximise its development opportunities and deliver on town centre regeneration programmes, drawing investment into our towns and breathing life into our town centres. The Key Diagram below summarises broad locations for growth in the Local Plan.

2.3 The Local Plan proposed a minimum of 400 dwellings a year, equal to 8,000 dwellings over the Plan period. This is below the government's Local Housing Needs target but seeks to maximise the delivery of homes within Torbay's significant environmental and infrastructure limits, and high level of constraint. It would represent a return to housing delivery levels not seen since the early 2000s and the more benign economic climate of that time.

2.4 The Local Plan seeks to provide 80,000 sq. m of employment space and will especially safeguard key local economic sectors such as high-tech manufacturing, medical technology, and the maritime/fishing industries. Torbay is a premier tourism resort, and safeguarding its spectacular environment is critical to maintaining and developing this role

2.5 The Local Plan contains a brownfield Presumption in Favour of Sustainable Development and is highly supportive of urban brownfield development, especially in town centres. This is applied at all times and is not dependent upon a five-year supply being demonstrated.

2.6 Within Torbay, the larger towns of Torquay and Paignton are expected to provide the main growth areas, particularly within the built up areas and Future Growth Areas at Torquay Gateway and to the West of Paignton.

2.7 The Bay has a rich biodiversity, geodiversity and historic environment which all contribute to its setting as a resort, in addition to being of value in their own right. It is important that the Plan does recognise Torbay's important environmental assets and that development

respects this. It also needs to acknowledge the limited economic viability to support new homes despite there being a high level of need. Notwithstanding this, the Plan recognises the need for some greenfield expansion in order to assist with meeting needs.

2.8 Brixham and its surroundings are the most environmentally constrained by the South Devon National Landscape (formally AONB), South Hams Special Area of Conservation (SAC) and travel times affected by the peninsular nature. Some limited development is proposed in the National landscape aimed at meeting local needs and supporting the local economy.

2.9 The Local Plan recognises the significant challenges that climate change will create over the plan period and the adaptations that will be needed. Proposals should contribute towards carbon reduction through location design and orientation. All development will be expected to submit an Energy Statement proportionate to the nature and scale of development. Proposals will also need to ensure that they are resilient to the effects of climate chaos, particularly in terms of flood, heat and drought resilience.

2.10 Torbay has Bay wide coverage of neighbourhood plans, which were adopted ("made") in June 2019 and are therefore in need of refreshing. It is hoped that updated Neighbourhood Plans will be brought forward to support community aspirations about how development in their area will look and feel, within the legislative and policy framework imposed by central government. The Local Plan sets out strategic development (SD) policies for Torquay, Paignton, Broadsands Churston and Galmpton Villages (BCG Villages), and Brixham. These are intended to provide a framework for neighbourhood planning based on the most recent area arrangements, although these could change and the Local Plan is not proposing fixed neighbourhood areas.

2.11 The Local Plan proposes sites for major development. Major development is defined by the General Permitted Development Order (GPDO) and is generally taken to be 10 dwellings or 1,000 sq. m (whichever is smaller).

Figure 1 Local Plan Housing and Employment Targets by Neighbourhood Plan Area.

	Annual Housing target	Over 20 years. 2025-45	Class E(g), B2,B8 Employment Uses. 2025-45
Torquay	180	3,600	37,000 sq. m

Paignton	170	3,400	37,000 sq. m
Brixham (Town Council area)	20	400	5,000 sq. m
Broadsands, Churston and Galmpton Villages	30	600	1,000sq. m
Torbay	400	8,000	80,000

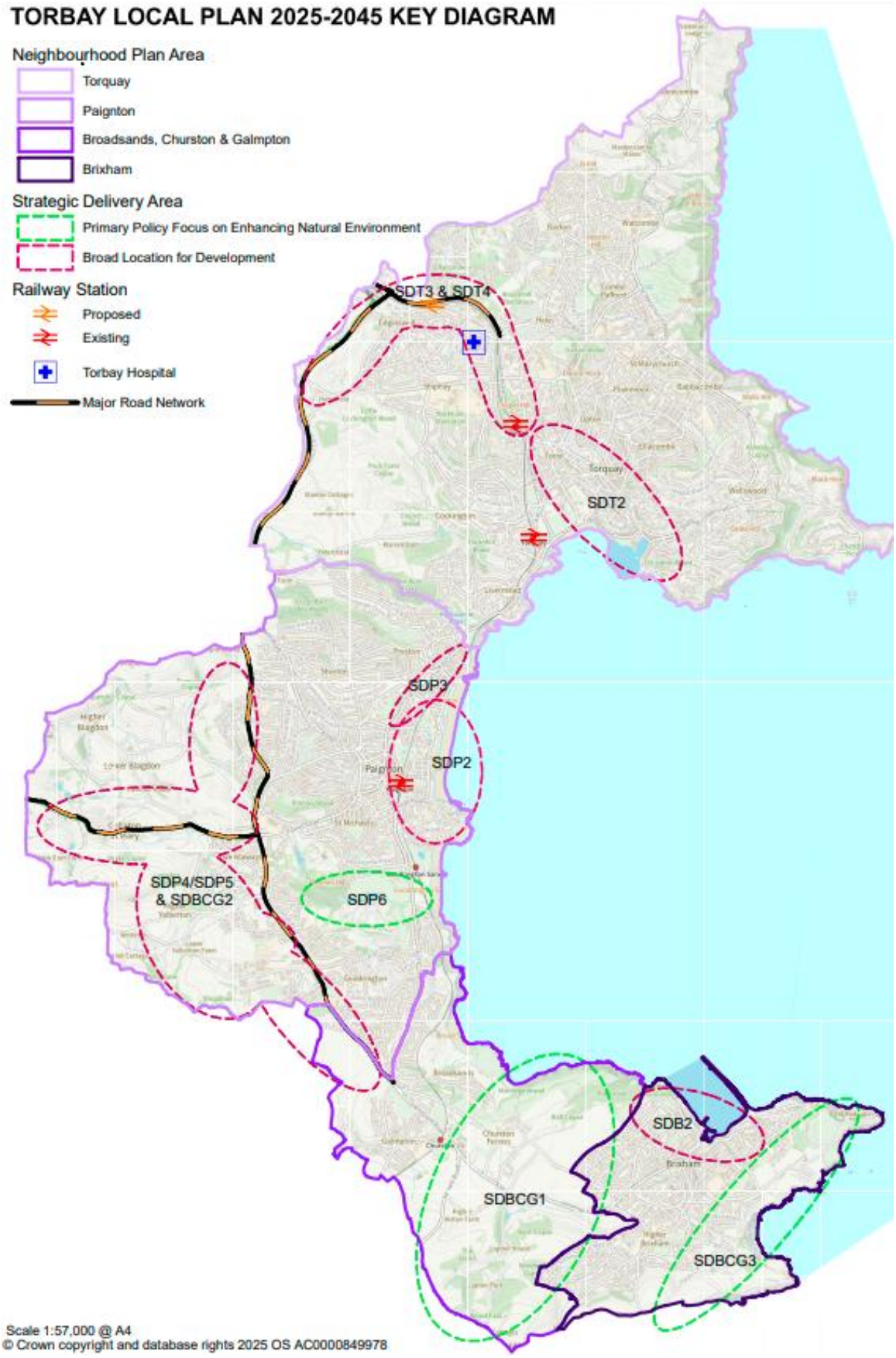

Figure 2 Torbay Local Plan Key Diagram

Neighbourhood Plan Area Policies:

Torquay

Leading on Leisure and Lifestyle by the Sea

How future development will protect and enhance Torquay's distinct identity and role, alongside valued lived, built and natural environments.

Strategic Policy SDT1: Torquay – A strategy for sustainable growth

Torquay will remain the primary commercial and healthcare centre of Torbay. Harbourside and town centre sites will be regenerated for appropriate mixed uses, including the provision of housing.

The urban areas will be improved and renewed, with strong support for family homes, where practicable.

Regeneration, comprehensive redevelopment, and large scale investment will ensure that the town centre and Torquay Harbour areas evolve as the principal town centre and the centrepiece of a modern, prosperous, and sustainable Torbay, whilst conserving or enhancing the historic and natural environment.

Torquay Gateway area to the northwest of Torquay is allocated for employment, housing, green infrastructure, and leisure provision. High quality developments will be sought, appropriate to their gateway setting, which respect and enhance the natural and built environment. The sub regionally important role of Torbay Hospital will be safeguarded.

Priority species such as Cirl Buntings and Greater Horseshoe Bats will be safeguarded.

All development will be required to adhere to the drainage hierarchy and minimise or reduce surface water draining into combined sewers, in order to safeguard the Marine Special Area of Conservation.

A strategic green gap between Torquay and Kingskerswell will be maintained.

Torquay will deliver a minimum of 37,000 square metres (net) of Class E(g), B1 or B2 employment floorspace and at least 3,600 new homes over the Plan period, equal to an average of around 180 dwellings a year over the Plan period 2022-42.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.12 As outlined in SDT1, Torquay Town Centre and Harbour will be a focus for regeneration which supports its retail & commercial role. This means high quality development which improves the public realm and provides an improved, multifunctional town centre, including higher levels of residential development. Regeneration will achieve a leisure based retail offer at Torquay Harbour.

2.13 The lower part of the town is within Torquay Harbour Conservation Area and development will be expected to complement the area's historic character.

2.14 Several key sites offer considerable opportunities for regeneration many of which will be further identified through masterplanning. The Local Plan supports all brownfield town centre development unless there are substantial reasons to resist development. However particular opportunities exist at Union Square, Lower Union Lane, the telephone exchange and Temperance Street.

Strategic Policy SDT3: Torquay Gateway – A sustainable growth hub for homes, jobs and nature

Torquay Gateway (also referred to as Edginswell) is allocated as a Future Growth Area. High quality homes, employment and leisure facilities will be delivered in the Torquay Gateway to raise the economic prosperity of Torbay, and complement town centre regeneration and provide transport improvements serving the Bay.

The broad location is shown indicatively on the Key Diagram and on the Policies Map.

Development is expected to deliver:

1. **Around 400 new homes of which at least 30% should be affordable.**
2. **At least 10 serviced self-build housing plots.**
3. **A stopping place/transit site for Travellers.**
4. **Mixed use employment space, with at least 25% of the area provided as Class E(G), B2 or B8 employment.**

5. **Improved sustainable transport infrastructure including a new train station at Edginswell and park and ride/transport hub at, or close to, Gallows Gate.**

6. **A landscape led design with integrated green infrastructure and biodiversity net gain.**

A high quality of design will be required to enhance the built and natural environment, strengthen the sense of arrival into Torbay, and protect the green gap between Torbay and Kingskerswell.

Design should include the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the Gateway area. Proposals must avoid significant effects on sites protected under European legislation, including those relating to Greater Horseshoe Bats and the Marine SAC. Particular attention should be given to loss of Greater Horseshoe Bat foraging and commuting habitats and Cirl Bunting habitat. Dark corridors for commuting bats should be provided and maintained throughout the landscape, particularly along the western buffer, in accordance with Policy NC1.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.15 Torquay Gateway is an important area of growth for Torquay and has been rolled forward from the Torbay Local Plan 2012-30. The masterplan (adopted in 2016) will be updated

2.16 In addition to providing new homes and jobs, there will be opportunities provided through strategic developments to improve connectivity for pedestrians, cyclists, public transport and motor vehicles within the area and to the town centre. The council is seeking to achieve a new train station at Edginswell to support growth in the area and provide an opportunity for sustainable transport including to Torbay Hospital.

2.17 The setting of Edginswell Hall and Village will be conserved or enhanced. The effective provision of green infrastructure will be provided as part of the development to improve the

accessibility of greenspace in the area, improve connections between communities, manage flood risk (particularly minimising run-off into Aller Brook) and maintain and enhance a strategic green gap between Torquay and Kingskerswell.

Strategic Policy SDT4: Newton Road to Torre Gateway – A regeneration corridor for homes, jobs, health and connectivity

The regeneration of brownfield sites within the broad corridor between Edginswell and Torre, shown indicatively on the key diagram and policies map, will be supported to achieve:

1. **The safeguarding of Torbay Hospital as a key healthcare facility. Support for upgraded and improved healthcare facilities and key worker accommodation at Torbay Hospital to support its role as a sub regionally important healthcare facility.**

2. **The improvement and modernisation of employment facilities whilst rationalising outdated space.**

3. **The provision of around 300 dwellings over the Plan period including a minimum of 30% affordable homes.**

4. **The provision of water sensitive urban design and sustainable drainage.**

5. **The improvement of facilities for active travel and public transport including the provision of improved integration of sustainable transport at Torre Station and delivery of a new railway station at Newton Road.**

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.18 SDT4 Newton Road to Torre Regeneration Corridor policy outlines a strategic vision for revitalising a key area in Torquay, with a focus on sustainable development and infrastructure improvement. It seeks to establish a regeneration corridor into Torbay Town Centre along key travel hubs and to maximise the use of available urban land, including at Torre Station. The Torquay Gateway Masterplan will be expanded to set out proposals for both Edginswell and the Newton Road to Torre regeneration corridor. Whilst there are

opportunities for brownfield housing in this corridor, it will be important to safeguard and improve prospects for employment.

Paignton

Family fun on the foreshore and a centre for enterprise, electronics and entrepreneurship.

How future development will protect and enhance Paignton's distinct identity and role, alongside valued lived, built and natural environments.

Strategic Policy SDP1: Paignton – A strategy for sustainable growth

Paignton will be rejuvenated through high-quality mixed-use development of key town centre, harbour, and waterfront sites. Improvement of the built environment will re-capture the historic character of the old town and appeal of the 19th Century 'Garden Suburb' to the east. Green infrastructure will underpin both recreational and flood-resilience measures, including a new sea wall. Residential uses will be supported in the town centre, subject to being safe for their lifetime, including from flooding and climate change risk.

The area around of Preston District Centre will be regenerated to make best use of underutilised brownfield land for housing, whilst maintaining the areas retail tourism, leisure functions.

The role of Goodrington as a leisure and employment hub will be promoted and enhanced, whilst protecting the area's environmental assets and providing resilience to climate change.

Development of the Future Growth Area to the west of Paignton will be delivered through neighbourhood planning and master planning to provide employment and family housing opportunities. This will be underpinned by enhanced transport infrastructure along the Western Corridor and A385 Totnes Road and will take account of environmental sensitivity through a green infrastructure led design approach. Landscaping, biodiversity, and flood risk management measures will be needed to minimise the environmental impact of development, particularly cross-boundary impacts.

Priority species such as Greater Horseshoe Bats and Cirl Buntings and their habitats will be safeguarded, and any impacts mitigated.

Paignton will provide a minimum of 37,000 square metres (net) of Class E(g), B2 or B8 employment floor space, and at least 3,400 new homes, equal to an average of around 170 dwellings a year over the Plan period 2022-42.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.19 Paignton is the second largest town in Torbay, with a medieval core, C19th "Garden Suburb" east of the railway, and significant C20th residential suburbs. It includes the district centre of Preston.

2.20 There will be significant regeneration of Paignton town centre, harbour and waterfront areas to enhance its role as a tourism destination and provide an improved retail function. Rejuvenation of the town, including its historic core, will be achieved via masterplanning, major investment and new development. This will help the town reclaim its attractiveness as a Garden Suburb attached to an historic medieval settlement. Improved links within the town centre and to other parts of the Bay will be encouraged. Policy SDP2 deals with Paignton Town Centre in more detail. Regard should be had to the conservation or enhancement of the built, natural and historic environment, particularly within conservation areas, in accordance with other policies in this plan.

2.21 The cluster of sites to the north and west of Paignton will continue to be a key focus for urban expansion as a Future Growth Area. New housing and mixed use developments promoted to provide a range of residential, employment, of sites. These will require a high quality of design and appropriate landscaping to protect and enhance the rural backdrop to the area and should include the delivery of green infrastructure assets which provide multiple functions and benefits. On-line improvements and provision of walking, cycling and public transport facilities will be required to minimise congestion on the Western Corridor.

Strategic Policy SDP2: Revitalising Paignton Town Centre and Seafront - A destination for living, tourism and leisure

Paignton Town Centre will be regenerated in order to bring about improvements to its economy, built and natural environment. The connectivity from the Town Centre to the seafront, Paignton Harbour and surrounding parks will be restored and improved. New developments will complement the area's historic character, rejuvenating Paignton as a popular tourist destination, a modern Town Centre to support the needs of the local residents and tourists. New residential development will be supported subject to heritage and flooding considerations.

Development must be resilient to the effects of climate change including sea level rise and contribute towards reducing flood risk. Sleeping accommodation in basements will not be allowed in areas at risk of flooding. A new sea wall is proposed on Paignton and Preston seafront.

The tourism role of The Esplanade and Harbour Core Tourism Investment Area will be enhanced and supported. A flexible approach will be taken to allowing residential use of holiday accommodation outside of the CTIA, in order to boost housing supply arising from former holiday accommodation.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.22 Paignton Town Centre will remain a focus for commercial and tourism activity. The Centre will be regenerated to strengthen and update its offer for businesses, tourists and residents. This will incorporate improved public space to help re-establish the formerly distinctive grid pattern of Paignton, linked to the regeneration of major development sites, connecting the medieval town with the Victorian garden suburb.

2.23 The boundaries of the retail core and Core Tourism Investment Area will be drawn back to encourage residential led regeneration, whilst improving the provision of modern purpose-built holiday accommodation on the Esplanade. Policy TO1 deals with Core Tourism Investment Areas. Policies TC1 and TC4 deal with town centre retail, including primary and secondary shopping areas.

2.24 It is critical that flood defence works are put in place to address the effects of climate change in the form of the Paignton and Preston Promenade Coastal Flood Protection Scheme. **Paignton and Preston Promenade coastal flood protection scheme - Torbay Council**. Despite its vulnerability to flooding, Paignton Town Centre is a highly sustainable location for development and is well served by public transport. It is therefore sequentially preferable to other out of town locations as a focus for development. In some instances, an exceptions test will be required to support town centre development (as required by the NPPF and technical guidance). All development must meet the requirements of site flood risk assessments and be safe for its lifetime. Development will need to avoid flood vulnerable uses in high-risk areas; in particular, basement flats will not be permitted in areas at risk of flooding.

2.25 There are several significant sites in Paignton Town Centre that provide an opportunity for residential led regeneration. It will be important to make the best use of urban land and to encourage tall buildings as far as possible to maximise value and gain sea views. These include Crossways, Station Lane, Station Square and nearby buildings, and Victoria Square.

Policy SDP3: Preston – A thriving district centre and Regeneration Hub for living and community

A regeneration hub around Preston District centre is shown on the Policies map and indicatively on the key diagram. The role of Preston as a district centre serving local needs should be safeguarded but marginal areas of the District Centre will be released for residential redevelopment. Regeneration of suitable brownfield land, including under-utilised employment space will be supported, including the provision of taller buildings subject to design and amenity considerations. The area is expected to provide at least 250 additional dwellings over the Plan period.

Opportunities to improve active travel and public transport facilities, and links to Torquay and Paignton train stations should be maximised.

Proposals that secure viable economic future for Oldway Mansion will be supported in principle, subject to heritage and other considerations. This includes reactivating previously approved residential proposals.

Development should enhance the natural environment and support improvements to public open space at Hollicombe Park and Oldway and provide sustainable drainage and water sensitive urban design.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.26 The Local Plan supports new housing on brownfield sites in principle, subject to other considerations such as heritage and flooding. The Plan identifies particular brownfield regeneration opportunities in the vicinity of Preston District Centre, Paignton. This includes allowing more flexibility for residential development in the marginal parts of the District Centre and making better use of land within easy walking distance of the A3022 traffic

corridor. Support will be given to taller buildings subject to amenity and design considerations.

2.27 Public Open space at Hollicombe Park and Oldway Mansion will be protected.

2.28 It is noted that parts of Preston are sandstone, and development will need to have regard to ground conditions.

Policy SDP4: Collaton St Mary – Sustainable growth in a connected village

Collaton St Mary is allocated as a Future Growth Area, primarily focussed on new homes. The broad location is shown indicatively on the Key Diagram and on the Policies Map.

Development is expected to deliver:

1. **Around 600 new homes, including at least 30% affordable housing**
2. **At least 12 serviced plots for self-build housing**
3. **A transit pitch / stopping place for travellers**
4. **Improved community facilities and strengthened village centre focussed on the east of the Future Growth Area**
5. **Any retail (or other Class E/F1 uses) should be limited to meeting neighbourhood needs and no retail use of more than 500 SQ M (net) will be permitted**
6. **Improved sustainable transport routes including bus and cycling facilities along the A385 Corridor**
7. **Improved drainage and sewerage infrastructure**
8. **Safeguard the area's heritage, including listed buildings**

Development should be accompanied by upgraded transport infrastructure. This should include including improved walking, cycling and bus routes and facilities along the A385 Totnes Road, and junction improvements at the junction of Stoke Road/Totnes Road. Development will need to contribute towards sewer and drainage infrastructure, including protection of the Water Meadow and watercourses from urban creep. Proposals must ensure that down-stream settlements are not put at increased risk of flooding.

Development in these locations should provide resilience to the effects of climate change, particularly through the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the Collaton St Mary area.

Proposals must avoid significant effects on European Wildlife Sites, including those relating to Greater Horseshoe Bats and the Marine SAC. Particular attention should be given to loss of Greater Horseshoe Bat foraging and commuting habitats and Cirl Bunting habitat. Dark corridors for commuting bats should be provided and maintained throughout the landscape in accordance with Policy NC1.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.29 The west of Paignton offers the largest area of land for expansion within Torbay, although there are infrastructure requirements that need to be met prior to or in parallel with major development. Sites allocated at Great Parks, Collaton St Mary, Yalberton, and White Rock will continue to be allocated, and the Local Plan expands on these areas as the least damaging option for greenfield expansion. The South of the wider growth area at Inglewood falls within the Broadsands Churston and Galmpton Neighbourhood Plan area

2.30 Development is dependent upon a vision led approach to improve reduce dependence upon private cars using the A3022 Western Corridor. Improvement works to Kings Ash and Tweenaway Cross have taken place during the previous Local Plan (2012-30) but scope and funding for further road improvements is likely to be limited, and therefore demand management and support of walking, cycling and public transport infrastructure will be important to support successful development.

2.31 The A385 Totnes Road needs a comprehensive approach to reduce existing congestion and minimise the number of new accesses onto it. The Local Transport Plan 4 2025-30 note that sustainable transport will be prioritised in order to unlock growth.

2.32 The wider corridor is well served in relation to retail, schools and employment, but connectivity between the different growth area is somewhat disjointed. Improved

permeability between development areas is needed and will be given a high priority in masterplanning of the area.

2.33 Improved sewerage infrastructure will be needed to connect development to the waste water treatment works at the West of Paignton.

2.34 An update to the current Masterplan (adopted 2016) is need to support additional development at Collaton St Mary. The 2016 Masterplan proposes about 460 dwellings which remain proposed for development where not yet built (at 2025 some are under construction). At least 150 additional dwellings are expected to be provided beyond the boundaries of the 2016 Masterplan.

2.35 Developments should seek to achieve better access to the countryside south and west of the developed area, providing recreation, landscaping and biodiversity value and provision of green infrastructure including allotments. For example redevelopments in the area should consider opportunities for habitat enhancements, such as planting to provide bat and wildlife links through the area.

Strategic Policy SDP5: Long Road, Yalberton - Sustainable living and employment neighbourhood

Land to the west of South Devon College and south of Berry Acres is allocated as a Future Growth Area delivering a mix of new homes and employment land. The broad location is shown indicatively on the Key Diagram and on the Policies Map.

Development is expected to deliver:

1. **An additional 650 dwellings, including at least 30% affordable housing.**
2. **At least 12 serviced plots for self-build housing.**
3. **Provision of a negotiated stopping place for travellers or provision of an alternative site.**
4. **25% of the area to be Class E(g), B2 or B8 employment delivering at least 20,000 sq m of industrial development. Land allocated for industrial development will be safeguarded for such purpose.**
5. **Any new retail provision in the area should be located in the local centres and strictly of a scale to meet local needs (around 500 sq. m maximum).**
6. **Designate Devonshire Park retail centre as a District Centre, subject to improvements to active travel to and from the site.**

7. **Strategic landscaping and open space to protect the highest parts of the landscape and rural setting of Higher and Lower Yalberton.**

8. **Yalberton Valley including Lower and Higher Yalberton will be protected for its biodiversity and historic environment value.**

Development should be accompanied by upgraded walking and cycling and infrastructure, along the Western Corridor and linking the area to Paignton town centre, and improvements to sewerage capacity.

Development in these locations should provide resilience to the effects of climate change, particularly through the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the Long Road, Yalberton area.

Proposals must avoid significant effects on European Wildlife Sites, including those relating to Greater Horseshoe Bats and the Marine SAC. Particular attention should be given to loss of Greater Horseshoe Bat foraging and commuting habitats and Cirl Bunting habitat. Dark corridors for commuting bats should be provided and maintained throughout the landscape in accordance with Policy NC1.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.36 This area includes the Local Plan 2012-30 Future Growth Areas of Bery Acres, Yalberton (Wilkins Drive) and White Rock. The south of the area being built out at Inglewood is within the Broadsands Churston and Galmpton Neighbourhood Area but functionally relates to the developments on the West of Paignton. The Plan proposes further areas to those allocated in the previous local plan or with planning permission. These should deliver at least 200 additional dwellings beyond the number previously proposed at Berry Acres and Devonshire Park in the Torbay Local Plan 2012-30.

2.37 At least 20,000 sq m of employment land beyond that allocated in the previous Local Plan should be provided. It is important that employment land in the area is safeguarded for

such use, or sufficient financial contribution made as a site deliverability matter to unlock the provision of nearby sites such as Claylands Phase 2. South Devon College, Epic and a range of other businesses in the area form part of Torbay's "high tech hub and supporting the expansion and safeguarding these is an important Plan objective. Improvements and expansion of South Devon College, including provision of an energy centre / sustainable construction centre and similar facilities are a vital economic, social and cultural asset to the bay.

2.38 Note that detailed proposals for area will come forward through a new Masterplan for the area.

Policy SDP6: Clennon Valley - Active leisure and nature hub

Developments within the Clennon Valley Leisure Hub will comprise a mix of uses and deliver improvements to the recreation and tourism offer, whilst enhancing green infrastructure, walking and cycling, and biodiversity in the area.

Development should comprise a landscape and green infrastructure-led design approach to ensure the conservation of a strategic green corridor linking Goodrington's beaches with the top of the valley and nearby holiday accommodation and parks. Development in this sensitive location should provide resilience and adaptation to the effects of climate change and safeguard or enhance the integrity of important wildlife sites and features, including the South Hams SAC and Marine SAC.

Link to the Community and Corporate Plan – Pride in Place

Explanation

2.39 Clennon Valley is an important recreation, leisure and tourism destination for the whole Bay. It provides a good opportunity for expanded sports and recreation provision. Tourism uses, including water-based activities and holiday accommodation, are appropriate to this location. Seafront development should provide opportunities to improve permeability and public access to the beach and be of the highest quality reflecting the area's important natural setting.

2.40 Proposals should promote pedestrian and green links west-east, connecting South Devon College, Paignton Community College, Paignton Zoo, Long Road South Business Park and the wider countryside to Quaywest, Goodrington Sands and the sea.

2.41 Development will be expected to incorporate and contribute towards flood alleviation and sea defence measures to provide resilience to climate change, using sustainable drainage methods wherever practicable. Flood vulnerable uses will be directed to areas of no/low flood risk.

2.42 The integrity of the green valley that connects the open countryside with the sea should be conserved and enhanced. Any built development should be located and designed to conserve this important natural corridor and respect its natural setting.

Please note that Policy SDBCG2 Land at Inglewood and its environs north of Windy Corner could also fit within this section of the Plan but is included withing the BCG Village part of the Plan to reflect the neighbourhood Plan Forum arrangements for the area.

Brixham

A colourful collision of creativity, craft, food and fishing.

How future development will protect and enhance Brixham's distinct identity and role, alongside valued lived, built and natural environments.

Strategic Policy SDB1: Brixham – A strategy for sustainable growth

Brixham will accommodate appropriate but limited new growth aimed at regenerating the town centre and built-up area, to sustain a viable town centre retail function, maintain an appropriate range of community facilities and meet local housing and employment needs.

Brixham's role as a fishing port and resort, with a nationally important and historic working and creative harbour, will be enhanced.

New maritime facilities including improved water-borne transport and facilities to support the fishing industry including a Northern Arm Breakwater are proposed, subject to the area's important biodiversity value of natural and marine environment being safeguarded and enhanced.

Brixham will deliver around 5,000 square metres of employment floorspace and at least 400 dwellings over the Plan period, equal to around 20 dwellings a year, aimed at meeting the needs of local people.

The National Landscape and its setting will be conserved and enhanced to protect its intrinsic landscape and biodiversity value, and for recreational and tourism purposes. Major development will not be permitted within the SDNL unless brought forward through Neighbourhood Plans, and is shown to be in the public interest.

Development in Brixham will only be acceptable if it can be accommodated without prejudicing the integrity of the South Devon National Landscape, and South Hams Special Area of Conservation. Development should be resilient to flood risk and the effects of climate change.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.43 This policy relates to the “parished” town of Brixham which is covered by Brixham Town Council. Brixham is bounded by the South Devon National Landscape (formerly AONB) which constrains its outward expansion. The area around Berry Head is a Special Area of Conservation, which is an international important wildlife designation. The coast is also bounded by the marine SAC designated for its reef and sea cave habitat. These constraints make it difficult for Brixham to meet its need for housing and other facilities, and some limited development will need to be accommodated within the SD BCG3 area (i.e. within the national landscape). It is important that this be limited to meeting local needs and that Brixham meets as much of its needs as possible within the “parished” town boundaries (i.e. the Brixham Town Council area).

2.44 It will be important that longstanding development allocations such as Northcliffe Hotel, Middle Street Car Park, Paint Station and former St Mary’s dairy are built out and residential opportunities made the most of.

2.45 There is scope for further urban regeneration within the harbourside and waterfront areas of Brixham. Land at Freshwater Quarry and Oxen Cove, and adjacent to the Fishmarket will provide employment space to support and improve maritime industries. The Northern Arm Breakwater has featured in previous Plans and continues to be allocated, subject to assessment of its environmental impact. Due to its scale and nature an Environmental Impact assessment and Habitats Regulations Appropriate Assessment will be needed. However additional floorspace can also be created within existing harbour land in the shorter term.

2.46 The tourism and leisure economy will be developed in a way that respects the towns rich historic and environmental character.

2.47 The appropriated investment in facilities such as Battery Gardens, Shoalestone Pool, Breakwater Beach and WW2 Hard, and Brixham Museum will be supported where these would enhance the conservation value and provide an alternative to reduce recreational pressure on Berry Head.

Strategic Policy SDB2: Revitalising Brixham’s Town Centre, Harbour and Waterfront - A destination for living, maritime activity and tourism

Mixed use regeneration is proposed in the Brixham Town Centre, Harbour, and waterfront areas, to provide a range of retail, employment, leisure, and residential facilities appropriate to the scale of the town. The purpose of this development is to

meet local needs, to sustain Brixham's role as a vibrant maritime resort, to support and develop traditional industries and diversify the economic base. The provision of a Northern Arm Breakwater remains an aspiration, to enable the creation of additional employment and leisure opportunities.

Residential development above commercial

Development must take flood risk and water management into account, and make sustainable drainage, flood risk mitigation and resilience measures central to the design of development.

Any proposals that may lead to likely significant effects on sites protected under European legislation will only be permitted where no adverse effect on the integrity of the site can be shown.

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.48 Brixham Town Centre will continue to provide local needs and quality retail facilities on lower floors with residential or commercial above. This will include the redevelopment of the car park at Middle Street, to provide food retail, car parking to serve the town, residential units and improved public realm. The scheme will create a high quality and vibrant public realm.

2.49 The harbour area will have improved sustainable transport links to reduce the need to travel by car. These will include park and ride facilities (SD BCG3 and Txx), and the improved water-based transport links (Policy xx). Such measures will be accompanied by improved walking and cycling facilities to increase the permeability of the town centre and provide a high class working and recreational environment for residents and tourists.

Strategic Policy SDB3: Berry Head to Sharkham Point - Coastal conservation and recreation management

The Berry head to Sharkham Point Special Area will be conserved and enhanced to protect its landscape and biodiversity value. Development will only be permitted within the area where it is shown to enhance the area's environmental or landscape

value and does not prejudice the integrity of the South Devon National Landscape, and South Hams Special Area of Conservation.

Should existing uses, including holiday parks cease to operate, there will be an expectation that they should revert to open countryside.

Link to the Community and Corporate Plan – Pride in Place

Explanation

2.50 Due to the incidence of numerous overlapping Local Plan policies within the Berry Head Country Park, the Key to the Policies Map shows a 'Berry Head Special Area'. This is shown for mapping purposes to clarify the range of designations lying within it. This part of Torbay constitutes the most environmentally sensitive, and peripheral part of Torbay.

2.51 There is existing tourism development and a need to balance competing pressures for tourism and recreation with safeguarding the internationally important environmental assets, and reducing existing degradation on the SAC including through recreation impacts. The area therefore needs careful management and development within an 8km zone of influence will be required to contribute to improve management or the provision of suitable alternative natural greenspace (SANG) alternatives.

2.52 Development that may have an adverse effect on the landscape and scenic beauty of the area or encroach further upon the area's special characteristics will be considered to constitute major development and only be approved if clearly demonstrated to be in the public interest.

Brixham Peninsula and Rural Villages

Rural hinterland to Brixham, valued landscapes and biodiversity, green farmland and villages rich in history.

How future development will protect and enhance the Brixham Peninsula and Rural Villages distinct identity and role, alongside valued lived, built and natural environments

Broadsands Churston and Galmpton (BCG Villages)

Strategic Policy SDBCG1: Broadsands, Churston and Galmpton Villages - Sustainable living and landscape protection strategy

North and West of Windy Corner

The focus of growth in the Broadsands Churston Galmpton Villages (BCG villages) Neighbourhood Plan area will be on the approved site at Inglewood and land to the North of Windy Corner (SDBCG2). This will include the provision of new homes and delivery of a school site on the Inglewood development, as shown on the Policies map.

A strategic buffer between Inglewood and Churston, Galmpton Broadsands, as shown on the Policies map will be maintained to safeguard the landscape character, ecological integrity, recreational and economic value of the "Brixham Peninsula" and its rural settlements (SDBCG1B).

South and East of Windy Corner

The focus of the plan to the south of Windy Corner (SDBCG3) will be to safeguard the area's rural character, landscape, ecology, environmental and recreational value and strengthening settlement gaps. Landscape led development at Monksbridge and approved housing at Copythorne Road will meet the needs of Brixham. Other major development in the South Devon National Landscape will be resisted.

The Overall BCG Villages Area

The BCG Villages will provide at least 600 dwellings (equal to 30 dwellings a year) and 5,000sq. m. of employment land over the Plan period, as well as a school at Inglewood

and appropriate green infrastructure including a 1ha green burial site and dog-friendly Suitable Alternative Natural Greenspace (SANG) will be designated to reduce recreational pressure on Berry Head.

Development in these locations should provide resilience to the effects of climate change, particularly through the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the BCG Villages area.

Proposals must avoid significant effects on European Wildlife Sites, including those relating to Greater Horseshoe Bats and the Marine SAC. Particular attention should be given to loss of Greater Horseshoe Bat foraging and commuting habitats and Cirl Bunting habitat. Dark corridors for commuting bats should be provided and maintained throughout the landscape in accordance with Policy NC1.

Link to the Community and Corporate Plan – Community and People, Pride in Place

Explanation

2.53 The area between the south and west of Paignton and the North of Brixham is covered by the Broadsands Churston and Galmpton Villages Neighbourhood Forum area (BCG Villages). This area was formerly part of the Brixham Peninsula Neighbourhood Plan (adopted June 2019) and forms the rural hinterland to Brixham. The area contains some of the most environmentally sensitive area of Torbay, including the South Devon National Landscape (formerly AONB), Greater Horseshoe Bat Sustenance and Landscape Connectivity Zone as well as the largest area of Torbay's Grade 2 agricultural land. The rural villages have significant historic importance.

2.54 The BCG area broadly falls into two halves. The area to the north of Windy Corner junction and containing the Inglewood development area and relates functionally to the developed area of White Rock and the west of Paignton. Policy SDBCG2 sets out considerations for this area.

2.55 Windy Corner marks where the "Western Corridor" (A3022) rejoins the Torbay Coast Road (A379). The junction is located within Common land and is operating at above capacity, although recent junction improvements have improved capacity somewhat. Despite efforts

over many decades, no solution has been identified to overcome this bottleneck and far less funded. Measures within the Local Plan will need to manage demand for use of the road and promote better conditions for walking, cycling and public transport. There is potential for limited rail accessibility to Galmpton via the Paignton to Dartmouth Stram Railway. However, this is primarily a leisure route and not suitable or operated for commuter travel. The land to the south of Windy Corner contains Galmpton Common, The South Devon National Landscape, Greater Horseshoe Bat sustenance and landscape connectivity zone, as well as conservation areas covering the rural villages of Churston Ferrers and Galmpton. This area is therefore environmentally constrained as well as relatively inaccessible. Policy SDBCG3 deals with the Rural Villages South of Windy Corner, with a focus on conserving the area's rural character. Nevertheless, some limited development is proposed on the boundary with Brixham in order to meet the town's local needs. Other development should focus on meeting local need and major development in the National Landscape will be resisted (see below).

Strategic Policy SDBCG2 Land at Inglewood and its environs north of Windy Corner.

Development in the north of the BCG Area will focus upon the approved development at Inglewood with some expansion into adjoining areas, as shown on the Policies Map. Sustainable transport and other functional links with the White Rock area and Paignton will be strengthened and improved.

Development in the SDBCG2 Area should achieve the following:

i. **A minimum of 450 dwellings over the Plan period (focussed at Inglewood and the adjoining area).**

ii. **At least 30% affordable housing on sites within the built-up area or areas proposed for development.**

iii. **The provision of a school and playing pitch.**

iv. **At least 100 sq m of employment land within Class E(G) , B2 or B8.**

v. **The provision of a green burial site of around 1ha.**

vi. **Maintenance and enhancements to public open space, including recreation facilities appropriate to the location, and enhancement of countryside access.**

vii. **The retention and enhancement of a green landscape buffer between Inglewood and Whiterock to the north, Galmpton to the South and the National Landscape to the South and West.**

Development in these locations should provide resilience to the effects of climate change, particularly through the provision of high quality joined up green infrastructure maximising cross boundary linkages and active travel opportunities where appropriate.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the BCG Villages area.

Proposals must avoid significant effects on European Wildlife Sites, including those relating to Greater Horseshoe Bats and the Marine SAC. Particular attention should be given to:

- **Avoiding the loss of Greater Horseshoe Bat foraging and commuting habitats and Cirl Bunting habitat. Dark corridors for commuting bats should be provided and maintained throughout the landscape in accordance with Policy NC1.**
- **Recreational Impacts on the Berry Head calcareous grassland.**
- **Cirl Bunting habitat should also be protected and enhanced.**

Link to the Community and Corporate Plan – Community and People, Pride in Place, Economic Growth

Explanation

2.56 Policy SDBCG2 deals with land to the north of Windy Corner. The bulk of the area is covered by the Inglewood development (under construction in 2025). Additional development opportunities in the Inglewood Area are shown on the Policies Map. The areas should provide for a school as shown on the Inglewood Masterplan (and Legal Agreement to application P/2017/1133 and varied by P/2023/0377). If not required for primary purposes, it should be retained for other education requirements.

2.57 The area is expected to provide around 600 dwellings and 500 sq m of employment land over the Plan period in the area within Torbay.

2.58 Land to the west of Waddeton Road is within South Hams and may be promoted for development to the neighbour authority. It will be important for joint working and agreement on cross-boundary matters. In addition, some ecological mitigation and agricultural mitigation land for development at Inglewood is located within the South Hams. This relates to mitigation of impacts on the South Hams Special Area of Conservation (greater horseshoe bat sustenance zone and other ecological mitigation), so it will be a matter of Habitats Regulations compliance to ensure that sufficient mitigation is provided to offset the impact of the Inglewood development. The land is also within the setting of the South Devon National Landscape (former AONB), and a high-quality landscape led design to any further development will be needed to minimise additional impact on the National Landscape.

2.59 The south of the SDBCG2 area is closer to the National Landscape and the village Galmpton. A green buffer between Inglewood and Galmpton should be maintained to provide a settlement gap and prevent coalescence of Paignton's southwards development with Galmpton. The area would be suitable for a green burial site and associated facilities to meet Torbay's need for cemeteries. This should help reinforce the undeveloped settlement gap.

Policy SDBCG3: Rural villages south of Windy Corner – Landscape, ecology and settlement gap protection zone

Development to the South of Windy Corner will focus upon protecting the area's significant landscape, environmental, historic and agricultural character, whilst providing sufficient development to meet the local needs.

Limited development and landscape led development at Monksbridge and approved development at Copythorne Road is proposed to meet the needs of Brixham.

The BCG3 area is expected to provide around 150 dwellings and 500 sq m of employment land within Class E(G) , B2 or B8. The BCG3 area should also provide a dog friendly suitable alternative natural green space (SANG) with recreation and leisure facilities appropriate to the area's rural setting, to provide an alternative to Berry Head.

The area will also provide a park and ride facility serving Brixham, ideally forming a recreational transport hub within safe and easy walking distance of Churston Station.

The South Devon National Landscape and its setting will be conserved and enhanced to protect its intrinsic landscape and biodiversity value, and for recreational and tourism purposes, including the provision of walking and cycling routes.

Major development will not be permitted within the National Landscape unless brought forward through Development Plan, and shown to be in the public interest. Non-major development in the National Landscape will only be allowed as a rural exception to provide fordable housing for local people.

Proposals should achieve a 10% Biodiversity Net Gain which should be delivered on-site as far as possible. Where it is not possible to achieve this level of biodiversity net gain on site, off-site provision will be considered, with a first preference for biodiversity enhancements within the SDBCG3 area.

All development in this sensitive location should adhere to planning guidance for Greater Horseshoe Bats within the South Hams SAC. All development should provide adequate mitigation that ensures:

i. **there are no further restrictions on potential movement of Greater Horseshoe Bats through the area; and**

ii. **the retention and enhancement of foraging and on-site roosting opportunities**

iii. **existing green infrastructure assets, trees, hedgerows, and connectivity between individual assets are safeguarded or enhanced**

iv. **no increase in lighting in bat flyways to greater than 0.5 lux; and**

v. **Mitigation of the impact of additional recreational pressure on the Marine SAC and South Hams SAC.**

Any proposals that may lead to likely significant effects on sites protected under European legislation will only be permitted where no adverse effect on the integrity of the site can be shown.

Link to the Community and Corporate Plan – Community and People, Pride in Place,

Explanation

2.60 The land within the BCG Villages to the south of Windy Corner has substantial environmental constraints. It is partly within the South Devon National Landscape (formerly AONB), and the open country around Kennels Lane, Galmpton and Churston Ferrers forms an important valued landscape within the setting on the National Landscape. The land is also within the Sustenance Zone and landscape connectivity zone

for greater horseshoe bats associated with the Berry Head maternity roost, which is part of the South Hams SAC South Hams SAC HRA Guidance - Torbay Council.

2.61 Despite its high level of environmental constraint, some expansion of Brixham into the BCG Area is necessary in order to meet Brixham's development needs. Development on the boundary with Brixham necessarily entails development in the National Landscape but is a loess bad option than development further away from the town which would still be on land within the setting of the National Landscape. Development has been approved at Copythorne Road and is allocated at Monksbridge in order to meet Brixham's local needs.

2.62 Any development beyond these allocations should be minor and limited in nature and aimed at meeting the area's local needs. The General Permitted Development Order defines major development as 10 or more dwellings or 1,000 sq. m floorspace. In the National Landscape, footnote 67 of the NPPF (2024) allows the decision take to apply a different definition of major development based on an assessment of the nature scale and setting of development and whether it could have a significant adverse impact on the purpose for which land is designated. The council will take the GPDO as a starting point when considering whether development in the NL is "major" but may apply a smaller threshold where proposals could have a significant impact on landscape and scenic beauty.

2.63 Enhanced Park and Ride facility along the A3022 should provide a public transport link to Brixham and minimise car traffic due to the narrow nature of the street network in the town. This should provide a sustainable transport hub with tourism, leisure and other functions of the area. Ideally this should capitalise on the area's rich tourism and Agatha Christie associations. It will be important to manage recreation pressure and reduce canine faeces eutrophication of the calcareous grassland at Berry Head. The SD BCG3 area should therefore include a suitable alternative natural greenspace (SANG) with leisure/recreation facilities appropriate to the rural location. This is required to reduce recreational pressure calcareous grassland at Berry Head. It should include dog-friendly facilities to allow grazing on Berry Head which is needed to preserve the grassland. This will be part funded by development contributions from development within the Berry Head 8Km recreational zone of influence (see Policy xx).

Strategic Policy HS: Overall Housing Strategy and Presumption in favour of Urban Regeneration

The Local Plan proposes to deliver at least 400 dwellings a year, equal to 8,000 dwellings over the period 2025-2045.

The council will apply a presumption in favour of sustainable development to the development of previously developed land within the built up-area, subject to maintaining a strong economy, protecting the natural environment, securing good design and ensuring decent living environments. Proposals that achieve urban regeneration and boost the supply of housing on previously developed land in the built-up area will be approved unless approval would cause substantial harm.

Regeneration areas are proposed for Torquay, Paignton and Brixham Town Centres and are shown on the policies map. The council will work proactively and in partnership with landowners, applicants, and the community to find sustainable solutions to enable development.

The change of use or redevelopment of former hotels to housing will be supported subject to Tourism and Historic environment considerations. Where the retention of a building is required, the council will support the principle of residential use outside of Core Tourism Investment Areas.

Redevelopment opportunities in the Torre Gateway and Preston Down Road clusters will be supported subject to other policies in this plan. Proposals should contribute to the improvement of active travel and public transport links.

Major greenfield development outside of the built-up area or Future Growth Areas will be resisted, unless brought forward though a Neighbourhood Plan or area allocation development plan document, or meets the requirements of the Affordable Housing Rural Exceptions Policy H8.

All development should achieve the following:

i. **A high quality of urban design and create good quality living accommodation,**

ii. **Mixed and balanced communities including the avoidance of concentrations of deprivation.**

iii. **The provision of at least 30% affordable housing on major developments**

iv. **Resilience to extreme weather events and incorporation of sustainable drainage and climate resilience measures.**

Proposals should maximise the use of land, consistent with protection of the natural, built, and historic environment and the creation of high-quality living environments.

Link to the Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

3.1 Torbay's substantial environmental, infrastructure and market-capacity constraints mean that it is not able to accommodate its full Local Housing Need (LHN) as set out in the government's December 2024 Standard Method (which at Summer 2025 was about 950 dwellings a year). The council has applied the Presumption in Favour of Sustainable development in identifying housing land.

3.2 The Plan has sought to be very proactive in supporting brownfield regeneration. By a "freestanding presumption" it is meant that the presumption tests similar to that currently in Paragraph 11 of the NPPF will be applied it urban brownfield development independently of five-year supply or Housing Delivery Test penalty considerations. Accordingly, proposals that provide housing on previously developed land in the built-up area will be approved unless:

1) Harm to Habitats sites irreplaceable habitats SSSIs, National Landscape, designated heritage assets (and archaeological assets of equal value), or flooding and coastal change matters provide a strong reason for refusal. Or

2) Adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits when weighed against the development plan, Framework and other material considerations. This will take into account policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes. Given Torbay's difficult economic circumstances, special regard will also be had to the economic impact of proposals.

3.3 "Strong" reason will be taken to mean that the proposal would cause substantial harm.

3.4 This approach is consistent with the importance of making effective use of land and concentrating development in the built-up area close to existing facilities and sustainable transport.

3.5 The ambitious programme of urban regeneration and repurposing of existing accommodation will require public funding. The councils “accommodation repurposing programme” (also loosely referred to as its “hotels to homes” scheme but extending beyond hotels is essential to increasing brownfield and other urban development above recent trend rate and is pivotal to meeting the Local Plan’s housing target. It is intended that at least 120 dwellings a year be delivered early in the Plan period. This will be a key way of boosting affordable housing delivery in the built up area. Longer term delivery will need to be kept under review, and the Plan assumes that 1,000 dwellings will be delivered on major sites (10+ dwellings over the Plan period).

3.6 It is acknowledged that much of the urban area contains constraints such as flood risk and other infrastructure issues. In addition, a significant part of the built-up area, including the three town centres, are designated conservation areas. Nevertheless, the Plan’s key focus is to develop in these locations due to their wider sustainability benefits. Any heritage impacts of increasing densities and taller buildings in highly sustainable town centres will need to be minimised through high quality design. However, the benefits of development in highly sustainable urban locations and the likely environmental harm of building on less well-located greenfield sites will need to be balanced against heritage impact.

3.7 Policy H1 outlines town centre regeneration areas. The Local Plan identifies travel corridors in “Torre Gateway” between Edginswell and Torre in Torquay and around Preston District Centre in Paignton as sustainable urban locations where there are opportunities for urban densification and to make better use of underused land. These areas are in urban locations served by public transport, and within moderate walking distance of train stations. There is therefore scope to relax minimum parking requirements, so long as improvements to public transport and walking and cycling opportunities are achieved. Policies SDT3 deals with the Newton Road to Torre Corridor, and SDP3 with the Preston District Centre cluster.

3.8 Policy HS is also clear that a significant supply of homes will come forward through re-purposing hotels and other brownfield land and buildings to homes. Given the viability challenges with brownfield development, ongoing public funding is likely to be needed particularly to deliver affordable housing from this source.

3.9 Policy H2 identifies existing and expanded Future Growth Areas. The West of Paignton was the main area of urban expansion in the previous Local Plan 2012-30, and it is proposed to continue this strategic approach. More detail about the policy requirements from these areas is set out in the area “Strategic Development” policies in Part 1 of the Plan. Broadly speaking, where clusters of development sites are likely to provide more than about 200 dwellings they have been treated as Future Growth Areas.

3.10 The Local Plan allocates major sites (that is developments of 10 or more dwellings or 1,000 sq. m). Policy H3 contains site allocations for major but less strategic housing proposals outside the town centre regeneration clusters and Future Growth Areas. It is acknowledged that this is not a comprehensive list, and windfall sites will arise over the Plan period.

Windfall sites

3.11 The Local Plan allocates sites for "major development" i.e. where the council has assessed that a site can deliver 10 or more homes. Because Torbay is an urban area, a significant portion of housing delivery often arises on smaller sites of fewer than 10 dwellings. It is not practical to allocate these on the policies map – other than to set out a supportive policy for achieving them.

3.12 Between 2012-24, the average number of completions from non-major sites (1-9 dwellings) was as follows:

- Torquay 65 (53.7%)
- Paignton 42 (34.7%)
- Brixham (Peninsula) 14 (11.6%)
- Total average annual homes on non-major sites: 121

3.13 Based on historic rates of delivery, the Plan expects 120 homes a year to arise on non-major sites. It will be important to avoid double counting numbers e.g. some smaller hotels are likely to achieve fewer than 10 dwellings and are therefore "windfalls". Neighbourhood Plans are welcome to allocate non-major sites, but caution will be needed to ensure that these are not double counted with windfalls.

3.14 Note also that the General Permitted Development Order defines major development as 10 dwellings or 1,000 sq. m. So, a development of fewer than 10 dwellings that is more than 1000 sq.. floor area is still liable for affordable housing under policy H5

3.15 It is likely that larger windfalls may come forward during the Plan period e.g. on sites of more than 10 dwellings. It is impossible to Plan for such events, nor can the plan rely on this to boost numbers. There is also a danger of double counting the numbers that may arise out of the council's accommodation repurposing programme. Where these sites are on previously developed land in the built-up area, Policies HS and H1 provide support in principle. Torbay does not have significant rural brownfield (or "greybelt") sites other than holiday parks. Policy Txx deals with planning considerations affecting holiday parks. However, it is noted that some are located in the National Landscape and close to Berry

Head SAC, and if these fall out of holiday use, a substantial part of them will need to be restored to nature.

3.16 Proposals on unallocated greenfield sites outside of the built-up area (i.e. in the Countryside Area) are likely to be in conflict with the Local Plan's strategy and therefore will not be supported unless some other material consideration indicates otherwise. One such exception may be for affordable housing on rural exception sites, which is dealt with by Policy xx

3.17 Torbay has a pressing need for affordable housing, and Policy H4

Please note that the numbers in this chapter are changing and may not add up in this early draft.

Policy	Figure 4 Potential Local Plan Sources of Housing.		
		Total (20-year plan)	Per annum (20-year plan)
H1	Torquay Town Centre Regeneration	600	
H1	Paignton Town Centre Regeneration	260	
H1	Brixham Town Centre Regeneration	50	
HS	Hotels to homes and other brownfield regeneration.	1,000	
HS	Torre Gateway Corridor (The Willows District Centre to Torre Station)	300	
HS	Preston Brownfield Cluster (within environs of the District Centre)	200	
H2	Future Growth Areas	1,800	
H3	Other allocated sites of 10+ dwellings	2,360	
NA	Windfalls (all non-major sites) at 120 dwellings a year	2,400	

	Total	8,970	448
	10% non-completion	8,073	403

Strategic Policy H1: Town Centre Regeneration Areas

Proposals that regenerate town centre areas and adjoining areas, whilst enhancing the living environment and providing a high quality environment and resilience to climate change will be supported.

Proposals should promote good design that conserve or enhance the character of the built and historic environment, taking into account the need to support urban brownfield development and regeneration. Tall buildings and urban densification will be given significant weight in the planning balance and only resisted where adverse impacts constitute a strong reason to resist development.

The following areas are specifically proposed for regeneration or remodelling to provide mixed use developments including residential accommodation, including an indicative level of new housing provision.

Detailed proposals will be developed through master planning of the areas, as part of mixed-use developments. The town centre regeneration areas are expected to provide at least the following number of dwellings on major sites over the Plan period.

- **Torquay 600 dwellings**
- **Paignton 260 dwellings**
- **Brixham 50 dwellings**

Link to the Community and Corporate Plan – Pride in Place

Explanation

3.18 In line with the Local Plan's driving strategy of maximising the use of previously developed land, Policy H1 sets out a presumption in favour of urban regeneration of brownfield sites.

The table below sets out broad areas and hypothetical number of homes that they could deliver. This should not be taken as maximums if schemes come forward that would exceed this number.

Area	Sites (for information)	**Yield** (Numbers are approximate and subject to further assessment)
Torquay		
H1T1 Castle Circus Area	Town Hall Car Park* 21T032a Magistrates Court 21T070 Municipal Chambers* 21T035 Castle Circus House & adj. Buildings 21T140	50
H1T2 Union Street, Union Square, Lower Union Lane,	21T075 Union Square 21T146 Land rear of Castle Circus House* 21T141 Former New Look Store	200
H1T3 Temperance Street, and Market Street, Pimlico	21T037 Former Blockbuster/ Morrisons TCRT09 3-9 Pimlico* TCRT010 Pimlico* 21T123 Telephone Exchange Lower Union Lane* 21T034 Land rear of Market Street (former Auction Rooms)	150

H1T4 Abbey Road, Rock Road, Roebuck House	21T038 Roebuck House* TCRT013 Adj. Abbey Hall (former Laundry Site)	100
H1T5 Fleet Street, Torquay Harbour: Living Coasts, Strand, and Marina Car Park	21T161 30-34 The Terrace* 24T008 48-50 The Terrace 21T081 Strand 21T139 The Marina Car Park (adj. The Pavilion) TCRT018 Living Coasts 21T093 The Imperial Hotel* 21T047 Fleet Walk Shopping Centre (upper floors).	100
Torquay Town Centre Sub Total		600
Paignton		
H1P1 Paignton Harbour	22P003 Paignton Harbour	30
H1P2 Crossways and adjacent land	21P025 Crossways	120
H1P3 Victoria Square	21P027 Victoria Square 24P005 12-14 Victoria Street	72
H1P4 Station Lane and Station Square	TCRP04 Station Lane, TCRP05 Station Square	40

	Car Park, Station Square.	
Paignton Sub Total		260
H1B1 Brixham	21B006 Town Centre Car Park Middle Street and town centre	50

3.19 Note that the town centre areas are promoted for wider regeneration, and that a range of sites may come forward for development. Further details are set out in the "Strategic Development" policies for the town centres. The Local Plan proposes a "Presumption in Favour of Regeneration" which supports brownfield urban development subject to other plan considerations. The above sites have been identified as being within the regeneration clusters. More detailed assessments will come through master planning or neighbourhood plans. Some of these sites will com forward as mixed use developments including ground floor commercial use where viable. Some of the sites are within conservation areas or other designated heritage assets. Good quality design will be required to conserve or enhance these; however the need to deliver homes in highly sustainable town centre locations carries significant weight in the planning balance.

3.20 It will be important that developments are made safe for their lifetime from the effects of climate change, and particularly flooding. It will simply not be possible to meet Torbay's Local Housing Need as set down by government without placing some development in areas of flood risk. However, development should avoid sleeping accommodation on ground or basement floors in flood vulnerable areas and provide safe escape routes and resilience measures.

3.21 Within town centres a minimum level of car parking will be required (see policy xx) subject to appropriate investment into walking, cycling and public transport facilities. All development, and particularly new homes should provide secure, covered and fire-safe parking for electric cycles with charging facilities.

Strategic Policy H2: Future Growth Areas

Future Growth Areas are allocated for strategic development within Torbay. They show broad locations in which the council, community and landowners will work together to identify in more detail the layout, design, detailed balance of uses, detailed infrastructure (including green infrastructure) and delivery mechanisms required to develop the areas. More detailed requirements for Future Growth Areas will be brought forward through updated Masterplans.

The following sites are allocated for development:

- **H2T.1 Torquay Gateway, Edginswell: 350 dwellings**
- **H2P.2 Great Parks Paignton: 160 dwellings**
- **H2P.3 Collaton St Mary Paignton: 600 dwellings**
- **H2P.4 Long Road, White Rock and Inglewood, Paignton (and BCG Villages) 700 dwellings**

Link to the Community and Corporate Plan – Pride in Place

Explanation

3.22 Future Growth Areas are locations where more than circa 200 additional dwellings can be achieved as part of mixed-use developments (including recent completions). They are shown as site allocations on the Policies Map. The sites will come forward through masterplanning showing how they can be delivered as mixed use areas that make provision for a range of uses including employment, housing. They should provide opportunities for sustainable transport and environmental protection, including biodiversity net gain.

3.23 **Torquay Gateway (Edginswell)** is allocated in the Torbay Local Plan 2012-30 but the number has been reduced to reflect viability constraints. The 2016 Masterplan will be updated to set out how the site can be delivered.

3.24 **Great Parks** Phase 1 was built in the 1990s, with some more recent completions of the second phase of development. The second phase has remained undeveloped for several decades due to infrastructure issues. The creation of a second access road to serve the Lidl store (opened in 2025) will help inlock the later phases of development to the north of the site. A non-statutory masterplan has been prepared for the area and endorsed by Policy PNP21 of the Paignton Neighbourhood Plan. Updated master planning will be needed to ensure that the area is delivered in a sustainable way.

3.25 **Collaton St Mary:** The bulk of Collaton St Mary is allocated for development in the Torbay Local Plan 2012-30 and the subject of a Masterplan supplementary planning document adopted in 2016. The draft Local Plan proposes to extend these areas. An updated masterplan will be needed to deal with access issues, and making the development accessible for active travel and public transport.

3.26 **Long Road/White Rock:** The Long Road/White Rock area is allocated in the Torbay Local Plan 2012-30 and is substantially built out. However, there are further opportunities for development of homes and employment. It will be important to preserve the environmental and historic character of Yalberton Valley and hamlets of Higher and Lower Yalberton.

3.27 The south of this area falls within the Broadsands, Churston, Galmpton Village Forum Neighbourhood Plan area. It will be important to maintain a settlement and visual gap between the built up area and the more rural settlements to the south, which sit within the setting of the South Devon National Landscape.

Ref.	Site	Estimated Number of dwellings	
	Future Growth Areas: The following broad locations are proposed for development. Parts of the areas are allocated under the Torbay Local Plan 2012-30. These allocations are retained and expanded. The number quoted is the total proposed allocation for the area (unbuilt at 2025)		
H2T.1	Torquay Gateway, Edginswell, Torquay	350	21T122 Number reduced from previous Local Plan to reflect deliverability.
H2P.2	Great Parks Phase 2	160	21P014 North of Luscombe Lane, Great Parks 21P068 Great Parks Phase 2 (Allocation H1.12) 21P081 Former Local Centre 21P051 Hilltop Nursery (Number additional to completions at 2025).

H2P.3	Collaton St Mary, Paignton (Extension	600	21P042 Land adj. Bona Vista Holiday Pk, Totnes Rd 21P043a Land adj. Beechdown Farm Bungalow, Totnes Rd (extended site) 21P041 Plot 1 & 2, Totnes Road 21P077 Western half of Taylor Wimpey Site, North of Totnes Rd 21P010 Land North of Totnes Road (Bloor now Cavanna Homes) 21P080 Torbay Holiday Motel, Totnes Rd, Collaton St Mary 21P015* South of Totnes Rd, Collaton St Mary 21P008* Land to the North of Totnes Road (Taylor Wimpey) 21P078* Land North of Totnes Road
H2P.4	Long Road, Yalberton, White Rock and Inglewood (Extension)	700	Around 200 dwellings in addition to allocation in the Torbay Local Plan 2012-2030. 21P012 Lower Yalberton Holiday Park 22P001 Yalberton Holiday Park/Berry Acres 'Link' 21P067 Land North of Lower Yalberton Holiday Park, Long Road 21P001* Land off Brixham Rd (Devonshire Park) 21P053 R/o Local Centre 21P079 Limekiln Close

			21B002 Inglewood (under construction- within BCG Villages). 24BCG001 Inglewood pub-restaurant site.

Strategic Policy H3: Other Local Plan allocated sites

The following sites are allocated for housing. All proposals for housing, including those affecting the existing housing stock, will contribute to creating sustainable, inclusive and mixed communities. This will be achieved by providing an appropriate mix of decent, good quality homes, which provide for affordable housing as set out in Policy Hxx.

Sites should be developed at the highest density appropriate to their location and consistent with good design. Proposals that do not make optimal use of land will be resisted.

The following sites are proposed for housing development:			
Ref.	Site	Anticipated number	Notes
	Torquay		
H3T.1	Maidencombe North of Sladnor park and around Jon Glanvill Autos	150	HELAA Sites T21065, 21T126, 21T111, 21T158, 21T143
H3T.2	Sladnor Park, Maidencombe. Due to High Court decision the principle of development has been established, see application P/2020/0315*	120	21T064
H3T.3	Brunel Manor, Conversion of buildings only	45	Conversion of Brunel Manor 21T148. Land to the north 23T007
H3T.4	Great Hill	130	21T154, 21T155 and 25T001 land to the

			west between Great Hill Road and Claddon Lane (Cherry Blossom Farm) .
H3T.5	Land at Kingskerswell Road and r/o Barton Hill Road	10	21T056
H3T.6	Holiday Parks, North of The Willows	250	21T016,21T017, 21T018 Existing allocation. Need to retain and enhance tree cover.
H3T.7	Land adjacent and south of Watcombe Hall	10	24T012
H3T.8	Babbacombe Business Park, Babbacombe Rd, Torquay	12	21T072
H3T.9	Land North of Bottompark Lane, Barton Hill Road.	20	21T145
H3T.10	Former Tennis Courts, Palace Hotel	38	21T006 Under construction
H3T.11	Grand Hotel Garage Block	10	21T138
H3T.12	Land adjacent to Broadley Drive, Livermead, Torquay	50	21T050
H3T.13	Grounds of Rowcroft, Avenue Road	40	24/T009– assisted living units
H3T.14	Maycliffe Hotel, St Lukes Road South	10	24/T002
H3T.15	Meadfoot Beach Car Park	10	24/T001
H3T.16	Site 1 Higher Cadewell Lane	18	21T021
H3T.17	Site 2 Higher Cadewell Lane	12	21T020

H3T.18	Hatchcombe Lane, Scotts Bridge/Barton	50	21T129
H3T.19	Westhill Garage, Chatto Road	15	21T131
H3T.20	Seabury Hotel, 11 Manor Road, Torquay	12	21T080
H3T.21	Quintaville, Junction of Reddenhill Road	10	21T023
H3T.22	Stoodley Knowle, Ansteys Cove Road, Torquay	80	21T085(not including built units)
H3T.23	R/O Edinburgh Villas, McKay Avenue, Torre Marine (Specialist housing)	75	21T095
H3T.24	Shelley Court Hotel, 29 Croft Road, Torquay	20	21T003
H3T.25	Brampton Court Hotel, St Lukes, Road South	14	22T003
H3T.26	Conway Court, Warren Road	14	21T060
H3T.27	Shedden Hall Hotel Site, Shedden Hill	30	21T124
H3T.28	Bancourt Hotel, Avenue Road	30	21T054
H3T.29	Hollicombe (former gas works)	50	21T015
H3T.30	Coppice Hotel	20	
H3T.31	Hotel Virginia, Falkland Road	15	
H3T.32	Chelston Telephone Exchange Goshen Road	20	24/T005
H3T.33	Menzies House Parkfield Road	10	24/T007
	Torquay Sub Total	1362	
	Paignton		

H3P.1	North of James Avenue	30	21P087
H3P.2	Barton Pines	50	24P006. Removal of holiday occupancy policy
H3P.3	Stoke Road, West of Yalberton Valley	400	21P065a 24P001
H3P.3	Land at Preston Down Road North, Paignton	50	21P017
H3P.4	Land at Preston Down Road South, Paignton	50	21P018
H3P.5	Summerhill Hotel, Braeside Road	10	21P055
H3P.6	Former Kia Garage, Totnes Road	25	21P088. Existing permission for Screwfix- but keep allocation until implemented, due to the sustainability of the site.
H3P.7	Totnes Road Service Station	14	21P075
H3P.8	Oldway Mansion	46	24P004- see permission P/2011/0925
H3P.9	Alan Kerr Garage, Brixham Road	10	21P033
H3P.10	Church site, Bellfield Road, Foxhole	15	21P069
H3P.11	3 Keysfield Road	13	21P085
	Paignton Sub Total	615	

	BGC Villages		
H3BCG.1	Gliddon Ford Filling Station, Dartmouth Road, Churston Ferrers. Access to the Archery Field	10	21B001
H3BCG.2	Archery Field, Churston	50	21B005
H3BCGC.3	Monksbridge	130	21B015a
H3BCG.4	Copythorne Road	77	Permission P/2023/0480
	BCG Villages Sub Total	267	
	Brixham		
H3B.1	Wall Park Extensions (R/O Wall Park Farm, 39 Wall Park Rd), Brixham	20	
H3B.2*	Brixham Paint Station, Kings Drive**	10	Increase. 21B007 Include church area
H3B.3*	Site of Northcliff Hotel	15	21B008
H3B.4*	St Kildas (Specialist housing)	20	21B011
H3B.5*	Torbay Industrial Estate Part 1	10	21B053 Subject to amenity issues
H3B.6*	St Marys Road (Old Dairy Buildings)	30	22B001
H3B.7	Former Jewsons, New Road.	17	P/2024/0311
H3B.8	Brixham Hospital	15	25B001
	Brixham Sub Total	122	

	Total	2366	

Link to the Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

3.28 Sites with a capacity for than 10 but less than circa 200 additional dwellings are allocated as housing sites. The Local Plan does not allocate sites with an assessed capacity of fewer than 10 new dwellings (i.e. it only allocates major developments). Non-major development can come forward as windfall and/or through Neighbourhood Plans.

3.29 It is recognises that this list of sites will change over time, and other applications will come forward and need to be considered on the basis of Policies HS and H1 of this Plan.

3.30 There is an expectation that all schemes will provide a minimum of 30% affordable housing in accordance with Policy SH4. Applications should also meet other Local Plan requirements in relation to providing a high quality of design, climate change resilience, environmental protection etc.

Policy H4: Minimum density

New housing should be developed at maximum densities consistent with protecting the natural and built environment and providing a decent standard of accommodation and residential amenity.

In particular, high densities should be developed on urban sites which have good access to walking, cycling and public transport facilities and are located within easy walking distance of food stores, community facilities and public open space. In these circumstances car parking provision may be reduced.

Developments should ensure that safe access for emergency vehicles can be achieved and that safe covered provision for electric cycles is provided.

Regard should also be had for amenity issues in relation to existing uses and avoid new housing where it would lead to pressure for existing commercial or leisure uses to be curtailed.

Link to the Community and Corporate Plan – Community and Place

Explanation

3.31 Torbay has very little opportunity to expand outwards and the limited green hinterland that exists is covered by significant environmental designations. It is important that new housing on both greenfield and brownfield sites are provided at the highest density consistent with providing an adequate level of privacy, amenity and tranquillity for residents.

3.32 Paragraphs 129-130 of the NPPF (2024) require plans to make the best use of land and for minimum density to be considered especially in urban locations that are well served by public transport.

3.33 Because Torbay has a range of landscape, historic and built environment constraints, it is not feasible to set out a clear minimum density. However, greenfield housing developments should seek to achieve 30-50 dwellings per hectare. Proposals that achieve lower than 30 dwellings per hectare will need special justification in terms of design, landscape or ecological constraints.

3.34 Higher densities should be provided in town centres and other locations within easy reach of facilities and public transport. It will be important to consider living conditions of residents in such proposals and to avoid “agent of change” issues whereby new housing leads to conflict with existing businesses or uses. This will be an important consideration for new housing development close to commercial areas such as harbours and the fishing industry.

Policy H5: Conversion of buildings into flats

Where planning permission is required, applications for the conversion or sub-division of buildings into flats will be approved where:

1. **The accommodation provided creates good quality accommodation of a reasonable size with ample provision for amenity space, parking and waste/recycling provision having regard to the surrounding area.**

2. **The proposal does not lead to a concentration of deprivation, for example by creating very small dwellings or dwellings with poor living conditions. Special attention will be had to Community Investment Areas and other indicators of deprivation.**

3. **The conversion of modest size family housing into small apartments will be resisted unless this can be shown to have a positive benefit for the creation of mixed and balanced communities.**

4. **The buildings are self-contained.**

5. **The proposal incorporates improvements to the fabric of the building, including the removal of deleterious additions to older buildings and in conservation areas.**

6. **The proposal is acceptable in terms of its environmental, water management, and ecological impact. In particular it will not lead to additional pressure on drainage and Special Areas of Conservation.**

7. **The conversion of buildings achieves best use of land, having regard to heritage and other policies in the Local Plan.**

Link to the Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

3.35 Some conversion of buildings to apartments can be caried out under “prior approval” which is a reduced “permitted development” consent regime government policy and the Local Plan are strongly supportive of brownfield development. However, the creation of very small apartments can exacerbate Torbay’s severe deprivation problems and reduce the availability of family accommodation. It is also important that converted apartments should not result in poor living conditions. Whilst the policy does not apply rigid space standards, self contained apartments of less than 37sq m are likely to be in conflict with Policy H5 and regard will also be had to natural light, outlook etc.

3.36 Where historic buildings are sub-divided, the council will seek to achieve built environment improvements including the removal of harmful features, such as later lean-tos, roof extensions and other mid C20th features that were often applied to buildings formerly in holiday use.

3.37 Other policies relating to flooding, water management and reducing the amount of water draining into shared sewers, will be important to mitigating the impact of urban development on the Marine Special Area of Conservation.

Policy H6: Loss of homes

Where proposals result in the loss of housing, including through the combination of dwellings, applicants will be required to demonstrate that one or more or the following apply.

1. **The proposal would result in improved standard of accommodation and improved living conditions**
2. **The proposal would make a positive contribution to reducing deprivation**
3. **The proposal would restore or enhance historic features or architectural features of heritage assets.**
4. **It is demonstrated that the loss of housing would be outweighed by an economic or environmental benefit.**

Proposals that do not achieve one or more of the above will be refused. The council will consider the impact of loss of dwellings on housing supply and the creation of mixed and balanced communities.

A condition will be attached to restrict use as a House in Multiple Occupation unless all of the criteria in Policy Hxx are met.

Link to the Community and Corporate Plan – Community and Place

Explanation

3.38 Torbay's constrained land supply means that it will be important to maintain the existing dwelling stock for residential use. As such the amalgamation of dwellings will be regarded as development that requires planning permission. It is important to note that some of Torbay's housing stock does not provide a good standard of accommodation, particularly in some instances where buildings have historically ben sub-divided into flats, or holiday use lapsed into permanent occupancy. Concentrations of such accommodation can create deprivation hotspots and poor living conditions, mainly for private sector renters. In such cases the amalgamation of dwellings will be supported if it can be shown that this would improve the quality of the environment or contribute to the creation of more mixed and balanced communities.

3.39 The council will resist the creation of very large dwellings, where this does make good use of land or could lead to multiple occupancy. Where necessary, permitted development rights for use as class C4 HMOs will be removed.

3.40 In assessing the “reasonable” size for a dwelling the council will have regard to the following guideline sizes. Layouts that significantly exceed this (e.g. by more 20%) are likely to raise concerns about whether a proposal is making best use of land.

General description	Floorspace range (excluding communal areas)	Typical of dwelling type
Smaller Apartments	37 – 59 sq. m	Studio and 1-2 bedroom flats
Small-medium dwellings	60-79 sq. m	2-3 bedroom apartments, Smaller 2-3 bedroom houses.
Medium size dwellings	80-108 sq. m	Large apartments, 3-4 houses.
Larger dwellings	109+ sq. m	4+ bedroom houses

3.41 There may be instances where the loss of housing is necessary for economic purposes, e.g. to support infrastructure improvements. Such instances are likely to be relatively rare, and the public interest economic or other benefits will be taken into account as part of the overall justification for the loss of dwelling.

Strategic Policy H7: Affordable Housing

Policy requirement

To ensure that residential development contributes to meeting identified affordable housing needs across Torbay by requiring a proportion of new housing to be delivered as affordable homes.

All major residential developments (meaning developments including mixed use developments that contain 10 or more dwellings irrespective of use class or where the site has a combined gross floorspace of more than 1,000 square metres or is located

in the National Landscape) will be required to contribute towards the provision of affordable housing as follows:

New dwellings (gross)	Proportion of affordable housing	Equal to no. of homes	On-site or offsite
0-9			Proscribed by paragraph 64 of the NPPF. If this changes, affordable housing will be sought in accordance with national policy.
10	3%	0.3	Off site contribution unless brought forward as part of the council's accommodation repurposing programme.
11	6%	0.66	Off site contribution unless brought forward as part of the council's accommodation repurposing programme.
12	9%	1.08	Off site contribution unless brought forward as part of the council's accommodation repurposing programme.
13	12%	1.56	Off site contribution unless brought forward as part of the council's accommodation repurposing programme.
14	15%	2.25	Off site contribution unless brought forward as part of the council's accommodation repurposing programme.
15	18%	2.7	Onsite unless offsite is agreed with the Head of Housing.

16	21%	3.36	Onsite unless offsite is agreed with the Head of Housing.	
17	24%	4.08	Onsite unless offsite is agreed with the Head of Housing.	
18	27%	4.86	Onsite unless offsite is agreed with the Head of Housing.	
19	30%	5.7	Onsite unless offsite is agreed with the Head of Housing.	
20+	30%	6 (+0.3 per dwelling thereafter)	Onsite	
All sites within the South Devon National Landscape (where not approved as rural exceptions sites)	At least 35%		Onsite unless agreed by the Head of Housing. Unallocated sites in the National Landscape are likely to only be acceptable as rural exceptions sites.	

1. **The affordable housing must be provided on-site where indicated above. Off-site provision or commuted sums will only be considered in exceptional circumstances, at the discretion of the Local Planning Authority (LPA), and must be justified with a planning statement demonstrating that:**

i. **there is a good planning reason why on-site provision is not viable or practical.**

ii. **Contributions of land and/or money are made sufficient to achieve the same or greater number of affordable homes off-site.**

2. **Within the South Devon National Landscape, allocated sites (of whatever size) should provide at least 35% affordable housing.**

3. **Unallocated sites in the countryside area will be subject to policy H8 Affordable Housing Exceptions sites in the Countryside.**

4. **A site's overall capacity to accommodate dwellings will be taken into account when calculating the affordable housing requirement. Proposals that artificially sub-divide, or under-develop sites will be resisted.**

Tenure Mix

5. **The tenure of affordable housing should be agreed through the planning process. The council will seek:**

i. **70% Social Rent**

ii. **30% Intermediate housing (e.g. Shared Ownership, Discount Market Sale)**

Regard will be had to up-to-date local evidence of housing need

Design and Integration

6. **Affordable housing must be indistinguishable in appearance from market housing and fully integrated within the development.**

7. **Affordable units must meet the Nationally Described Space Standards and Building Regulations Part M4(2) (Accessible and Adaptable Dwellings) unless otherwise agreed.**

Viability and Flexibility

8. **Where applicants seek to provide fewer than the required affordable units due to viability concerns, they must submit a Viability Assessment in accordance with the national Planning Practice Guidance and local validation requirements.**

`All viability assessments must be:

- **Submitted at the planning application stage;**
- **Made publicly available;**
- **Reviewed by an independent assessor appointed by the LPA, at the developer's cost.**

9. **Before reducing the quantity of affordable housing, other options such as changing the tenure mix or other funding sources must be investigated.**

Delivery and Timing

10. **Affordable housing shall be delivered in phases alongside market housing unless otherwise agreed through a planning condition or Section 106 agreement.**
11. **Developers will be required to:**

- **Enter into a Section 106 Agreement to secure affordable housing;**
- **Provide details of the proposed Registered Provider or alternative delivery mechanism.**

12. **The early development of affordable housing on site will be encouraged**
13. **The provision of additional affordable housing on non-major sites, or in excess to the plan requirement will be supported in principle, subject to the creation of mixed and balanced communities.**

Link to the Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

3.42 Torbay has a very pressing need for affordable housing. Around 8% of Torbay's housing stock is made up of affordable housing, compared to around 18% nationally.

3.43 Policy H7 ensures that all major residential developments make a meaningful contribution to the affordable housing supply, supporting the creation of mixed and balanced

communities. The policy provides flexibility where schemes are genuinely unviable but prioritises on-site provision in line with national policy and local housing needs.

3.44 This policy provides clarification that all major residential sites will be expected to provide 30% onsite Affordable Housing unless robustly justified with evidence.

3.45 The Policy also supports the delivery of affordable housing on non -major sites although it notes that outside of the national Landscape the nationally prescribed threshold of 10 dwellings (or 1,000 sq. m) applies. On that basis, non-major sites are likely to come forward through non-S106 routes, unless provided as local need rural exceptions sites (see policy xx below).

3.46 Early discussion with the council's Affordable Housing Manager should take place to agree location, tenure and timing of provision.

3.47 When negotiating affordable housing tenure, regard will be had to evidence of housing need, including the latest Housing and economic Needs Assessment (currently 2021), waiting list and affordability data.

3.48 The expectation is that affordable housing should be provided on-site for larger sites. However, the policy allows for the provision of land or financial contributions for provision elsewhere. This must be agreed by the council's Head of Housing (or equivalent post) and provide for at least an equivalent number and type of affordable homes that would have been provided on site and also take into account the additional costs of off-site provision such as site acquisition.

3.49 The council will take into account a site's capacity to provide affordable housing and resist attempts to under-develop sites or subdivide plots to minimise affordable housing liability. This also includes providing abnormally large dwellings or void areas in building layouts (unless justified by other constraints such as flood risk etc). It will be assumed as a starting point that sites are capable of providing 30 dwellings per hectare gross, although extenuating factors will be considered. Developments of apartments are likely to be capable of providing significantly higher levels than 30 dwellings per hectare.

3.50 When assessing whether land is an "incremental" site where affordable housing may be sought the council will consider matters such as whether land is in the same ownership, directly adjacent or connected and any levels differences between sites.

3.51 Torbay's main need is for rented affordable housing; however it notes that demand for intermediate affordable housing has increased substantially in recent years (e.g. as shown by the increase from 10% of need in the 2011 Housing market assessment to around 40% in the 2021 HENA). It is also important that affordable housing is provided as mixed and balanced communities and that concentrations of deprivation are avoided (see Policy xx). The provision of intermediate housing can assist with the creation of inclusive and mixed

communities and aid viability. The council's preferred means of delivering intermediate housing is through shared ownership products managed by registered providers and there is currently a high take up for these. The NPPF does acknowledge that other forms of intermediate housing, such as discount market sales housing do exist. Other forms of tenure should be agreed with the Affordable Housing Manager.

3.52 The NPPF (paragraph 65) and PPG requires councils to allow Vacant Building Credit to be granted to incentivise the reuse or redevelopment of vacant buildings. Eligibility for VBC will be determined by Torbay Council. Robust evidence will be required to support the an application for VBC. Buildings that have been abandoned or made vacant for the purpose of redevelopment will not be eligible. The council will have regard to the definition of vacant buildings in the CIL Regulations (2010 as amended) when considering VBC eligibility i.e. a vacant building has not been in lawful use for 6 months or longer in the last 3 years. However, has the PPG is clear, the council will have regard of the intention of national policy of incentivising brownfield development.

3.53 Where the provision of affordable housing is argued to render affordable housing unviable, it is important that early discussion takes place with the council's Affordable Housing Manager. An independent assessment of viability will be required, with the developer underwriting the cost of the viability assessment. A reduction in the level of affordable housing provision will only be agreed where:

i) The provision of affordable housing is shown to make the development unviable.

ii) Other options to achieve policy compliant level of affordable housing have been explored. These include (but are not limited to) increasing the proportion of intermediate housing, or sale to an affordable housing provider.

iii) A recovery mechanism is provided that allows affordable housing to be provided should viability improve, based on a deferred calculation of development profitability. Make more robustly pro-affordable housing – don't encourage viability challenges.

3.54 Affordable housing will be prioritised for local people though local lettings policy such a Devon Home Choice. Proposals that provide particular support to groups such as care experienced young people will be given particular support. This policy will be reviewed periodically to ensure continued alignment with national policy, housing needs, and viability evidence across Torbay.

3.56 More detailed advice on the implementation of this policy will be set out in a Planning Contributions and Affordable Housing Supplementary Planning Document or similar guidance.

Policy H8: Affordable housing exceptions sites in the countryside

In the countryside (as shown on the Policies map), the development of sites for affordable housing to meet the needs of local people will be permitted, as a rural exception, where:

i. **There is a proven need for affordable housing from households that have a strong local connection; and**

ii. **The site adjoins a settlement and does not have a significantly adverse impact on environmental, landscape, or historic assets, individually or in combination with other developments; and**

iii. **The scale of provision is limited to meeting the identified local need; and**

iv. **Dwellings remain as affordable housing for local people in perpetuity**

There is an expectation that homes permitted as rural exception housing should be 100% affordable housing.

Where market homes are proposed to support the overall viability of the site, they will need to be supported by a viability assessment indicating why they are necessary to deliver the development. Market homes should in any event be a small proportion of dwellings, up to 30% of homes on site.

Link to the Community and Corporate Plan – Improving the delivery, affordability and quality of housing

Explanation

3.57 Policy H8 sets out criteria for considering rural exceptions where this would achieve affordable housing to meet an identified local need. Since the application allows housing to be built in locations where housing would not usually be acceptable, it should be limited to providing affordable housing. To achieve this a s106 obligation will be sought to require the dwellings to be provided as affordable housing and retained as such in perpetuity. Occupation will be triaged to meet local needs with a cascade to town level and Torbay level if not achieved. This will be managed through a local lettings policy via Devon Home Choice or similar.

3.58 It will be assumed that dwellings will be 100% affordable, with an emphasis on social rent. Where it is argued that market housing is needed to achieve viability, robust evidence will

be required to demonstrate this, having regard to other available sources of funding including public subsidy. No more than half the homes may be provided as open market dwellings.

3.59 Policy H8 is expected to deal with relatively small sites of up to circa 20 dwellings, as a general rule of thumb. Because the dwellings would not normally be acceptable other than to meet affordable housing needs, it is considered appropriate that the normal "major" development threshold outside the national landscape is waived. If the "major development" principle is applied, this would mean that Policy H8 could only apply to National landscape which would be a perverse unintended consequence.

3.60 Proposals should not cause serious landscape or ecological harm and should be able to provide safe access.

Policy H9: Self-build housing in Future Growth Areas

To accommodate demand for self-build homes, the provision of at least 2% of dwellings within Future Growth Areas, or sites of over 100 dwellings, shall be provided as serviced plots for sale to self or custom home builders.

This will be controlled by the following means:

1. **The provision of serviced plots in an agreed location will be set out through a s106 Planning Obligation.**

2. **Where on site provision is not feasible, and off-site provision of serviced land with permission is not possible, the plots should be provided as affordable housing.**

Where plots have been made available and marketed appropriately for at least 3 months and have not sold, the plot(s) may either remain on the open market as self build for up to 12 months, or be offered to the council for affordable housing. Where no take up of self-build plots occurs within 12 months, it should be offered to the council for the provision of affordable housing.

3. **Planning permissions should include conditions requiring self-build developments to be completed within 3 years of a self-builder purchasing a plot.**

4. **If provision is made off-site, alternative sites should be provided as serviced plots with planning permission.**

5. **Where the provision of serviced plots for self-build is not practical for site assembly, layout or other reasons, an additional 2% of homes should be provided as affordable housing.**

Link to the Community and Corporate Plan – Community and Place

Explanation

3.61 Policy H9 provides for a small proportion of large housing sites (of 100 or more dwellings or those within Future Growth Areas) to be provided as self-build plots. In the context of this policy, self-build also refers to custom build plots. These should be provided by the developer as serviced plots, and will be allocated from the Self Build Register with first preference to existing Torbay residents or those with a strong family connection.

3.62 Where the provision of serviced plots is not practical, for example due to site servicing or insurance reasons, the provision should be rolled into the provision of affordable housing (and additional to the affordable housing requirement). The assumption will be that such units will be offered for sale through a Registered Provider as shared ownership products through a local lettings policy. Similarly, where there is no take up of self-build plots, they should default to affordable housing.

3.63 Where units are provided as self or custom-built housing, whether on allocated sites or through windfalls, it is essential that CIL Self Build Exemption is applied for as an application validation measure, even if the development is zero rated for CIL.

Policy H10: Houses in Multiple Occupation (HMOs)

The conversion of HMOs to self-contained dwellings will be encouraged and supported.

Applications for new buildings or sub-division of existing buildings into non-self-contained residential accommodation (HMOs) will only be permitted where the following criteria are met:

1. **The property is located within easy reach of sustainable transport and community facilities.**

2. **An acceptable standard of residential accommodation can be provided.**

3. **The scale and nature of the use would not harm neighbourhood amenity, for example by way of noise, general disturbance, litter, on-street parking, or impact on visual amenity.**

4. **To avoid an over-concentration of similar uses that could exacerbate deprivation, no more than 5% of the total dwelling stock within 100 metres of the application site should be HMOs; and the application does not sandwich a C3 dwelling between two HMO properties.**

5. **The building is not within an area of significant deprivation.**

6. **The proposal is not within or directly abutting a Core Tourism Investment Area, and would not otherwise adversely affect the character of holiday areas.**

7. **Adequate storage facilities are provided for cycles, waste, and recycling collection; and**

8. **There is supervision by a resident owner or manager, or an appropriate alternative level of supervision. Ongoing management will be secured through condition or s106 Planning Obligations where appropriate.**

9. **Where new dwellings (within Class C3) do not meet the above tests, the council will restrict the change of use to Class C4 Small Houses in Multiple Occupation.**

Link to the Community and Corporate Plan – Community and Place

Explanation

3.64 An HMO is a building or part of a building that is being occupied as a main residence by more than one household, i.e. unrelated people who do not live together as a family but share some facilities such as a bathroom or kitchen. HMOs with more than 6 occupants are ‘sui generis’ and require planning permission. Small HMOs of 4-6 people fall within Use Class C4. These require planning permission where permitted development rights to change use have been removed, for example through an Article 4 Direction.

3.65 Planning control of HMOs is separate from housing legislation. The Housing Act 2004 defines licensable HMOs as 5+ occupants living in more than 1 household in buildings of three stories or more.

3.66 HMOs form 2.3% of Torbay's housing stock compared to a national rate of 1.6%. A proliferation of houses in multiple occupation, particularly where badly managed can lead fuel the serious urban deprivation that besets many coastal towns and lead to significant social problems.

3.67 On this basis, 'sui generis' or Use Class C4 HMOs will be resisted where there are concentrations of deprivation or where a proliferation of such properties could be harmful to achieving mixed and balanced communities. As a guideline, where applications make up more than 5% of housing stock within a 100m radius, or where areas are within the 10% most deprived Lower Super Output Area in the most recently published Indices of Multiple Deprivation, they are likely to meet the tests of Policy HB9.

3.68 HMOs should contain adequate provision for waste and recycling, cycle storage and resident amenity space. HMOs should seek to provide an area of 30-35 square metres per single bedspace. A proportion of communal lounges and kitchens, for example, may be considered as contributing to this space. Where permission is granted for HMOs, the council will require the property to be appropriately managed, either through an on-site manager or other arrangement that provides for 24 hour emergency cover. This will be secured through planning condition or s106 Planning Obligations, and a monitoring obligation sought.

3.69 There will be an expectation that HMOs will not be approved in CTIAs and other key tourism locations where they would adversely affect the tourist economy, and unauthorised HMOs will be prioritised for enforcement action. Note that Policy TO2 has been drafted to make it easier to convert former holiday accommodation into residential use other than in Core Tourism Investment areas. Such accommodation should be provided as self-contained dwellings.

3.70 Policy H4 will apply to all HMOs. The council will use these Policy criteria in considering whether to pursue enforcement action against existing unauthorised HMOs. The Policy aims to reduce the number of poor quality HMOs and to slow the growth in their number in the Bay, whilst acknowledging that well-run establishments can contribute to meeting a need for low-cost accommodation.

3.71 Note that Policy H10 does not apply to accommodation where significant care or ongoing support is provided by a charitable organisation. Such uses are dealt with in Policy H11 below.

3.72 The council will resist very large dwellings which are likely to be HMOs where they fail the tests of this policy. In areas within the top 20% most deprived LSOAs, the council will restrict permitted development rights to convert Class C3 dwellings to Class C4 HMOs.

Policy H11: Specialist housing for people in need of care or support

The council will support measures to help people live independently in their own homes and to live active lives within the community.

This will be achieved through the following measures:

1. **All new dwellings should be capable of adaptation for disabled people, as far as is practical. All major developments should provide a minimum of 25% of all new homes to Building Regulations Approved Document Part M4(2) (accessible and adaptable dwellings) standard.**

2. **The provision of accommodation providing additional support and assistance to local care-experienced young people will be support unless other policies in the Local Plan provide a strong reason for refusal.**

3. **Adaptations to assist people living with disability will be supported unless they conflict significantly with other Local Plan Policies. Where accommodation is provided for annexes for relatives or other dependants, the council will require accommodation to revert back to being part of the main dwelling when no longer needed for annex purposes, unless the annexe is suitable for residential accommodation according to the policies and obligations set out in this plan (or subsequent development plan policy).**

4. **Specialist accommodation (irrespective of use class) should be primarily aimed at meeting the needs of local people, or those with a strong family connection. As a guideline, the occupation of specialist accommodation will be restricted to people living in Torbay for a minimum of five years or with a direct family member living in Torbay. Exceptions to this will be provided where one or more of the following apply:**

i. **Specialist accommodation such as specialist dementia care and facilities etc. with support of adult social care**

ii. **Affordable housing or institutions (including extra care managed by local lettings agreement)**

iii. **Where specialist accommodation is not restricted to occupation by people with a strong local connection, and (i)- (ii) above does not apply, the council will seek financial contributions via s106 Planning Obligations to meet likely local healthcare and social service costs generated by the development. This**

should reflect the average additional cost to Torbay Adult Social Care and the NHS arising from inwards migration of people likely to require additional care and support over the lifetime of the development.

5. **Specialist accommodation for older people or other people in need of care should be located within easy reach of community facilities, shops, and public transport. They should be located on relatively level sites where possible.**

6. **New care homes and other specialist accommodation, extensions to existing care homes and development of retirement villages will only be approved where:**

i. **evidence of need is provided.**

ii. **they will not harm the creation or retention of mixed and balanced communities.**

iii. **they will not add undue pressure on local healthcare or social services; and**

iv. **the accommodation leads to an improvement in the quality-of-care facilities provided especially the provision of specialist nursing or care facilities.**

Where development, including residential development, places an additional need upon health services or facilities, the council will seek financial contributions towards the funding of those facilities.

Link to the Community and Corporate Plan – Community and Place

Explanation

3.73 A key issue that Torbay faces is an ageing population. By 2032, 30% of Torbay's population is projected to be aged 65 or older, up from 26% in 2022. This can bring considerable social and economic benefits to an area. However, it also raises significant health and accommodation issues and costs. In addition, there is a wide range of people with additional needs who may require some form of assistance to live independently. On this basis it is very important that the provision of homes for older people assists with freeing up local housing stock for working age people and families.

3.74 The overarching aim of Policy H9 is to assist people to live good-quality of life in their own homes for as long as possible. There are a range of ways of achieving this, ranging from providing adaptations to specialist accommodation.

3.75 Torbay's need for specialist housing was assessed by a Housing LIN (Local Intelligence Network) assessment in 2019 and partially updated in the 2021 Housing and Economic Needs Assessment. It identified a likely unmet need for around 850 dwellings for older people and about 280 units of extra care housing. It identified a surplus of about 190 residential care beds but a need for 370 nursing care beds. The Housing LIN assessment is currently being updated, but is expected to continue the trend of identifying a need to provide older persons' dwellings, an oversupply of residential care beds but a need for additional specialist beds providing additional facilities.

3.76 Torbay Council's and the Torbay and South Devon Healthcare NHS Foundation Trust's policy is to help people to live in their own homes for as long as possible. Therefore the Local Plan supports measures that will help people live independently. Adapting homes to provide facilities such as wheel chair access will not usually require planning permission, however a sympathetic view will be taken of people's needs in instances where permission is required. The creation of annexes for dependent relatives will be supported subject to design and neighbour amenity matters. It will usually be necessary that annexes are subject to a planning condition requiring planning permission to be sought for them to be used as a separate dwelling.

3.77 Age-restricted dwellings offering no additional facilities (sometimes referred to as sheltered housing) is likely to fall within use class C3, but likely to be subject to different space, parking and open space standards to general needs housing. Extra-care and supported housing providing additional care and facilities may fall within Use Class C2 or C3 but is still "housing" and liable for affordable housing under Policy H6.

3.78 The council recognise that there is a need for housing offering additional support and assistance for young people, including care experienced young adults and people with additional needs. These should be run by a recognised body such as a Registered Provider as affordable housing and provide additional support such as links to local employers' training agreements. Such dwellings may fall within Use Class C3(b) or sui generis depending on the number of residents and whether or not care is provided. Policy H8 seeks to provide a supportive framework for such accommodation, subject to other Local Plan considerations, particularly management arrangement sand neighbour amenity.

3.79 Where an application is likely to lead to an increase in health and social care costs in the area, the council will seek s106 Planning Obligations to meet the additional cost to the area. This will not be sought where occupation is restricted to Torbay residents or people

with a strong family connection. This will generally be taken to mean 5-years' or more residency or a direct family connection. In the case of affordable housing, occupancy will be managed via local lettings agreement at the discretion of the Head of Housing.

Policy H12: Proposals involving the loss of care accommodation

Proposals involving the loss of existing care accommodation will be supported where the facilities are not needed, or it does not represent the most appropriate way of delivering care.

Proposals for change of use or redevelopment of care accommodation should achieve a good quality of residential accommodation.

Where such a change of use is agreed, the creation of family homes or employment space will be encouraged, and the council will seek the restoration of buildings by the removal of unsightly features or additions relating to their specialist use.

Link to the Community and Corporate Plan – Community and Place

Explanation

3.80 As set out in Policy H11 the majority of Torbay's housing need, including specialist accommodation should be met by people living in their own homes. Care and nursing homes should provide for facilities such as dementia care or specialist facilities.

3.81 Properties converted into care homes, for example from Victorian Villas often lack facilities such as level access or ensuite accessible wet rooms. Policy H12 recognises that some care homes should convert or be redeveloped for residential purposes. This will allow need to be met though more modern purpose-built facilities.

3.82 Regard should be had to the design policies in the Local Plan in relation to the sympathetic conversion of such buildings (existing care homes), particularly the removal or improvement of unsightly features and additions.

Policy H13: Sites for travellers

The Local Plan will provide for a temporary negotiated stopping places for Travellers within Future Growth Areas of Torquay Gateway and Collaton St Mary. Provision may be made offsite, subject to suitable alternative sites being provided by the developer. These should have regard to the criteria below.

Other applications for caravan sites for travelling people, including residential sites for settled occupation, transit sites and temporary stopping places, will be assessed against the following criteria:

1. **Evidence of need for pitches for travellers or plot/yards for travelling showpeople.**

2. **The availability and suitability of accommodation on existing mobile home sites with licences for permanent occupancy.**

3. **Proposals should promote peaceful and integrated co-existence between the site and the local community. They should not be to the detriment of the amenities of adjoining areas in respect of noise and other disturbance arising from the movement of vehicles to and from the site,**

4. **Sites should be provided with a satisfactory means of vehicular access, together with adequate provision for turning, parking and stationing of incidental business vehicles on the site, (which should be an ancillary use of the site)**

5. **Sites should be provided with an appropriate level of essential services including access to drinking water, refuse collection and sewage disposal.**

6. **Sites should be located within reasonable distance of local services and facilities (e.g. shops, schools, and hospitals).**

7. **Pitches should not be located in areas at risk of flooding.**

8. **Sites will be acceptable outside the built-up area only if they are well-screened and do not conflict with landscape, nature conservation, countryside, and agricultural protection Policies in the Local Plan.**

9. **Proposals in in rural or semi-rural settings, should ensure that the scale of such sites does not dominate the nearest settled community.**

Link to the Community and Corporate Plan – Community and Place

Explanation

3.83 The government's Planning Policy for Traveller Sites was updated in December 2024 as a sister document to the NPPF. Where there is an identified need, councils should maintain a 5 year supply of pitches. Pitches may include:

1. residential sites for settled occupation (with infrastructure including provision of sanitation and other services);
2. transit sites (possibly with limited facilities); and
3. temporary stopping places (with normally only basic facilities)
4. Plots or yards, for travelling show people with facilities to allow over-wintering and storage of equipment.

3.84 Torbay does not have a history of settled traveller communities, or those with a heritage of travelling expressing a wish for pitches. Furthermore, there have been no planning applications for any type of sites in the unitary area.

3.85 The 2014 Gypsy and Traveller Accommodation Assessment (GTAA) in Torbay was carried out in 2014. The study confirmed that no evidence existed that indicated a need for the council to make provision for permanent or transit site accommodation for travellers or travelling showpeople. However, there is a need to identify negotiated stopping sites.

3.86 However, the need for accommodation will be reviewed in conjunction with other housing needs. In the event that a need for a permanent site is identified, the first preference will be in the built-up area in proximity to schools and other services. Torbay does have a significant stock of mobile home accommodation on the West of Paignton that is likely to meet demand for settled accommodation. If a need for local-need affordable pitches in the rural area is identified, Policy H14 will be the starting point for determining proposals.

Chapter 4: Building a prosperous and inclusive Torbay - Unlocking opportunity for all

Introduction

4.1 The Local Plan seeks to make a step change in the economic performance of the Bay, building on the recent signs of recovery and turning the tide in Torbay to address issues caused by past decline. The National Planning Policy Framework (paragraphs 18-22) places great emphasis on securing economic growth. Plans and decisions should support growth and to plan proactively to meet development needs.

4.2 This chapter is divided into three sections:

- Part 1: Economy and Employment Land
- Part 2: Tourism
- Part 3: Safe and Welcoming Town Centres For All (Town Centre and Retail policies)

Part 1 - Economy, Tourism and Town Centres

Economy and Employment Land

4.3 The **Torbay Economic Growth Strategy** was adopted by Torbay Council in 2023. This identifies a need to increase Torbay's productivity by broadening the economic base and reducing reliance on the service sector. The Economic Growth Strategy sets out how the council working with its partners can improve economic conditions and help businesses to improve performance, create new opportunities for residents, tackle poverty and improve health outcomes. Critical to the Local Plan, is the need to support the hi-tech sector and knowledge-based economy. Torbay has specialisms in areas such as photonics, electronics, and medical technology. Many firms are reaching capacity and need grow-on space. There is a need to provide improved employment prospects and learning opportunities, and to provide better opportunities for younger people to stay in Torbay. This involves improving links with education providers such as South Devon College and providing improved prospects for local young people, especially those from care-experienced and other SEND backgrounds. More details of the Economic Growth Strategy

are available at: Economic Growth Strategy - Torbay Council and the Economy Topic Paper.

4.4 **Torbay's Community and Corporate Plan** prioritises inclusive economic growth, aiming to create opportunities for all residents. This section supports that ambition by focusing on job creation, skills development, and business resilience. The emphasis on high-tech industries and education partnerships reflects a commitment to long-term prosperity and social mobility. Investment in employment land and infrastructure is key to unlocking Torbay's potential and reducing deprivation.

Strategic Policy ES: Torbay employment and innovation strategy

The Local Plan supports the regeneration of Torbay and improvement in its economic performance, with the aim of achieving a step-change in economic prosperity as set out in Torbay's Economic Growth Strategy. Proposals that create or improve employment or enable expansion or diversification will be supported subject to other policies in the Plan.

The Local Plan proposes the creation of at least 80,000 sq. m. of new industrial space within Use Class B2/B8/ E(g), equal to 20 to 28 hectares of employment land. Additional provision will be made for healthcare and education where the need arises.

Phased delivery of mixed-use development must include early provision of serviced employment space, unless there are compelling reasons to justify later delivery, and safeguards to provide compensation in the event of non-delivery. The provision of local training and employment schemes will be supported.

Where planning permission is granted for Class E(g) or B2/B8 space the council will use conditions or seek a s106 obligation to ensure that the space is retained for employment purposes.

Link to the Community and Corporate Plan – Economic Growth

Explanation

4.5 The Local Plan sets out a positive spatial framework to support the economic prosperity aspirations of the Community and Corporate Plan and Economic Growth Strategy. Central to increasing Torbay's productivity and employment prospects, the Local Plan seeks to create a land use framework to support the maintenance and expansion of hi-tech

industries identified in the vision in the Torbay Economic Growth Strategy, Community and Corporate Plan and The Torbay Story.

4.6 Whilst not an exclusive list, the Plan seeks to promote growth in sectors that are particularly important in Torbay, namely:

- Tourism, hotel and catering
- Manufacturing
- Professional services
- Financial services
- Advanced electronics and photonics / hi-tech
- Medical / Healthcare
- Education and training
- Business Process Outsourcing and
- Food production and processing.

4.7 Policies ES and E1 set targets for the provision of employment land in Torbay. It is informed by the Torbay Economic Development Needs Assessment (EDNA) (DLP 2024) Economic Development Needs Assessment Summary - Torbay Council as well as the Torbay Economic Growth Strategy (2023) and findings of the previous Employment Land Review (2013). Based on the 2024 EDNA, the Local Plan seeks to allocate 28ha of employment land that should achieve at least 80,000sq m of net additional employment floorspace within Class E(g) , B2 or B8. Policy E2 sets out site allocations. There is an emphasis on traditional former “Class B” jobs in these allocations due to the need to increase GVA and widen the areas industrial/high tech base. The allocation of 28ha will be kept under review in order to determine that it delivers at least 80,000 sq. m. class B2/E(g) space. Accordingly, an allowance has been made for other uses including Class B8, which is why leeway has been made to the standard 40% site coverage/4000 sq. m. floorspace per hectare formula.

4.8 The 80,000 sq. m. /28 ha. employment land allocation does not include provision for education or healthcare jobs. Provision should be made for growth within these sectors, particularly at Torbay Hospital, South Devon College and other institutions. Development in Future Growth Areas should make provision for education and healthcare facilities in line with Policies SCxx.

4.9 The Local Plan places a strong focus on town centre regeneration and revitalising traditional industries such as tourism and fishing, but new opportunities in growth sectors are also supported.

4.10 Home working has become increasingly important, both because of flexible working arrangements, improvements to ICT and AI. This usually takes place as ancillary to the domestic use of properties, and there has not been an upsurge in demand for live-work units. However, the Local Plan seeks to accommodate the rise in home working through policies supporting to the door fibre (Policy IN2) and provision for vans as part of residential layouts (See Policy TA3). Policy DE5 on domestic extensions is also relevant. The above does not preclude the provision of work hubs or start up units are part of the Class E(g) employment space offer.

Strategic Policy E1: Strategic employment land allocation

In order to meet the needs of existing, growing and new businesses, sufficient high quality space will be provided to meet existing and arising requirements of employers.

The following sites are proposed for employment use within Class B2, or E(g).

Within these areas, a minimum of 50% (or 2000 sq. m. per hectare) will be provided as Class B2 or E(g) employment and up to 50% of other employment uses, subject to policies in this Plan. Early delivery of serviced units of Class E(g) or B2 space will be required. Where later delivery of B2 /E(g) units is proposed, a S106 phasing agreement will be required setting out safeguards including compensation foe no-delivery of employment units.

	Site	Site Size	Notes	Status
	Torquay			
E1T.1	Land at Orchard Way	1.5ha		
E1T.2	Adj. Ridge Lane and Moles Lane, Edginswell	3ha	23T003- New allocation. Land to the West of the Ring Road.	Proposed new allocation
E1T.3	Kingsland, Torquay	3.2ha	Allocated as part of SDT3 and shown on the Adopted Masterplan (2015) as employment. HELAA site 21T125.	Allocated in Local Plan 2012-30

			Application P/2019/0710 for 90 houses and offices refused/appeal dismissed.	
E1T.4	Land adj. Kingsland Torquay	1.2ha	HELAA site 21T004	New proposed allocation
E1T.5	Former Market Site, Stantor Barton	1.3ha	HELAA site 21T136 Promoted for housing in the HELAA).	New proposed allocation
E1T.6	Riviera Way adj Magistrate's Court	0.6ha	Has outline permission	
	Paignton			
E1P.1	Claylands Cross phase 2	2.4ha	Allocated site in Local Plan 2012-30 (SDP1/SDP3) Permissions P/2016/1115, P/2016/1123, **P/2018/0700,** P/2020/0187 2022/0027 Hybrid permission 11,188 sqm B2/B8 floorspace (10,788 sq m +400 sqm approved under P/2018/0700 in 2 units. Unit 1 built out (5,600sq m). Outline permission for phase 2. (Circa 5,600 sq. m).	Allocated and committed site. 5,574sq m built; outline permission for phase 2 (circa 5,035sq m).

E1P.2	Land at Yalberton Road/Berry Acres	1.7ha	**Berry Acres** Development allocated for business use, rear of Yannons Farm. Part of a mixed use site approved as P/2014/0983. The housing is being built out P/2014/0983 and P/2018/0977, P/2019/0605, P/2019/0173. Circa 7,400sq. m of employment. S106 plan shows three fields at north of site for employment (0.68ha +0.98ha+ 0.431 ha). (Plus a separate plot at Wilkins Drive -see below). Part of the land used for SuDS and access. So likely to be middle portion of land circa 1ha that is deliverable.	Allocated site with outline permission. 1ha likely to be deliverable.
E1P.3	Wilkins Drive, Yannons Farm	1.3	Standalone part of Berry Acres (Jackson Land). Ransomed access by local housebuilder being Site is being promoted for housing. Allocated site in Torbay Local Plan 2012-30 SDP3.4 If it comes forward as housing, there would need to be compensation for loss of employment land.	Allocated site in Torbay Local Plan 2012-30. Outline permission – but being promoted for housing
E1P.4	Land north of Wilkins Drive PMU	1.5ha	21P034 in HELAA	New proposed allocation
E1P.5	Land at Long Road/Lower Yalberton Farm Holiday Park .	4.7ha	21P012 (south of 21P067) - promoted to the HELAA as housing/mixed use development.	New Proposed allocation

E1P.6	Land at Devonshire Park Long Road	(Circa 0.7ha)	**Allocated**/ part of outline P/2014/0947. 5,547 sq. m of Class B1/B8. Retail park built out (8,501sq m +139 sq. m of Class E). Housing and employment land not started.	Existing allocation with permission. Not being actively promote for employment.
E1P.7	Land at White Rock (South of Woodview Road)	4.77ha	Units C (12,000 sq. ft), G (930 sq m. 10,000 sq. ft), F (1,120 sq. m/12,000 sq. ft) approved. Part of P/2011/0197 and subsequent RMs for 350 dwellings and 36,800 sq. m of employment floorspace plus 1652 sq. m retail and 392 sq. m A1/A3 units. Two sites to the south of approved units G and C. H 1400 sq. m./15,000 sq. ft. J 1,860 sq. m/ 20,000 sq. ft.	Part existing allocation with Permission / Part new proposed allocation
E1P.8	Land North of Peters Copse, Long Road (West of Graphics Contol, Western Bowl).	1.7ha	Part of HELAA site 21P060. Being promoted for residential use.	New Proposed allocation
E1P.9	Land South of Peters Copse, Long Road. (To the West of Graphic Controls).	2.5ha	Part of HELAA Site 21P060 Within White Rock Future Growth Area but not previously shown as development land. Three Units	New Proposed allocation

			K 2,440 sq m./ 26,250 sq. f. L 1,770 sq m / 19,000 sq. f. M 1,120 sq.m. 12,000 sq ft)	
	Brixham			
E1B.1	Oxen/Freshwater Cove	0.9ha	Allocated in BPNP and Local Plan 2,000 sq m (Policies J1 and J7) Total site is 1.8 but 0.9ha assumes retention of car park.	Existing allocation with no permission
E1B.2	Monksbridge (as part of a mixed use development)	0.25ha	Approx. 1000sq m of Class E(g) as part of mixed use development	New proposed allocation
E1B.3	Northern Arm Breakwater		Subject to Environmental Impact Assessment	Existing allocation rolled forward.
	Total (excluding committed)	33ha		

Link to the Community and Corporate Plan – Economic Growth

Explanation

4.11 Policy E1 proposes employment allocations. The main focus of these should be on providing employment space within the “industrial” use classes which are needed to support Torbay’s key employment sectors such as photonics and MedTech, as well as the Bay’s Marine economy. There is an emphasis on the following use classes to support these sectors:

- B2 General Industry

- E(g)(i) Office
- E(g)(ii) research and development
- E(g)(iii) any industrial process which can be carried out in a residential area.
- Limited Class B8 Storage and distribution where necessary to support key industries or the wider economy.

4.12 The table above provides around 33 ha, but not all of the areas are likely to be suitable for employment development at 40% site coverage and some are subject to alternative proposals. Delivery of employment land will be kept under review to ensure that at least 80,000 sq. m. of B2/E(g) floorspace is delivered early in the Plan period.

4.13 Where proposals are part of wider mixed-use areas, such as Future Growth Areas, there should be a value-equalisation agreement over the site where practicable to assist with the delivery of employment areas. Development should be phased to ensure early delivery of employment areas.

4.14 Proposals for non-employment use of these allocations will be resisted, subject to the considerations in Policy E4 below. The council recognises that there is likely to be limited demand for new office space, and proposals should avoid this as an element of mixed-use developments, unless supported by clear evidence that it is deliverable.

4.15 Employment sites should be suitable for modern users and not unduly constrained by operational requirements. Care will need to be taken when locating employment next to residential development, and areas should be master planned to accommodate employment use. Advice on the needs for employment space, how it should be laid out etc. is available from the Economy Team.

Policy E2: Employment area renewal and modernisation

The refurbishment and improvement of the existing employment estates will be supported subject to other policies in this Plan. Development should not result in a net loss of Class B2/E(g) floorspace, unless the quality of employment space is significantly improved. A proactive approach will be taken to bringing underutilised space into productive use.

Other uses, including residential development will only be supported where it achieves an improvement in the provision of high quality employment space or substantial public benefits, and does not sterilise the area from employment or undermine existing industrial uses.

	Site	Notes
	Torquay	
	Edginswell Business Park (Torquay)	Partly built out
	Woodlands Trading Estate (Torquay)	Refurbishment and environmental improvements to existing employment area. Qualitative improvements to upgrade existing provision.
	Lymington Road/Teignmouth Corridor	
	Broomhill Way, Torquay	
	Paignton	
	Claylands Phase 1	
	Yalberton Industrial Estate (Paignton)	Refurbishment and environmental improvements to existing employment area. Qualitative improvements to upgrade existing provision.
	Brixham	
	New Road Trading Estate, Brixham	
	Northfields Trading Estate (Brixham)	Refurbishment and environmental improvements to existing employment area. Qualitative improvements to upgrade existing provision.

Link to the Community and Corporate Plan – Pride in Place

Explanation

4.16 Policy E2 proposes the refurbishment and improvement of existing employment areas. The Local Plan recognises that there is scope to make better use of land in some of these locations, including the introduction of some other employment or residential uses. However, the policy seeks to improve the quality of employment space and achieve no net loss of Class E(g), B2 or B8 space, unless there is a clear improvement in the quality of space provided or other public benefit. Nor should new uses sterilise existing industrial uses.

4.17 Whilst the emphasis is on the retention of industrial and hi-tech uses, it is recognised that some uses such as “trade counters” and car showrooms already operate in these areas, and that other non-industrial (i.e. former Class B) uses may be appropriate in these areas, subject to Policies TCxx dealing with the town-centre first approach for retail and related town centre uses.

4.18 Further Masterplans will be brought forward to assist the regeneration of industrial land and identify opportunities for residential development. Where mixed use developments are approved, the delivery or enhancement of employment space will be required through phasing agreements and land equalisation measures.

Strategic Policy E3: Supporting a sustainable marine and coastal economy

The council will support investment in marine-related development where this produces economic, social or environmental benefits to the area. Proposals should be consistent with wider environmental, historic environment, landscape, seascape biodiversity, climate, amenity and coastal defence objectives. Sites of importance to marine-based activities will be protected for such use, subject to the other Policies in the Local Plan.

The following schemes are proposed:

- **An extension to Torquay Harbour**
- **Improvements to Paignton Harbour**
- **Construction of Brixham Northern Arm Breakwater**

Proposals will only be permitted where it can be demonstrated that there would be no adverse effect on the integrity of any European site through a Habitat Regulations Assessment (see also Policy NCS2). Environmental Impact Assessment will be

required for proposals which fall within the remit of the Regulations, as determined by a screening opinion.

Proposals should be consistent with South Marine Plan to ensure integrated marine and terrestrial planning is delivered for Torbay.

Link to the Community and Corporate Plan – Economic Growth

Explanation

4.19 The Local Plan places very great emphasis on achieving urban regeneration to support economic growth and provide housing opportunities. Policy E3 sets out a supportive framework for employment uses that require a maritime location, particularly those related to harbourside and waterfront improvements and the fishing, tourism and related marine industries.

4.20 Tor Bay is a beautiful natural harbour which provides a protected area of water for leisure, recreational, tourism and commercial use. The coastline and the harbours are a vitally important resource for the community and economy. Torquay, Paignton and Brixham each have working harbours, with Brixham Harbour being the largest fishing port in England and Wales, in terms of the value of catch landed there.

4.21 The Bay is part of the Lyme Bay and Tor Bay Special Area of Conservation (SAC). Tor Bay is also designated as a Marine Conservation Zone (MCZ) and contains several geological Sites of Special Scientific Interest (SSSIs). The coastline provides a flood defence for low lying coastal areas.

4.22 Torbay's unique coastal setting offers potential to support economic regeneration through investment in marine-related development. A number of such projects are identified in the Tor Bay Harbour Authority Port Masterplan Addendum (2019). Accordingly, sites that are of importance to the marine economy will be safeguarded for such use (see also Policy C2).

4.23 All marine-related development must avoid harm to marine biodiversity, geodiversity, human health and the wider environment.

4.24 Proposals must demonstrate that air quality, noise, vibration and water quality impacts have been taken into account and that any such impacts are minimised and mitigated sufficiently. This includes physical impacts such as, contamination and non-toxic changes (for example to salinity, turbulence nutrients and organic matter), as well as minimising the impacts on wildlife through piling, noise or other disturbance. Many marine species are

protected by wildlife legislation, and a licence may be required to carry out works affecting marine species or their habitats.

4.25 Marine related developments are likely to require an Environmental Impact Assessment (EIA) and Habitats Regulation Assessment (HRA) or screenings to be carried out at the application stage. Development that is likely to have a significant effect on the Lyme Bay and Torbay Marine SAC will not be permitted unless an Appropriate Assessment has ascertained that following mitigation, there is no adverse effect on the integrity of the site, taking a precautionary approach (see also Policies NCS1 and NCS2). Only as a last resort, in highly exceptional cases where there are no less harmful solutions, and the development is required for Imperative Reasons of Overriding Public Interest, will compensation for adverse impacts be permitted. Proposals likely to impact the protected features of the Torbay MCZ will require an MCZ assessment.

4.26 The council will work with the Marine Management Organisation when considering marine development, especially where developments may also require a Marine Licence.

4.27 Visual, cultural, historical and archaeological impacts should also be considered. Torbay has an important maritime history; all three harbours are recognised as designated heritage assets and form the focal point of their surrounding conservation areas. Policy HE1 is relevant when considering historic assets.

4.28 Marine activities and development should not prejudice the interest of defence and national security and the MoD should be consulted accordingly. Development will need to be safe over its planned lifetime and not cause or exacerbate flood and coastal erosion risk elsewhere.

Policy E4: Safeguarding strategic employment land (proposals involving the loss of employment land)

Proposals for the loss of existing or allocated employment space will be considered on the basis of the impact on the economic prosperity of Torbay, the appropriate mix of uses within a locality, and on the amenity of people in the area.

The loss of sites that provide employment of strategic importance to the Bay's key economic sectors will be resisted.

Within allocated sites in Policy ES and E1, Proposals that result in the net loss of employment space will be refused unless it is demonstrated that the proposal results in a significant public benefit that cannot be achieved elsewhere in Torbay, and that there would be no adverse effect on the retention of existing employers in the Bay.

Where it is demonstrated that there is no reasonable prospect of a site being used for other (Class B2, B8 or E(g)) employment purposes, or such a use would conflict with the Local Plan, alternative uses that provide wider sustainable local communities will be supported.

Where the proposed loss of employment space is agreed, the council will seek financial contributions to compensate for the loss of employment.

If planning permission is granted for E(g) space the council may restrict permitted development rights for change of use to residential, in order to protect key economic sectors.

Link to the Community and Corporate Plan – Pride in Place

Explanation

4.29 The Local Plan and Economic Growth Strategy do not seek to promote Torbay as a commuting or retirement resort. It is therefore important that opportunities for employment are protected, and sufficient land retained to meet the demand of existing and new companies.

4.30 Whilst the number of people in Torbay with jobs has increased since 2001, the number of Torbay based workplace jobs has remained relatively static, as shown set out in the Economy Topic Paper.

4.31 Torbay's high levels of deprivation stem primarily from low wages and poor employment prospects, rather than abnormally high property prices per se. The hi-tech elements of the local economy are seen in the Economic Growth Strategy as key to raising GVA. There is also a national dimension that such industries are important to the economic prosperity of the country especially in the face on uncertain global events.

4.32 Accordingly, Policy E4 seeks to retain employment space for employment purposes, subject to a "reasonable prospects" test. Applications for non-employment use should be supported by evidence that there is no reasonable prospect of employment use. This may include details of marketing including to the council, or seeking funding support for aspects of the application such as assisting with infrastructure provision. Where such support is provided through developer contributions from elsewhere, the council will seek a wider public benefit such as local training agreements.

4.33 Where loss of employment is deemed acceptable in principle, a S106 obligation will be sought to compensate for the loss of employment and will be used to support the delivery of jobs, infrastructure or local training facilities elsewhere in Torbay.

4.34 Note that Policy E4 relates to a net loss of jobs. It will not be applied where proposals are likely to modernise or make better use of employment space, and are thereby likely to improve employment opportunities, although the council is likely to still seek local skills and training agreements in line with Policy E5.

4.35 Policy E4 seeks to protect a stock of employment space broadly within the hi-tech and industrial uses. Proposals for the loss of employment within town centres, holiday accommodation or retail will be considered on the basis of policies in those sections of the Local Plan (add cross references). However, where a non B2/B8/E(g) building located within an industrial area/trading estate becomes available, the council will seek to retain/revert its use for industrial on the basis of the above policy tests.

4.36 The council recognise that employment land enjoys a range of permitted development rights and that some changes of use fall outside of planning control.

Policy E5: Education and Local Employment Partnerships

The council will support initiatives and development that improve skills and links between work and education, particularly through South Devon College and the Torbay and Southern Devon Health and Care Trust.

Applications for major development should be accompanied by an Employment and Skills Plan, proportionate to the scale of the development. The council will promote and encourage links to local education providers, apprenticeships and other measures to support people into work from the local area.

Link to the Community and Corporate Plan – Community and People

Explanation

4.37 Policy E5 promotes local training arrangements, placements and apprenticeships, to maximise the benefits of development to the local economy. It is important that measures are put in place to support people in Torbay to learn and retain the skills needed by growing and new businesses.

4.38 The council recognise the role of key worker and self build housing to strengthening links between work and skills, and housing. Policy H7 seeks a proportion of affordable housing to be provided on larger development sites.

4.39 The council is unable to require the use of local labour. However, it will encourage developers to employ local people where it is practical to do so. This is particularly the case in schemes where an element of 'exception' to planning policies is made in order to permit development. For example, developers will be encouraged to use employment and skills plans to better establish links between education and employment. Advice on the content and scope of Employment and Skills Plans is available from the Economy Team. Policy CS3

Part 2 - Tourism

Introduction

4.40 Torbay has a fantastic brand – the English Riviera – and is a world class tourism destination. In 2023, Tourism contributed over £431 million to Torbay's economy. Tourism accounts for about 15% of all employment in Torbay: about 6,520 full time equivalent jobs directly and a further 2100 FTE jobs indirectly. There are some very positive signs of a changing tide for tourism. The need to modernise the tourism sector and "Turn the Tide" on the decline that has beset may coastal resorts has been part of planning policy for several years. The tourism economy has been hit hard by the early 2020s and cost of living challenges. Despite this, there have been several hotels opened in Torbay over the last decade, which is likely to have led to a small increase serviced bedspaces (i.e. hotels and guesthouses) from around 13,300 in 2012 to 14,300 in 2023 (South West research Company- see Economy Topic Paper).

4.41 *The Torbay Community and Corporate Plan* notes that Tourism is a vital part of Torbay's identity and economy, and the Community and Corporate Plan recognises its role in creating inclusive opportunities. This section supports the Plan's ambition to make Torbay a premier destination while ensuring that all residents benefit from its success. By focusing on modernisation and investment in Core Tourism Investment Areas, the Local Plan aims to deliver high-quality experiences and facilities. This approach also supports year-round economic activity and community wellbeing.

4.42 Tourist accommodation is key to the success of tourist resorts. The English Riviera Destination Management Plan updates this strategy for 2022-30 and is part of the wider Torbay Economic Growth strategy. The Management Plan indicates that there are 31,000 tourist bedspaces, of which 15,000 are in hotels (serviced accommodation), which represents an oversupply. It recommends a reduction of 2% by 2027. This is currently being refreshed. However the general approach of encouraging modern accommodation including hotels in prime locations, but allowing change of use of less well located or outdated accommodation to residential use is likely to continue.

4.43 All three towns contain important Waterfront and harbourside areas. Brixham and Torquay also contain marinas. These are within the Core Tourism Investment Area, and tourism, leisure maritime investment in these areas is supported. Brixham is a major fishing port and supporting the fishing industry is important to the Bay's economy, and relevant to its seafood specialism. Tor Bay is environmentally very important, being designated as a Marine Special Area of Conservation and National Nature Reserve. Accordingly, the Local

Plan seeks to balance the internationally important environment with the area's economic needs.

4.44 The definition of "tourist" is not always straightforward. For the purpose of this chapter a tourist is defined as person or group visiting on a temporary basis and not staying in their sole place of abode. It can include domestic and international holiday makers, language students, business travellers and travelling workers (who have another homes). It does not include people who have no other home. Accommodation for such people is likely to fall into Class C2(if its purpose is to provide care), C3 dwelling house, C4 Small HMO, or Sui Generis (HMOs, hostels and other accommodation within its own class). Such uses are not tourist accommodation and would be considered by other policies in this Plan. (Pending judgement in relation to Epping Forest).

Strategic Policy TOS: Sustainable tourism and cultural investment strategy

Torbay's tourism offer will be developed in a sustainable and competitive manner, to enhance its role as a premier tourism destination. Tourist facilities and accommodation will be improved and modernised, and new tourism facilities provided. Sustainable tourism will be actively encouraged.

The quality of accommodation will be improved with a wider range of new and refurbished facilities and services. This will be achieved through the following measures:

1. **Supporting the improvement of existing and provision of new tourist accommodation, attractions and facilities, subject to other policies in this Plan. In particular proposals that make positive use of Torbay's marine environment, culture, heritage, biodiversity and Geopark will be encouraged.**

2. **The retention, improvement and creation of new, high quality tourism and leisure attractions, facilities, and accommodation in sustainable, accessible locations with a particular focus on Waterfront areas and Core Tourism Investment Areas (CTIAs), as the main areas for investment in tourism:**

i. **Babbacombe Downs**

ii. **Torquay Harbourside, waterfront and Belgrave Road, Torquay**

iii. **Seafront, harbourside and Green Coastal Park, Paignton**

iv. **Goodrington, Paignton**

v. **Harbourside and waterfront, Brixham**

3. **Allowing poorly located and outmoded accommodation located outside of CTIAs to revert to decent self-contained dwellings, subject to the holiday character of the area and range of accommodation offered not being undermined; and there being tangible regeneration and improvement to the fabric of the built environment and character of the area.**

4. **Resisting the provision of small apartments, hostels houses in multiple occupation (HMOs) or other incompatible uses in tourism areas; and focussing interdepartmental enforcement action on problem uses, such as some HMOs, in tourism areas (see also Policy H4).**

Link to the Community and Corporate Plan – Pride in Place

Explanation

4.45 **Policy TOS** provides a spatial context for the tourist economy. The Policy seeks to maintain and enhance the most important tourism areas as Core Tourism Investment Areas (CTIAs), as defined in the Policies Map..

4.46 Policy TOS provides a supportive framework to tourism in general, particular within the designated Core Tourism Investment Areas. Tourism and leisure investment will be given substantial weight in CTIAs. Torbay's marinas are also included within the CTIAs. The Policy also recognises the need to focus on modernising the key areas, and the role that more marginal areas can play in providing a source of brownfield housing.

4.47 Torbay's tourism strategy is closely aligned with the Community and Corporate Plan's vision for a vibrant, inclusive and sustainable economy. By focusing investment in key waterfront and cultural areas, the Plan aims to enhance the visitor experience and support local businesses. It also recognises the importance of protecting the character of tourism areas while enabling regeneration. This balanced approach ensures long-term benefits for residents and visitors alike.

4.48 Not all areas within CTIAs are suitable or proposed for development. For example, they contain areas of significant natural or historic environment importance. This will need to be taken into account when considering proposals, particularly where they affect the Marine or South Hams Special Area of Conservation.

Policy TO1: Supporting tourism and leisure infrastructure (Proposals for new and safeguarding of existing tourism and leisure facilities).

Improvement of existing and the development of new tourist/leisure facilities and attractions, particularly all-weather facilities, will be supported subject to other local plan considerations.

Tourism and leisure facilities will be protected for tourism purposes, proportionate to their economic, social and cultural value to their tourism economy. Where an element of non-tourism or leisure development is allowed, it should contribute significantly to the viability of the area or regeneration of the resort.

The provision of enhanced tourism and recreation facilities at Broadsands are proposed, respecting the important environmental assets of the area, to serve as a suitable alternative natural greenspace to relieve recreational pressure on Berry Head.

Link to the Community and Corporate Plan – Community and Place

Explanation

4.49 Supporting existing facilities such as theatres, music venues, attractions etc, and promoting high quality all year round new facilities is vital to ensure a successful tourist economy. **Policy TO1** provides an overarching policy to protect tourism and leisure facilities. Many tourism and leisure uses, including eating and drinking are “main town centre uses”. Policy TO1 encourages the improvement and provision of such facilities in CTIAs. When considering proposals for such facilities, their value for the tourist economy will be an important material consideration.

4.50 However, policy TO2 recognises that some important leisure facilities are located outside of CTIAs and town centres, and sets a framework to protect them proportionate to their economic, environmental and cultural value. Areas such as Cockington, Occombe and Berry Head Country Parks are not designated as CTIAs, but have significant value for tourism because of their focus for rural crafts and green infrastructure. Policy SS9 deals with policy in Country Parks. Significant attractions such as Kents Cavern and Babbacombe Model Village fall outside the boundaries of CTIAs.

4.51 Whilst the list is not exhaustive, the following attractions are considered to be of significant importance to Torbay’s tourism offer:

- All of Torbay’s beaches and waterfronts.

- Babbacombe Model Village
- Babbacombe Cliff Railway
- Bygones, Babbacombe
- Cockington Manor, Crafts Centre and Country Park.
- Kents Cavern, Torquay
- Torre Abbey
- Torquay Museum
- Hollywood Bowl
- Music venues in the harbourside and waterfront area (including but not limited to The Arena and The Foundry).
- Beacon Cove (former Living Coasts).
- Paignton Zoo
- Occombe Farm and valley
- Splashdown, Quaywest.
- Babbacombe, Princes, Little Palace Theatres.
- UNESCO Geopark
- Dartmouth Steam Railway
- Golden Hinde replica, Brixham
- Battery Gardens and WW2 coastal defences.
- Berry Head.

4.52 It is noted that many of these attractions are also covered by other designations, in particular Kents Cavern, Torre Abbey, Battery Gardens and Berry Head fortifications are Scheduled Monuments. Berry Head is also particularly environmentally important as a Special Area of Conservation designated for its Greater Horseshoe Bat colony and calcareous grassland. The Local Plan proposes several Suitable Alternative Natural Greenspace to reduce recreational pressure on Berry Head. It is noted that Torbay's waters have important environmental constraints including the Marine SAC and important seagrass beds. Proposal must enhance and improve protection and interpretation of these assets. Where development in Torbay is likely to generate recreation pressure on Berry Head, developer contributions will be sought to provide mitigation, including to help fund SANG proposals.

Strategic Policy TO2: Core Tourism Investment Areas (as shown on the Policies Map):

There is a presumption that the tourism role of Core Tourism Investment Areas (CTIAs) will be retained and enhanced. The development of tourism accommodation and facilities in CTIAs will be supported, subject to other local Plan considerations.

The change of use of accommodation or facilities to non holiday uses within CTIAs will only be permitted where:

1. **The holiday character of the area and range of facilities and accommodation offered in the CTIA are not undermined; and**

2. **It lacks an appropriate range of facilities and scope for improvement to meet modern standards; and**

3. **It is demonstrated that there is no reasonable prospect of the site being used or redeveloped for tourism or tourism related purposes, taking into account historic and built environment, amenity and other material considerations.**

Non-tourism development or uses will only be permitted in CTIAs where they are compatible with the tourism character of the area and will not introduce incompatible uses or accommodation that would detract from the holiday character or place pressure on nearby holiday business to curtail their operation.

Where a change of use away from tourism is permitted, there will be a requirement to restore or enhance buildings or land by the removal of unsightly features, signage, clutter and extensions relating to the holiday accommodation use. Where appropriate there will be a requirement to reinstate amenity space, and permeable surfaces, lost through over development as a holiday use. A high priority will be given to restoring the character and appearance of buildings within conservation areas.

Link to the Community and Corporate Plan – Pride in Place

Explanation

4.53 Policy TO2 deals with proposals affecting Core Tourism Investment Areas. It reinforces the intention of Policy TO1 to retain CTIAs as the heart of Torbay's tourism offer. CTIAs were reviewed as part of the current Local Plan Update, but only small adjustments were identified as being required, following the drastic reduction in area from the Principal

Holiday Accommodation Areas in the Torbay Local Plan 1995-2011 to the much more focussed CTIAs in the Torbay Local Plan 2012-30. CTIAs account for less than 20% of Torbay's serviced accommodation, but do contain most of the key hotels.

4.54 It is noted that some parts of the CTIAs are in need of investment and regeneration. However, CTIAs are focussed upon Waterfront and key tourism locations whose success is critical to Torbay's tourism economy. Neglect or underinvestment will not be treated as a reason for granting permission for non-tourism uses. The prevailing use in these areas should be for tourism or leisure. Change of use or redevelopment for non-tourism purposes is likely to significantly and demonstrably conflict with the Local Plan unless it achieves substantial regeneration or other benefits. The council will support regeneration and tourism promotion in CTIAs. It will also target enforcement at unauthorised uses and development which detract from the character of these areas.

Strategic Policy TO3: Redevelopment and reuse of holiday accommodation outside Core Tourism Investment Areas and Tourism Regeneration Areas (as shown on the Policies Map)

The change of use or redevelopment of holiday accommodation or facilities outside Core Tourism Investment Areas will be supported where:

1. **The holiday character of the area and range of facilities and accommodation offered in Torbay are not significantly undermined, and**

2. **The redevelopment or change of use achieves regeneration, improvement to the built environment, and the provision of self-contained and housing that meets space standards set out in Policy DE3**

Proposals for small apartments, hostels, and houses in multiple occupation (HMOs) or other incompatible uses will not be permitted where they would conflict with the tourism character and offer of the Bay or increase concentrations of deprivation or other incompatible uses (see also Policies H4 and SS11).

Where a change of use away from tourism is permitted, there will be a requirement to restore or enhance buildings or land by the removal of unsightly features, signage, clutter and poor quality extensions relating to the holiday accommodation use. Where appropriate there will be a requirement to reinstate amenity space and sustainable drainage features. A high priority will be given to restoring the character and appearance of buildings within conservation areas.

Link to the Community and Corporate Plan – Community and Place

Explanation

4.55 The English Riviera Destination Management Plan recognises a continued need to reduce and modernise the stock of holiday accommodation, whilst retaining good quality accommodation and protecting the area's status as a premier resort. Whilst there remains a demand for a broad range of accommodation, evidence of occupancy suggests that there is scope to reduce the number of traditional guest house and small hotel type accommodation.

4.56 Policy TO3 deals with proposals outside designated CTIAs. It sets a much more relaxed approach to allowing change of use or redevelopment of holiday accommodation outside of designated CTIAs. However, where holiday accommodation offers a range of facilities not available elsewhere in the area, or is within a key tourist setting, Policy TO3 seeks to retain the holiday use. Instances where this is the case re likely to be relatively rare, but are likely to include the Former Palace Hotel, Babbacombe, where redevelopment of the Victorian Bishop's Palace and enabling residential development has been approved specifically to support retained tourism use.

4.57 Policy TO3 does not require proposals to show that they are not viable for tourism use (unlike in CTIAs, where a "reasonable prospects test remains in place). However, neglect or underinvestment will not on their own be sufficient reasons to grant planning permission away from tourism use. Conversely, outside of CTIAs, the council will consider the intrinsic merits of the property and location and will not penalise past investment in otherwise unexceptional accommodation.

4.58 Residential use of holiday apartments must provide an acceptable standard of accommodation, having regard to Policy SS11 and DE3, and not introduce discordant uses into areas that retain a holiday function. The council's starting assumption is that residential uses and holiday uses can coexist, but Torbay's key industry is tourism and the introduction of residential uses into tourism areas should not place undue pressure on remaining tourism facing businesses to curtail their use.

4.59 Where a change of use results in the loss of employment, the council will seek s106 Planning Contributions to mitigate this impact, as set out in Policy TO9. This will be focussed on improving the tourism economy, and the character and appearance of the area.

4.60 Some hotels and guesthouses have accrued unsightly clutter, signage or extensions that would not be currently permitted. The removal of such features will be sought as a condition of granting planning permission for a change of use. This will be particularly relevant for proposals affecting conservation areas and listed buildings. Proposals for

redevelopment will be considered on the basis of Policy SS10 ‘Conservation and the Historic Environment’, and HE1 ‘Listed buildings’ if they are listed.

4.61 As a minimum, in all areas, cosmetic features such as signage and awnings should be removed when conversion to residential use takes place. Many hotels/holiday flats comprise Victorian buildings with large C20th extensions which were permitted because of their contribution to tourism rather than their design. Where feasible the council will seek to remove unsightly features such as flat roof extensions, box dormers etc, particularly in conservation areas. In many cases their replacement by more in-keeping buildings will be appropriate. However, it cannot be assumed that like-for-like replacement will be acceptable if the site has been over developed when judged against modern standards. If the removal of unsightly features is considered to undermine the viability of development, an independent assessment of viability may be sought. The council will seek to negotiate an acceptable design solution that improves the visual appearance of the building, and may agree to relax other s106 Planning Obligations to assist viability.

Policy TO4: Flexible use of holiday apartments and accommodation (excluding holiday parks)

Within Core Tourism Investment Areas, self-contained holiday accommodation will be restricted to tourism use. Change to non-tourism occupancy will not be supported unless such a change achieves significant regeneration, built environment or tourism improvements.

Outside Core Tourism Investment Areas, the council will not seek to restrict the use of accommodation to tourism use, unless there are strong tourism related reasons for doing so. Where holiday occupancy conditions are removed, the council will seek development contributions to address the net additional impact arising from residential use.

Link to the Community and Corporate Plan – Pride in Place

Explanation

4.62 Some of Torbay’s holiday accommodation is self-contained holiday apartments. **Policy TO5** deals with these. South West Research Company figures suggest around 1130 units of self-catering accommodation, although this does not include Airbnb, second homes

and other temporary use of residential accommodation for holiday use. The main approach of Policy TO4 is to allow greater flexibility of use outside CTIAs to use holiday apartments and accommodation either for residential or holiday use. Within CTIAs their holiday use will be regulated more closely.

4.63 Planning law on the status of holiday apartments is not entirely clear, and depends on a range of factors such as the range of facilities offered, degree of holiday use etc. Suites of rooms and even self-contained flatlets within hotels – often called “Apart hotels”- will fall within Class C1. However, holiday flats and dwellings used for holiday purposes typically fall within Use Class C3 “Dwellinghouses” in England. The government is proposing to introduce a new use class C5 for short term lets that are not used as a sole or main home. There are proposed Permitted Development Rights for use of a dwelling (class C3) for limited short-term occupation. However, these changes have not (at September 2025) come into force.

4.64 **Policy TO4** sets out criteria relating to proposals for holiday apartments, or for the removal of occupancy conditions/ change of use to allow holiday apartments to be used for full time occupancy.

4.65 Within Core Tourism Investment Areas, the starting point is that holiday accommodation should be conditioned for holiday occupancy (tourism) usually through planning condition or by making it clear that accommodation falls within Use Class C1 (and not C3 or sui-generis). Unfettered occupancy within CTIAs will only be allowed where the relaxation would facilitate significant regeneration or other public benefits and unlock investment into the area. In such instances, regard will be had to possible “agent of change” issues and full residential use will not be approved where there this is likely to sterilise tourism use e.g. through noise complaints or objections to the operation of nearby tourism attractions or facilities. The council will not pursue action that would undermine the reasonable tourism operations of tourism within CTIAs.

4.66 Outside of CTIAs**,** the council will not usually imposed holiday occupancy restrictions on holiday apartments, other than in special circumstances: for example, where residential accommodation would not be otherwise approved. Such accommodation is likely to be liable for affordable housing and other residential S106 requirements and these will only be relaxed where a S106 is entered into undertaking to provide them in the event that holiday use ceases.

4.67 Where occupancy is restricted to tourism use, the council will require a monitoring contribution to ensure its occupation for tourism purposes.

Policy TO5: New holiday parks and extensions to existing facilities

Proposals for new holiday parks, including chalet, caravan and camping sites, or schemes for the extension, refurbishment and upgrading of existing facilities will be supported, provided that the following criteria are met:-

1. **The modernisation and improvement to the tourist economy will be treated as a positive benefit in favour of proposals.**
2. **The development does not have an adverse impact on the landscape conservation, nature conservation and agricultural characteristics of the area or involve the loss of best and most versatile agricultural land; and**
3. **The development is acceptable in terms of transport, access and safety considerations; and**
4. **The proposal does not adversely affect the amenities of any adjoining residential areas.**
5. **The use will be restricted to holiday use and a monitoring contribution sought to monitor the ongoing tourism operation, to prevent residential occupancy.**
6. **Where other uses would not be appropriate, a site restoration condition or obligation will be applied requiring the site to revert to be restored to its original condition should tourism use cease.**

Link to the Community and Corporate Plan – Community and Place

Explanation

4.68 Holiday Parks and Centres form another element of Torbay's tourist accommodation offer. South West Tourism Company data indicates that in 2023 there were about 1740 static caravans or chalets in holiday parks, and 1290 touring pitches in Torbay. The facilities provided by holiday centres and parks offer an important source of holiday accommodation, particularly in Paignton and Brixham. As with serviced accommodation, there has been a general move to provide more modern facilities and accommodation in

holiday parks. Holiday Parks fall outside of CTIA designations but are still important to the tourism industry. Policies TO5 and T06 set out considerations for proposals affecting holiday parks. It seeks to support investment in existing parks, subject to landscape, ecological and other considerations.

4.69 Holiday parks tend to be located in countryside areas and other environmentally sensitive locations. The Local Plan recognises the need to modernise and upgrade facilities so that holiday parks continue to meet modern requirements. Accordingly, it seeks to support the investment in holiday parks subject to other environmental considerations. Brixham remains a popular destination for holiday parks. However, development in this area is already close to the boundary of the South Hams Special Area of Conservation and within the South Devon National Landscape. Accordingly, new uses or buildings will only be permitted where proposals have demonstrated that they would have no likely significant impact, alone or in combination on the South Hams SAC. This will also require mitigations of additional recreational pressure.

Policy TO6: Change of use or redevelopment of existing holiday parks to non-tourism uses

Unless proposed for alternative development in the Local Plan or other development plan document, the change of use or redevelopment of existing holiday centres, chalets, caravans and camping sites to non-tourism uses only be supported where;

i. the site is not in a prime location for holiday use (i.e. coastal, rural or close to major tourist attractions);

ii. the proposals would not result in the loss of a site which offers a good range of facilities and makes a significant contribution to the stock of holiday accommodation in the resort;

iii. the proposal does not conflict with countryside, landscape, coastal management, or ecology policies set out in the Local Plan.

iv. The new use, including residential accommodation, would be accessible by including active travel and public transport.

Where holiday parks and chalets are located within the South Devon National Landscape or its setting, or within 0.5KM of the South Hams SAC, there is an expectation that they will revert to nature if tourism use ceases.

Link to the Community and Corporate Plan – Pride in Place

Explanation

4.70 It is noted that there has already been a significant fall in holiday park bedspaces over the last two decades, particularly in Brixham. It is anticipated that improvements in the quality and modernisation of chalets will result in the bulk of any further reduction in bedspaces, whilst improving the range of facilities offered. Policy TO6 deals with proposals to change the use, or redevelop, holiday parks to non-tourism uses. Policy H1, Policy TO2 and the landscape and environmental policies in the Local Plan are also relevant.

4.71 Holiday parks have often been allowed in coastal and National Landscape (AONB) locations particularly because they cater to the tourism economy. They have also evolved over many years and their original planning status may be unclear. Accordingly, where development away from tourism is considered, the starting point should be that all, or the major part of the site should revert back to open countryside or provide other landscape or ecological benefits.

4.72 The Local Plan also seeks to retain holiday parks in prime tourism locations or where the loss of facilities or tourism location would be harmful to Torbay's tourism offer.

4.73 This policy does not seek to resist the redevelopment of holiday parks that are allocated for residential use in the development plan (i.e. Kingskerswell Road, Torquay, TNPH1, TNPH2).

Policy TO7: Tourism investment and monitoring contributions

Where change of use or redevelopment of tourism and leisure facilities or accommodation is approved, the council will seek contributions to mitigate the impact of loss of tourism facilities and employment, proportionate to the scale and nature of the proposal.

Where development generates a monitoring cost to ensure compliance with tourism occupancy or other requirements, the council will seek a contribution towards monitoring.

Where change of use or redevelopment away from tourism is considered acceptable subject to mitigation of the economic impact of the loss of tourism use, the council will seek planning contributions proportionate to the proposal's net impact.

Link to the Community and Corporate Plan – Economic Growth

Explanation

4.74 Policy TO7 recognises that tourism development can impact upon the need for infrastructure or create a monitoring need. Policy TO7 identified that S106 contributions will be sought to address this, where necessary to make development acceptable in planning terms. Particular regard needs to be given to mitigating the recreational impact on the South Hams Special Area of Conservation (Policy xx) and the effect of marine tourist development on the Marine SAC.

4.75 Proposals involving the loss of tourism may result in a negative economic impact. In such instances a contribution may be sought to mitigate the loss of employment. This will be based on the net impact of proposals, and other public benefits such as improvements to the built or natural environment, or the creation of affordable housing will be taken into account in calculating the net impact of a proposal.

Part 3 - Economy, Tourism and Retail

Safe and Welcoming Town Centres for All (Town Centres and Retail Policies)

Introduction

4.76 The role of retailing and the town centres is rapidly changing, although the changes hitting town centres have been clear for some time. The rise of the internet has profoundly affected every aspect of town centres. Linked to this the rise in home working and parcel collection has increased the demand for neighbourhood centres. There is a need for town centres to adapt and diversity towards providing a range of commercial services and good quality accommodation.

4.77 In the context of the Local Plan and the Town Centre Regeneration Visions, there is a policy shift of moving the Primary Shopping Areas closer to the Harbourside and Waterfront areas. There is a need to make town centres places where people want to live, and providing a high-quality built environment, realising the potential of heritage assets, and reducing crime and the fear of crime are a key part of this strategy.

4.78 Many of these trends were apparent when the former Torbay Local Plan 2012-30 was being prepared, and therefore the Policies set out in this chapter represent an evolution in the previous plan's approach. A significant change is the council's transformational regeneration vision and programme, as well as the ambitious accommodation repurposing proposals. These provide a better chance of significant changes in the town centres being achieved in the Plan period.

The NPPF, Class E and Permitted Development Rights

4.79 Chapter 7 (paragraphs 90-95) of the NPPF (2024) reflects the changing role of town centres and promotes a much more flexible approach overall. However, planning policies should still support the role of town centres and take a positive approach to their growth, management and adaptation. Plans should identify a hierarchy of town centres and promote their long-term viability, including allowing them to grow and diversity.

4.80 The NPPF defines town centres to mean city and town centres, district and local centres but excludes small parages of shops of purely neighbourhood significance. The NPPF defines **Main Town Centre Uses** as: *Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs,*

nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). Some (but not all of these are in Class E- see below).

4.81 Planning for town centres (and employment land) has undergone a major change through the introduction of a wide-ranging commercial Use Class E August 2021. Class E covers a range of former "Class A" retail uses, as well as other leisure and entertainment uses. The government has also extended permitted development rights to convert commercial property into residential use, subject to a slimmed down "prior approval" mechanism. These changes reflect the changing nature of town centres away from being limited to retail shops, towards needing to embrace a much wider range of uses. It heralds a less restrictive approach to town centre planning through the removal of many former traditional planning controls.

4.82 The NPPF requires Local Plans to designate "primary shopping areas" where a range of main town centre uses are supported. However, the concept of "primary shopping frontages" which should be reserved for retail shops along is no longer required by the NPPF.

The Community and Corporate Plan and Town Centre Regeneration Visions

4.83 The Torbay Community and Corporate Plan recognises that town centres are at the heart of Torbay's communities, and their regeneration is a key priority in the Community and Corporate Plan. This section outlines how the Local Plan supports safe, welcoming and economically vibrant centres through investment, diversification and improved public spaces. It reflects a shift towards mixed-use neighbourhoods and a more compact retail core. These changes aim to make town centres places where people want to live, work and visit.

4.84 The Community and Corporate Plan 2023-43 has several priorities relevant to town centre regeneration and relevant to retail policy:

- Ensuring our town centres are safe and welcoming for all
- Drawing investment into our town centres, partnering with the private sector to deliver major projects
- Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors
- Improve the delivery, affordability and quality of housing (including housing standards) for residents in Torbay
- Develop a year-round economy

- Focus on inclusive growth, with opportunities which benefit everyone

4.85 The regeneration visions for Torquay, Paignton and Brixham are central to delivering the Community and Corporate Plan's goals for inclusive growth and community wellbeing. These visions focus on improving housing, reducing deprivation, and enhancing the built environment. By drawing investment and creating safer, more attractive spaces, the Local Plan supports long-term transformation. It also promotes heritage, culture and public realm improvements as drivers of economic and social renewal.

4.86 The regeneration and improvement of town centres is central to the Local Plan. More details are available at: Growth and Regeneration - Torbay Council . Town Centre Place Visions are being prepared to assess the strengths and weaknesses of the three towns and to recommend indicative regeneration. At the time of writing (September 2025) the Torquay Regeneration Vision (by Millican and Leonard Design) is the most advanced. It identifies the need to reduce the size of the retail core and strengthen the retail offer south of the GPO Roundabout (i.e. Strand and Fleet Street). Improvements to the public realm, reducing and anti-social behaviour around Castle Circus and changing the perception of the town away from a "Seaside Destination" towards being a vibrant coastal Town".

4.87 Key to the current Town Centres Chapter of the Local Plan is the consolidation to the retail core of the town towards the harbour area, and introducing more mixed-use neighbourhoods elsewhere in the town centre, with a substantial uptick in good quality housing. The need to reduce crime and the fear of crime in this town centre will be an important element of making the town centre a place where people choose to live.

4.88 The Local Plan is supported by a detailed Retail Study carried out by Avison Young (2022). This replaces the former Study carried out in 2013. This contains a detailed assessment of Torbay's town centres, retail trends and policy implications. It made detailed recommendations for each of the three town centres, and the district and Local Centres. Its summary findings are set out in the Economy Topic Paper and at xxxx.

Structure of this Chapter

4.89 Policy TCS sets out a town centres and regeneration strategy, which seeks to support the regeneration and renewal of town centres and to focus retail and commercial activity closer to harbourside and waterfront areas.

4.90 Policy TC1 sets a retail hierarchy. Torquay is proposed to remain the principal town centre and largest retail, and leisure centre in the Bay, as well as being a sub-regional retail and leisure destination. Paignton's role will support its key tourism role, Brixham will primarily support local needs as well as the town's food and leisure specialisms. The Plan also

identifies District Centres at Preston, St Marychurch, The Willows and a new District Centre at Devonshire Park. It is recognised that The Willows and Devonshire park have characteristics of an out of town retail parks and should accordingly be regulated. Nevertheless, the serve a retail role for areas of significant housing. Policy TC1 also sets out a network of local centres with more limited range of facilities than town and district centres. Some of Torbay's former Local Centres are of only neighbourhood significance and have therefore been reclassified as Neighbourhood Centres.

4.91 Policies TC2-TC7 deal with proposals for main town centre uses.

4.92 Policy TC8 deals with S106 contributions to support town centre regeneration. These will be sought to mitigate the impacts of development that have an impact upon the three main town centres, and are similar to loss of employment contributions.

4.93 Policy TC9 deals with crime and anti-social behaviour issues, especially relating to the evening and night-time economy.

Strategic Policy TCS: Town centre renewal and retail strategy

The primary locations for retail and other main town centre uses in Torbay will be the town centres of Torquay, Paignton and Brixham, as defined in the Policies Map. The vitality and viability of these town centres will be enhanced through the regeneration of key sites.

Future growth in main town centre uses should follow a town centre first approach, resisting out of town and out of centre main town centre uses that would harm the vitality and viability of town centres.

The Local Plan supports the following:

1. **Working with the private sector to draw in investment in town centres and support the delivery of major projects**

2. **The delivery of regeneration visions for Torquay, Paignton and Brixham town centres;**

3. **Mixed use regeneration of key sites in town centres as identified in the relevant place policies (refs) and regeneration visions, including the provision of major residential, retail, leisure, cultural, healthcare, recreational and event space, and the comprehensive redevelopment of parts of the town centres;**

4. **Significant increase in the number of dwellings in the three town centres, particularly within peripheral parts of the designated town centre and on upper floors.**

5. **Maintaining and enhancing a reduced and more focussed Primary Ahopping Area where active ground floor retail, leisure or commercial frontages will be maintained. The Primary Shopping Area is noted on the Policies Map.**

6. **Allocating a medium sized food store (1500sq m-2000 sq m) within a town centre or edge of Town centre site in Torquay and Paignton town Centres.**

7. **In all three towns, shifting the retail core towards the Harbourside and Waterfront areas.**

8. **Greater flexibility for a range of commercial, and particularly residential schemes outside the primary shopping area, to achieve more balanced communities by delivering a mix of housing, employment, tourism, leisure, retail, family, healthcare, education and other commercial facilities.**

9. **The use of heritage assets, public art and public space, events, exhibitions and festivals to provide a more enjoyable, creative environment in town centres;**

10. **Maintaining a network of district and local centres to provide a range of goods and services that meet the day to day needs of local communities, including the provision of healthcare facilities, skills training, employment and local food outlets.**

11. **The retention of neighbourhood centres and small "corner shops" which serve a more localised function such as providing access to fresh food and top-up items.**

12. **Investment in CCTV and policing to ensure that town centres are safe and welcoming for all.**

Link to the Community and Corporate Plan – Community and Place

Explanation

4.94 This Plan promotes a range of town centre redevelopments to provide new retail, leisure, residential and cultural facilities as part of mixed-use developments. There is an urgent need to regenerate the town centre and make them attractive living and commercial environments. Masterplans and Regeneration Visions commissioned by the council, or Design Codes will have a key role in 'place shaping' within each of the three town centres.

4.95 As noted, the introduction of Class E and residential permitted development rights have the government has significantly changed planning for town centres. The Local Plan is not couched in terms of a particular use class, but many main town-centre uses are within Class E "commercial business and service" and some other main town centre uses may be in Class F1 Learning and non-residential institutions or F2 "Local Community Uses"

4.96 The town centres, harbourside and waterfront areas are likely to be suitable for a range of commercial uses within Class E to support a prosperous Torbay. Regard will need to be had to "agent of change issues" and the avoidance of incompatible developments that could undermine existing uses.

4.97 The Local Plan proposes a significant uptick in town centre housing, and the Retail Study indicates a shortfall in large town centre foodstores. There is a need to improve convenience provision, especially fresh food, in all three town centres. This is especially the case for Torquay, where convenience floorspace is only 9.6% of town centre floorspace compared to the national average of 19% (see above). In Paignton convenience retail is 13% of town centre floorspace compared to a national average of 19%. In Brixham the convenience provision of about 16% is only slightly below the national average. It is anticipated that convenience floor stores of around the following trading floorspace should be provided in the town centres as part of regeneration schemes, or on edge of centre locations. Where on edge of centre locations there will be a requirement for active travel and public transport links to the Primary Shopping Area.

4.98 Accordingly, the Local Plan allocates sites for in-town convenience stores in the three towns. The need and size for these will be kept under review as part of the town centre regeneration visions.

4.99 It is recognised that each of the three town centres is currently geographically spread out and there are opportunities to reduce their extent in order to focus town centre activities into a more compact and vibrant heart. In light of the need for town centres to take on a wider role, the "primary retail areas" have been reduced in size and shifted closer to the Waterfront and Harbourside areas. A partial exception to this is Union Street Torquay (up to Market Street) where there is a concentration of larger retail units.

4.100 The NPPF simplifies the number of town centre designations by removing the requirement to designate primary and secondary frontages. Based on the Retail Study, the Local Plan has retained the previous town centre boundaries, but amended “primary shopping areas” to reflect the areas of town centres that should be the focus of retail and commercial activity.

4.101 All town centres contain historic elements, and regard needs to be had to conservation or enhancement of heritage assets and achieving a high-quality living environment.

4.102 Torbay Community and Corporate Plan – This strategy directly supports the Community and Corporate Plan’s ambition to revitalise town centres and promote inclusive economic growth. By consolidating retail areas and encouraging mixed-use development, the Plan aims to create vibrant, resilient communities. Investment in public realm, housing and cultural assets will help make town centres more attractive and accessible. The strategy also supports safer environments and better access to essential services.

Policy TC1: Town centre hierarchy

Retail, leisure and other main town centre use development will be supported within the following centres where it is appropriate to the role, function and scale of those centres, having regard to the shopping hierarchy below. Major developments will be sited in town centres, with smaller developments in district centres, then local centres in sequential order and in relation to local needs and function.

The following Centres (and associated primary shopping areas for the three main Town Centres) are defined in accordance with the town centre hierarchy specified below and are shown on the Policies Map:

Shopping centre hierarchy	Torquay area	Paignton area	Brixham area
1. Town Centres	1. Torquay	2. Paignton	3. Brixham
2. District Centres	1. The Willows; 2. St Marychurch	3. Preston 4. Devonshire Park & White Rock	
3. Local Centres	1. Hele Road, Hele; 2. Kerswell Gardens	4. Winner Street (removed from Town Centre)	

	3. Plainmoor;	5. Great Parks 6. Yannons & Yalberton (Sainsburys and Aldi (subject to improved walking and cycling links)	

Link to the Community and Corporate Plan – Pride in Place

Explanation

4.103 The Torbay Retail Study (2022) contains a detailed heath assessment of Torbay's town centres. Uses within all Torbay's centres are monitored annually.

4.104 Town centres are the most significant centres within the retail hierarchy in Torbay with large trade catchment areas. They will remain the focus for retail, commercial and other typical town centre-related activities. Torquay is the key town centre in terms of size and range of facilities, levels of investment etc. Paignton and Brixham are of a smaller scale and trading influence. A significant focus of the plan is to regenerate the town centres and increase the amount of high quality residential accommodation within them. The Local Plan seeks to locate major proposals for main town centre uses in the Town Centres where possible.

4.105 District centres offer a good range of retail facilities and related services but to a more localised catchment area. Whilst Preston and St Marychurch are traditional district centres, with significant numbers of local traders; the Willows serves the car-borne shopper carrying out weekly or less frequent shopping visits.

4.106 A fresh review of Torbay's existing local centres has been undertaken in the light of updated guidance in the NPPF that "small parades of shops of purely neighbourhood significance" are unlikely to constitute "town centres". Accordingly, the number of local centres has been reduced and the number designated as neighbourhood centres increased. Local Centres are the smallest designated centre (referred to as a "town centre" in the NPPF) with a position in the retail hierarchy. As a general rule, stores of no more than about 1600 sq m (net) floor area are likely to be the maximum that is appropriate to a local centres.

4.107 Neighbourhood Centres are the most localised designation, and contain shops and other facilities of purely neighbourhood significance. They serve an important role in providing access to neighbourhood services and top-up items. They are outside of the retail

hierarchy for major retail or other main town centre uses. As a general rule, proposals of more than 280 sq m (net) will be treated as being of more than local significance.

Development of New Retail and other Main Town Centre Uses

Policy TC2: Development in Town Centres

A new food store (convenience retail) should be provided in Torquay and Paignton Town Centres as an element of regeneration proposals.

New retail and other main town centre use development within Torquay, Paignton and Brixham Town Centres will be supported where they:

1. **Are of a scale appropriate to the nature and size of the Centre and complement its role and character; and**
2. **Sustain the shopping, leisure, tourism and commercial role of the Centre and contributes to improving its vitality and viability;**
3. **Protect or enhance cultural or tourism appeal;**
4. **Enhance the overall attractiveness of the Centre for its users through environmental improvements, better pedestrian permeability, improvements to vehicular access and parking arrangements, and other town centre management measures;**
5. **Retain active ground floor frontages such as shopfronts within Primary Shopping Areas.**
6. **Contribute to reducing crime and the fear of crime.**

Link to the Community and Corporate Plan – Community and Place

Explanation

4.108 Policy TC 2 supports the roles of the three town centres as key parts of Torbay's town centre hierarchy. Torquay will remain the main town centre and heart of the English Riviera. Paignton's role as the leading family tourism destination, and Brixham's specialist

role as food and maritime port will be supported and enhanced. Town Centre Regeneration Visions will be key to bringing

4.109 The Local Plan identifies a need to improve foodstore provision in town centres. The following guidelines will apply to the location of convenience stores:

- Torquay 1500-2,000 sq. m (Lymington Road, former New Look or Fleet Walk).
- Paignton 1200-1,600sq. m (Victoria Centre)
- Brixham 1,100-1500 sq. m (Middle Street or Monksbridge if suitable town centre mitigation is provided).

Policy TC3: District Centres

The following District Centres are shown on the Policies Map:

- **St Marychurch, Torquay (existing)**
- **Preston, Paignton (existing)**
- **The Willows, Torquay (existing)**
- **Devonshire Park and White Rock, Paignton (Proposed redesignation of existing out-of-centre and local centre)**

1. St Marychurch and Preston District Centres:

New retail and other main town centre uses within St Marychurch and Preston District Centres will be supported where:

a. **It is of a scale appropriate to the nature and size of the Centre and complement its role and character; and**

b. **It provides for and sustains a range of services and facilities which contribute to the long-term vitality and viability of the Centre and the ability of people to meet their needs locally.**

2. The Willows and Long Road/Devonshire Park:

Proposals for new retail and other main town centre uses within the Willows District Centre or Devonshire Park will be supported where all of the following criteria are met:

a. **Major development will only be permitted where it cannot reasonably be located within the three main Town Centres; and**

b. **Proposal over 500 sq m should demonstrate that there is no significantly adverse impact on town centre investment or vitality and viability**

c. **Development is of a scale appropriate to the nature and size of the Centre and complement its role and character; and**

d. **It provides for and sustains a range of services and facilities which contribute to the long term vitality and viability of the Centre and the ability of people to meet their needs.**

e. **Development supports measures to improve accessibility by walking, cycling and public transport.**

f. **Where adverse impact on the Town Centres are identified but assessed to be less than significantly adverse, these should be mitigated or compensated in accordance with Policy TC9**

Link to the Community and Corporate Plan – Community and Place

Explanation

4.110 District Centres are of town significance and intended to provide a range of retail and service facilities able to meet most needs. St Marychurch District Centre has a strong tourism and heritage role, being located close to several tourist facilities. Preston District Centre is located in an area where there is scope to densify the built-up area and contains several brownfield regeneration sites (See Policy SDPxx). It will be important to maintain retail and other facilities serving those communities.

4.111 Both the Willows and the proposed new District Centre at Devonshire Park have characteristics of out-of-town retail parks. The Willows at Scotts Bridge Barton (and nearby out of centre retail stores) was developed in the early 1990s as part of the urban extension which is now Scotts Bridge/Barton. The centre (and nearby out of centre stores) serves a sub-regional role and has a significant trade draw from the town centre and offer a wider range of goods than sold in the town centre. It is proposed to make the recently developed (twenty-teens) Devonshire Park a District Centre. Although there is an element of reactive planning, the location serves an area of significant recent residential expansion

and planned future growth. It has good links with South Devon College and other employment.

4.112 Accordingly, Policy TC3B recognises the potential impact that major development in these centres could have on the town centres and other District Centres, and therefore seeks to regulate growth in these areas to minimise adverse impacts. The threshold for determining a “significantly adverse “impact on town centres requires a planning judgement. In assessing this, the identified retail capacity (see above), trade draw from the town centre, and qualitative factors which as the range of facilities available in the town centres will be considered.

4.113 It is recognised that the Internet is now also affecting out of town centre retail. As Class E uses the stores could become a range of other class E uses. However, this is likely to require planning permission due to conditions imposed on permitted use and nature of goods sold at The Willows and Devonshire Park.

Policy TC4: Supporting Local Centres

Development of new retail and other main Town Centre uses within Local Centres will be supported where:

1. **It is of a scale appropriate to the nature and size of the Centre and complement its local role and character. There is a general expectation that major development should be located in the Town or District Centres in preference to local centres; and**

2. **It provides for and sustains a range of services and facilities which contribute to the long-term role of the centre in assisting people to meet their needs locally.**

3. **Unless allocated in a development plan, proposals for more than 500sq m of Main Town Centre use floorspace should be supported by a sequential and impact test to demonstrate their impact on Town and District Centres.**

4. **Development is designed to be easily accessible by active travel or public transport.**

Link to the Community and Corporate Plan – Community and Place

Explanation

4.114 Local centres are the lowest tier of the retail hierarchy and the smallest centres that the NPPF refers to as “Town Centres”. They are primarily intended to help serve day-to-day needs. As such the size of stores appropriate to these centres is likely to be limited. New major development (i.e. with a floorspace of 1,000 sq m or more) is likely to be more appropriately located in Town or District Centres.

4.115 Nationally the increase in home-working and “click and collect” locations has helped maintain the purpose of smaller centres and it is proposed to maintain Local Centres. However, more substantial growth should be directed to higher order centres where possible.

4.116 On that basis, and as advised by the Torbay retail study, proposals of more than 500 sq m of new Main Town Centre use floorspace should be supported by a sequential and impact test, to demonstrate that they would not have a significant adverse effect on town centre investment or vitality and viability.

4.117 The NPPF excludes parades of shops of only neighbourhood significance from being Local Centres and treats them as “out of centre” locations (see Policy TC5 below). Torbay contains a network of smaller retail areas of purely local significance. As part of the Local Plan update, several of these smaller centres have been redesignated as Neighbourhood Centres or standalone “corner shops” to accurately represent their status and role in the retail hierarchy.

Policy TC5: Managing retail outside designated centres

Proposals for retail and main town centre uses of more than 280 sq m outside of town, district or local centres must meet the following criteria:

1. **No other town centre site, edge-of- town centre, district or local centre site is suitable or available (or expected to be available within a reasonable period)**

2. **Proposals should not cause significant adverse impacts either individually or cumulatively on the vitality and viability of existing and planned town, district, local or neighbourhood centres in the catchment area of the proposal. Proposals for main town centre uses over 500 sq m gross must provide a retail impact assessment; and**

3. **Should not adversely impact on proposed regeneration schemes in the three Town Centres. Where an impact on town centres is identified which can be**

satisfactorily mitigated, proposals should provide financial or other contributions to offset harmful impacts on designated Centres.

4. **Development would improve the spatial distribution of accessible facilities throughout the Bay and help to achieve greater social inclusion.**

5. **Be easily accessible to active travel and public transport.**

Proposals for tourism and leisure developments within Core Tourism Investment Areas will be supported subject to other policies in this Plan and will not be required to demonstrate a sequential or impacts test. In such cases it may be necessary to restrict uses to those appropriate to the tourism setting of the area.

Neighbourhood Centres are designated below;

4. Neighbourhood Centres (not part of the retail hierarchy)	1.Maidencombe Cross (proposed) 2.Moor Lane, Watcombe; 3. Fore Street, Barton; 4. Upton Road, Upton; 5. Sherwell Valley Road, Chelston; 6. Ellacombe; 7. Roundhill Road, Livermead; Former Local Centres redesignated as neighbourhood centres 8. Cadewell Lane, Shiphay; 9. Babbacombe; 10. Old Mill Road, Chelston; 11. Walnut Road, Chelston; 12. Lucius Street; 13. Belgrave Road; 14. Higher Union Street, Torre	18. Preston Down Road;; 19. Collaton St Mary (proposed) Former Local Centres redesignated as neighbourhood centres 20. Marldon Road; 21. Foxhole 22. Cherrybrook Square; 23. Churston Broadway; 24. Three Beaches, Goodrington;	25. Pillar Avenue; 26. Summercourt Way

	15. Wellswood 16. Lisburne Square, Torwood; 17. Barton Hill Road, Barton;		

Link to the Community and Corporate Plan – Community and Place

Explanation

4.118 Policy TC5 deals with proposals for retail and other main town centre uses outside of designated Town Centre, District Centre or Local Centres. (Collectively called town centres by the NPPF). Policy TC5 applies a sequential and impacts test in accordance with Paragraphs 91-95 of the Framework, and the Planning Practice Guidance (currently 2b-09-20190722 to 2b-018-20190722).

4.119 There are some local specific circumstances that justify a local bespoke policy. Firstly, the Retail Study identifies the town centres as being vulnerable to relatively modest out of town centre proposals, and therefore recommends a threshold of 500 sq. m. (rather than the NPPF default figure of 2,500 sq. m).

4.120 The NPPF indicated that “references to town centres or centres apply to city, town , district and local centres but excludes small parages of shops or purely neighbourhood significance. Torbay’s centres have been reviewed, and those of “purely neighbourhood significance” have been redesignated as Neighbourhood Centres. These do not have a role in the retail hierarchy in relation to the sequential preference for main town centre uses. However, they still serve a localised role in meeting day to day needs, and policy TC5 seeks to support development that will help them meet that need (insofar as the matter falls within planning control).

4.121 As a major tourism resort some “Main Town Centre Uses” such as food and drink, hotels, cultural facilities etc.) will often be appropriate within Core Tourism Investment Areas but outside main town centres. In such instances proposals will not be required to demonstrate a sequential or impact test. Other policies in the Plan, such as TO1 remain relevant. It may be necessary to restrict use to a range of uses appropriate to CTIA locations rather than the full gamut of Class E uses.

Policy TC6: Supporting access to local retail and services

The introduction of new corner shops, village shops or shops and facilities serving isolated communities will be supported in principle, where such provision enhances the sustainability of new or existing communities, and are of an appropriate scale to cater for local needs. Out of centre retail shop premises should be no more than 280 sq m.

Link to the Community and Corporate Plan – Community and People

Explanation

4.122 Policy TC6 provides support for small out of centre shops. Where more than 1km from other shops these fall within Use Class F2 where their premises is less than 280 sq. m. Note that the amendments to the Town and Country Planning Use Classes Order (1987) that were introduced in 2020 and 2021 limit the size of store by "premises" and not trading floor area. The council will take this to mean the gross external area (also called "gross retail floorspace) which is the total built floor area occupied by a retailer or retailers, and excludes open display, storage or sales areas).

Proposals involving the loss of retail or main town centre uses.

Policy TC7: Change of use away from main town centre uses in Town, District or Local Centres

Proposals for changes of use or redevelopment from retail or other main Town Centre use in Town, District, Local Centres will be supported where all of the following apply:

1. **The vitality, viability or character of the Centre as a whole is not undermined, and the Centre retains sufficient main town centre uses to maintain its role and function;**

2. **A viable concentration of commercial uses and frontages is retained.**

3. **Proposals are appropriate to the scale and nature of the Centre and will not introduce conflicts that will undermine the continued operation of other businesses in the centre.**

Within Town Centre primary shopping areas, as defined in the Policies Map, proposals should retain active shop frontages and main Town Centre uses at ground floor level.

Outside of the primary shopping area, the council will seek to maintain active frontages where their loss would lead to a fragmentation of the overall commercial character or coherence of the centre.

Residential use will be supported in principle on upper floors of the primary shopping area. Residential use will only be supported on ground floors outside of primary shopping areas, where this does not lead to fragmentation of the centre, for example by creating inactive frontages.

Proposals for residential use in the town centres should have regard to existing and proposed nearby commercial uses and the likely impact of them on the amenity of residents.

Where commercial buildings are converted to residential use, there will be a requirement to restore building to their original historic form by the removal of unsightly features such as build outs and signage. Where historic shopfronts need to be retained, they should be incorporated into the design of dwellings.

Link to the Community and Corporate Plan – Community and Place

Explanation

4.123 Policy TC7 seeks to retain ground floor commercial uses in town district and local centres. The policy does not restrict residential or other uses on upper floors, subject to amenity considerations. The policy must operate within the scope of permitted development rights, but as a general rule, active commercial frontages should be maintained in town centre areas.

4.124 As noted, the introduction of Use Class E, changed to permitted development rights, amendments to national planning policy, and changing shopping patterns remove the traditional role of retail policies to keep town centre as the preserve of Class A1 retail uses. Nevertheless, town centres and particularly the primary shopping areas should remain and be enhanced as the focus of retail, leisure, commercial and cultural activity. This will also assist in their regeneration as vibrant places where people want to live. Policy TC7 seeks to provide a flexible framework that supports the retention of a range of retail and main town centre uses in the town centres, whilst also encouraging increased residential use.

4.125 Policy TC7 incorporates an “agent of change” principle that new development should take into account nearby existing uses, and not lead to a sterilisation of longstanding existing uses. This is particularly important in Harbourfront and other areas where the night-time economy operates (see also paragraph 200 of the (2024) NPPF. Residential development should comply with other Policies in the Plan, particularly design and housing policies. Ground floor residential uses should not create 'dead frontages' in the street scene and are therefore more likely to be appropriate in the peripheral areas of town centres.

4.126 It is important that district, local centres retain a mix of uses that provide a useful service to local communities.

Policy TC8: Change of use away from main town centre uses outside Town, District or Local Centres

Outside the designated Town, District or Local Centres, proposals for change of use of shops and other main Town Centre uses will be permitted where this would not result in the significant loss of facilities serving the day-to-day needs of local communities.

The council will seek to retain a small convenience store and other facilities serving a local area in neighbourhood centres or isolated shops unless one of the following applies:

i. **There is an alternative shop or comparable facility within 400m of the shop; or**

ii. **It can be demonstrated that there is no realistic prospect of the building operating for retail or main Town Centre use**

Where commercial buildings are converted to residential use, there will be a requirement to restore building to their original historic form by the removal of unsightly features such as build outs and signage. Where historic shopfronts need to be retained, they should be incorporated into the design of dwellings.

Link to the Community and Corporate Plan – Community and Place

Explanation

4.127 **Policy TC8** seeks to retain local-food stores and other facilities such as hair salons, pubs and cafes in neighbourhood and out of centre locations. However, it is recognised that

these can also provide new homes. The Local Plan seeks to allow change of use or redevelopment of such areas, so long as alternative provision is available within moderate walking distance (400 m). It seeks to resist changes of use that would leave neighbourhood isolated or dependent upon car travel to meet “top up” needs. Policy TC8 does not refer to the Use Classes Order, but greatest attention will be given to protecting small shops selling essential items, particularly food (whether within Class E or Class F(2).

Policy TC9: Town Centre Regeneration Contributions (New Policy)

Where proposals have an adverse impact on the vitality or viability of town centres which is assessed to be less than significantly adverse, or where other material considerations indicate that permission should be granted; a contribution will be sought to mitigate that impact through supporting town centre regeneration projects.

Link to the Community and Corporate Plan – Economic Growth

Explanation

4.128 The NPPF indicates that proposals that have a “significant adverse” impact on town centre investment, vitality and viability, choice and trade, should be refused. There is no hard and fast rule about the scale of trade-draw (i.e. the amount of retail spend diverted away from a centre by a new proposal) should be considered as “significant adverse” but the council considers that impacts of more than around 4% cannot be considered insignificant.

4.129 However, there will be instances where the Local Planning Authority is minded to approved proposals that have an impact on town centres: either because they consider the scale or nature of impact to be less than significantly adverse, or because of other material considerations. This could include matters such the improvement of residential amenity, reduction on deprivation or the provision of affordable housing.

4.130 In such instances, the council will seek planning contributions (under S106 or any replacement regime) to mitigate the impact. The starting point for assessing these will be the scale of impact measured over five years. This will be used to support the Town Centre Vision or other regeneration proposals.

Policy TC10: Safe and welcoming town centres for all

The Local Plan will support measures to make town centres, harbourside and waterfront safe and welcoming for all. In principle, development that helps create a vibrant, diverse daytime, evening and nighttime economy or would contribute positively to environmental improvements, lighting and safety measures within the town centres, seafront and harbour areas of the Bay will be approved.

Development proposals will be resisted where:

1. **Proposals likely to attract crime and anti-social behaviour will be resisted unless it is demonstrated that they can be sufficiently controlled.**

2. **Whilst there is an expectation that food and drink uses are a suitable use in Harbourside and waterfront Areas, the cumulative impact of licensed premises, and those providing late night entertainment and services will be resisted where this would create serious amenity, or crime or fear of crime issues.**

3. **It would adversely impact on amenity or cause disturbance to nearby and neighbouring uses (including residential properties).**

Uses or developments that have an impact upon town centre monitoring, maintenance or policing will be required to make appropriate contributions towards the costs of monitoring, maintenance or policing arising from the development.

Link to the Community and Corporate Plan – Community and People

Explanation

4.131 The evening and nighttime offer in Torbay is currently focused on the harbour areas of Torquay and Brixham and the waterfront of Paignton and is overall more focused toward the nighttime economy. There is a need to diversify the offer in these areas to create a more balanced range of facilities with a more family friendly appeal. There is also a need for the town centres to diversify their current day time offer, and to extend their times of patronage, creating a more vibrant environment, with a wider range of uses, including cultural and family based activities.

4.132 It is intended that future developments will create town centre, waterfront and harbour areas that can be accessed by all groups in the day and night without fear of intimidation or conflict.

4.133 While there are opportunities and benefits to expand the evening and nighttime economies, there are also associated problems with certain existing characteristics of the

night-time economy particularly regarding alcohol-related crime and disorder, and noise nuisance from customers. Perceived risks may discourage other groups such as older people and families from entering these areas at night.

4.134 The Local Plan seeks to expand the number of homes in town centres, particularly in mixed use residential neighbourhoods. While town centre residents must accept, and may well welcome, the noise and bustle of town centre living, their residential amenity must be respected, particularly very late at night. This sector needs careful management. The award of the “Purple Flag” for the effective management of the nighttime economy is a significant accolade. This requires ongoing management to ensure it is retained, for example to keep public toilets open and clean, clear up litter, provide policing and pastoral support. Where planning applications come forward which could put demands on these matters they will be required to make appropriate contributions towards CCTV, town centre monitoring and policing, and partake in strategies and initiatives to mitigate the cumulative impact of venues.

4.135 Torquay and Paigton Town Centres in particular contain concentrations of deprivation, which is in part driven by a concentration poor quality accommodation in the area. Improved safe and regulated accommodation is needed for homeless people on Factory Row, and some of the accommodation close to the town centre. The renovation of buildings and improved streetscape will be supported to concerns about the Castle Circus area of Torquay, and urban renewal and community capacity building projects such as Make Melville Marvellous will be supported.

Chapter 5: Thriving communities - Wellbeing, safety and belonging

Policy SCS: Sustainable and inclusive communities strategy

Development will be assessed against its contribution to improving the sustainability of existing and new communities within the Bay, and especially the way in which it closes the gap between the most and least disadvantaged neighbourhoods in Torbay.

Development must help to create cohesive communities within a high quality built and natural environment where people want to live and work.

Proposals that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay, and particularly within deprived areas, will be supported in principle.

Development proposals will be assessed according to whether they achieve the following criteria, insofar as they are relevant and proportionate to the development:

1. **Meet the needs of and enhance the quality of life of residents;**
2. **Help to close the gap between the most and least disadvantaged people and neighbourhoods in Torbay;**
3. **Help to develop a sense of place and local identity;**
4. **Promote social inclusion, and seek to eliminate exclusion based on access to housing, health, education, recreation or other facilities;**
5. **Help to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict;**
6. **Support local food production and consumption;**
7. **Create a well-connected, accessible and safe community;**
8. **Contribute to the success of the local labour market by improving provision of and/or access to jobs and widening the pool of available labour;**
9. **Protect and enhance the local natural and built environment, including where appropriate through planning contributions;**

10. **Deliver development of an improved type, scale, quality, mix and density in relation to its location;**

11. **Contribute towards any additional educational or training needs including the promotion and negotiation of local labour training arrangements, placements and apprenticeship schemes, and by promoting the provision of local employment space, in order to tackle worklessness;**

12. **Enable people to have access to local services to meet their day-to-day needs including open spaces, community halls (or rooms), play areas, leisure and recreation facilities and allotments;**

13. **The maintenance and improvement of strategic health services in Torbay commensurate with the population size and age structure, with a key focus on Torbay Hospital.**

14. **Contribute to health services, policing and other social infrastructure where development would exacerbate shortfalls in provision; and**

15. **Provide a good standard of residential accommodation, by seeking to retain small to medium sized homes (2–4 bedrooms) and resisting change of use of buildings to HMOs and small self-contained dwellings. This applies especially in areas with significant deprivation.**

Link to the Community and Corporate Plan – Community and Place

Explanation

5.1 The Local Plan focusses development into existing urban areas. It is important that the opportunity that development provides to help shape our urban areas in sustainable and healthy ways which benefits local communities, is achieved. We want our existing urban areas, particularly our town centres, to be places people increasingly aspire to live in.

5.2 Conversely, new out-of-town centre housing should not be car dependent and bereft of local amenities and services.

5.3 Good quality sustainable communities and neighbourhoods should have good access to employment, housing and essential infrastructure such as health and policing. Measures will be supported to safeguard and improve the provision of facilities, such as those for health, education, social interaction, sport, recreation, and transport, as well as services

such as crematoria and cemeteries. Contributions will be sought towards the provision by the development of new facilities where levels of demand show this to be necessary.

5.4 Health, well-being and the built environment are inextricably linked. The implications of the proposals upon the health and the well-being of the affected communities must be considered at plan making and planning application stages. Health and well-being is enhanced by attractive, inspiring environments which offer a chance to make contact with nature.

5.5 However, the NHS has identified severe shortfalls in primary and secondary health across Torbay. Accordingly, contributions will be sought towards heathcare provision from developments that are likely to increase pressure on health services.

5.6 Planning should create safe and accessible environments where crime and the fear of crime do not undermine quality of life or community cohesion (NPPF paragraph 58 refers). The Police Architectural Liaison Officer (ALO) will provide advice and recommendations on designing out opportunities for crime, disorder, antisocial behaviour and community conflict in the built environment. (See also Policy TC5 Evening and night-time economy and DE1 Design.) Where the Police identify that development would create additional pressure on services a contribution will be sought towards additional infrastructure.

5.7 Torbay, like many seaside resorts, is characterised by pockets of severe deprivation, which often exist close to more affluent areas. In the 2019 Indices of Deprivation, Torbay was the 38th out of 151 most deprived unitary local authority area in England and the most deprived in the South West Region. The clearest factors were poor employment and low income. 27% of Torbay's 89 lower super output areas (LSOA- broadly a neighbourhood area of up to about 3000 people) were within the 20% most deprived LSOA in the 2019 Indices. 10 LSOAs (16%) were in the 10% most deprived neighbourhoods in the country. Although living environment deprivation is less severe on a national scale, deprivation is clearly concentrated in Torquay and Paignton "central areas" where former holiday accommodation or Victorian housing, often poorly converted into flats in the private rented sector, create concentrations of deprivation. Deprivation is also severe in Hele and Watcombe, Torquay and the Foxhole and Queen Elizabeth Drive areas in Paignton.

5.8 The Local Plan identifies "deprived areas" as those within the 20% most deprived Lower Super Output Areas LSOAs in England in the 2019 Indices of Deprivation. Where later data is published the council will publish this and refer to this later information.

5.9 The Local Plan will support schemes that deliver a mix of employment, family housing, healthcare, childcare, education and local centre facilities,

5.10 The Local Plan needs to be realistic that such areas are likely to include "lower quartile" housing and are often sustainably located close to shops and other facilities; and can therefore be good locations for affordable housing. However, the council will resist the

creation of very small apartments, HMOs where this would make deprivation and associated issues more severe. Conversion of existing buildings should be carried out to a good standard that creates a decent home, rather than simply repurposing commercial accommodation for residential use at minimum cost. This would include, for example, the creation of proper house frontages rather than curtaining over shop front windows (and subject to other design and historic environment considerations). The refurbishment and retrofitting of existing properties to secure a better standard of accommodation, improved energy efficiency, renewable energy provision and improved public space will be supported.

5.11 Because Community Investment Areas are usually within established built up areas, the scope for new greenfield development within them is likely to be relatively limited. In appropriate circumstances developer contributions from other areas may be pooled to support refurbishment, bringing vacant property into use or other environmental improvements, in Community Investment Areas. The council are seeking to bring at least 150 vacant dwellings per annum back into use, which has multiple benefits of regenerating areas, providing affordable housing and building local skills through social enterprise.

5.12 The council will use Local Development Orders, Article 4 Directions and Compulsory Purchase powers to help deliver comprehensive urban renewal schemes and the ambitions of this policy.

Policy SC1: Public health and wellbeing

Development must contribute to improving the health and wellbeing of the community by reducing health inequalities and helping to deliver the conditions to enable healthy lifestyles and sustainable neighbourhoods. Development which exacerbates factors which worsen living conditions, and therefore harm public health objectives, will not be supported.

Development must have regard to the health needs of the population (all age-groups) and have special consideration towards measures which will address reducing health inequalities, including those geographically across the Torbay area and those which are experienced between different population groups.

To achieve these requirements, development must, through its location, design and suitability to local context, maximise its potential to address the place-based determinants of ill-health in the local area, including with strong reference where relevant to:

- **Active travel - enabling active mobility through walking, wheeling and cycling**
- **Housing – delivering diverse house types; affordable housing and accommodation to address local needs; energy efficient homes with good daylight, ventilation and thermal comfort; and comfortable living environments**
- **Employment – taking opportunity to provide local employment through construction and operation**
- **Natural environment – reducing exposure to environmental hazards, facilitating access to nature, and participation in physical activity in outdoor settings**
- **Transport – enabling 'access for all' and the use of public transport**
- **Healthier food – providing opportunities to produce and increase access to healthier food and decrease exposure to unhealthy food environments**

Development proposals should be prepared with special consideration for the identified needs and issues of the local community and neighbourhood where it is located. This means early engagement with the public and local stakeholders, as well as referring to available local evidence which can augment this understanding.

Development which creates an improvement of access and provision to health and care services will be supported.

Developments which offer the potential to give rise to significant health impacts will be required to undertake a systematic assessment of those impacts through mechanisms such as Health Impact Assessment.

Link to the Community and Corporate Plan – Community and Place

Explanation

5.13 A 'healthy place' is a good place to grow up, live, work and grow old in. It is a living environment which supports people to live their lives in a state of good physical, mental and social well-being. Healthy places contribute to the prevention of ill health and provide the environmental conditions to support good health.

5.14 Health, well-being and the built environment are inextricably linked. New development has the potential to positively or negatively affect the wider determinants ('the causes of the causes') of health in our neighbourhoods. Where new development occurs it is therefore important that the implications of the proposals upon the health and the well-being of the affected communities are considered.

5.15 Health indicators for Torbay relating to poor health and premature mortality show a relationship strongly related to demographics and levels of deprivation, including significant levels of health inequality (variation in health and wellbeing across different population groups). In our most affluent areas residents can expect to live almost eight years longer than those in our most deprived communities. There are significant gaps in healthy life expectancy (years in good health) between the most affluent and deprived areas. Torbay's annual Joint Strategic Needs Assessment provides further detail about the specific health needs of the population across Torbay and should be referred to as part of the development of planning applications, particularly when considering Health Impact Assessment.

5.16 Development can contribute to creating healthier communities in a number of ways, for example by providing decent accommodation, reducing the effect of fuel poverty, providing open space and recreation areas, access to healthy food and supporting active travel. Torbay has a significant ageing population and the implementation of Age-Friendly initiatives to promote inclusive, healthy environments is important. Also, child-friendly design is also crucial in helping to enable the prevention of ill health across the life-course.

5.17 All developments should consider how they can promote healthier outcomes and proposals will be expected to assess their impact on health, proportionate to the scale of development. Health Impact Assessment is one mechanism that can be incredibly useful to help consider and integrate health within the design of new development. It can be implemented at various scales (for instance comprehensive, rapid or desktop) tailored to the complexity and scale of proposals. Torbay Council provides local planning guidance on methods to help developers assess and evidence how health and wellbeing has been considered and integrated into proposals and will use this information to aid decision making.

5.18 Approaches to delivering healthy places across Torbay need to take account of their context and the community within which it is placed. Our communities are different. There are 16 Community Partnerships across Torbay, with their own specific needs. Engagement with communities and local stakeholders is really important when considering how new development can contribute to creating healthier places. The local needs of different population groups within local areas will be expected to be considered and referred to as part of the development of proposals. Development proposals which make genuine efforts to support these needs will be looked upon more favourably.

Policy SC2: Sport, leisure and recreation for healthy living

Physical activity and access to open spaces is important for health and Well-being. Development should provide access to sport, leisure and recreation facilities according to the additional demand it generates and the capacity, condition and location of existing facilities. Where a need is identified for new facilities, they should be appropriately inclusive and provided in appropriate locations, preferably co-located with existing and other planned sports facilities, where they are accessible for all users (i.e. following the transport hierarchy) including a range and choice of transport and comply with other policies in this Plan, particularly in relation to residential amenity.

An assessment of existing provision of such facilities will be required with development proposals proportionate to their scale, allowing the council to determine whether a contribution is needed towards new facilities or the enhancement of existing provision at least in line with the Fields In Trust open spaces standards[1]

Major new leisure facilities should be developed on accessible and well-located sites, wherever possible, using available town centre sites as first preference, then edge of town centre sites, district centre locations and existing concentrations of facilities. Any proposal that may lead to likely significant effects on sites protected under European legislation will only be permitted where no adverse effect on the integrity of the site can be shown.

The key sports and recreation facilities and improvements to these facilities will be supported:

1. **Torquay United Football Grounds and environs.**
2. **Riviera International Conference Centre and environs**
3. **Sports facilities at Torbay Leisure Centre and associated VeloPark and pitches at Clennon Valley, Paignton;**
4. **Watersports facilities at Torquay, Paignton and Brixham**
5. **Sports facilities at Churston, Brixham (area of search)[2].**
6. **Other Sports pitches identified in the Torbay Playing Pitch Strategy (2024), Local Football Facilities Plan (2024) and other evidence base that emerges.**

There will be a presumption against loss of existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, that should not be built on unless:

i. **An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or**

ii. **The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or**

iii. **The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.**

Planning Contributions in accordance with the Planning Contributions SPD will be sought for the long-term maintenance and management of new recreation provision and mitigation where appropriate.

Link to the Community and Corporate Plan – Community and People

Explanation

5.19 Torbay has a fantastic environment for sport and recreation, and there are clear links to health, well-being and productivity. Assessments of existing and future sports and recreational need have been undertaken by the council. This evidence base will be updated periodically as required and this Policy should be applied to development

5.20 The Local Plan has an important role in protecting and enhancing existing provision, supporting the development of new facilities and helping to bring forward the ambitions of people, clubs and representative organisations.

5.21 The provision of sports facilities often involves significant investment, and proposed new sites must be capable of sustaining and servicing any development through, for example, adequate car parking, and accommodating appropriate intensification of use, such as floodlighting. However, in accordance with other Policies in this Plan, relating specifically to countryside and design, provision of sports, recreation and leisure facilities in more rural areas will need to be sensitively and carefully designed to ensure the facility, and its use, complements and does not unduly harm the character and appearance of the area.

5.22 The availability, within an acceptable safe walking distance, of sport, leisure and recreation facilities is an essential ingredient of a sustainable, healthy community.

5.23 Where proposals result in the loss of open space or recreation facilities, the above Policy and the NPPF require an assessment of their value to be carried out and replacement facilities of equivalent or better quality, quantity or location, to be provided.

Strategic Policy SC3: Education infrastructure and inclusive learning strategy

The Local Plan will support the improvement of existing and provision of new educational facilities to meet identified needs in Torbay. This includes both the expansion of schools to meet identified needs in terms of providing sufficient places and improving the quality of provision; and the construction of new schools to address longer term requirements associated with the delivery of new homes. The ongoing needs of South Devon College will be supported.

Planning Contributions will be sought from development that generates a need for school places or facilities.

The following education facilities are proposed in the Local Plan, subject to master planning and confirmation of need from Childrens Services:

1. **Improved provision of early years facilities within existing schools**
2. **Improved primary school facilities serving the north and west of Torquay including new facilities at Torquay Gateway.**
3. **The provision of an improved Special Education Needs and Disability (SEND) school to consolidate and expand existing provision.**
4. **A new school at Inglewood, Paignton.**
5. **Identification of a site for a ninth secondary school in the Bay, or expansion of existing schools to meet demand for secondary places.**

Link to the Community and Corporate Plan – Community and People

Explanation

5.24 The NPPF requires local planning authorities to give great weight to the need to create, expand or alter schools, and to work to resolve key planning issues. The Local Plan supports the delivery of the council's capital programme to address current pupil number

increases across Torbay. Policies IN1 and IN2 seeks developer contributions towards infrastructure, including education facilities, where this is needed for development to proceed. Policy E6 deals with Local Training Agreements.

5.25 The Community and Corporate Plan prioritises the provision of safe environments for young people to thrive in and providing opportunities for everyone to raise their skill level. The Plan seeks to establish pathways for all young people, including those with special educational needs and/or disabilities (SEND) and care experienced young people.

5.26 The need for school places will be kept under review by the council's Education Team. The council's 2025 School Place Planning Statement indicates the impact of low birth rates in Torbay (mirroring the national trend) leading to spare capacity of primary places: 28.3% in Torquay, 25.5% in Paignton and 37.7% in Brixham. Closing schools is always a difficult decision and results in the loss of a wider community facility and a local source of good quality employment. It is not currently proposed to close any schools unless better alternative provision is made. However, this will need to be kept under review. However, there is likely to be a need for school improvements and potentially relocation where existing premises lack modern facilities

5.27 In terms of secondary schools, there is a high inwards migration at secondary school level due to the pull of Torbay's three selective schools. This creates a capacity pressure on the secondary sector, although it is currently intended to meet this capacity within existing school campuses.

5.28 There is a significant, and growing, demand for Special Educational Needs (SEND) provision and provision is split across several sites. In the short term it is proposed to expand and utilise existing buildings. However, the Local Plan, in partnership with Children's services and the School Place Planning Team needs to consider allocating a single site to consolidate and expand SEND provision.

5.29 The Plan is committed to provision of full coverage of education facilities located close to local communities. Where the expansion of a school results in the loss of public open space, Department for Education funding will be sought to identify and improve alternative open space and facilities in line with Policies SC1 and SC2.

Policy SC4: Sustainable food production and land protection

The protection of existing and provision of new local food growing spaces, at a variety of scales, will be supported and expected from new development wherever practicable.

The change of use or redevelopment of allotment sites will not be permitted unless appropriate improved or equivalent alternative publicly available provision is made, or it can be clearly evidenced that there is no demand for the facility.

Development which would result in the detriment to or loss of the best and most versatile agricultural land (Grades 1, 2, or 3a) will only be permitted where there is an overriding need for the development and it is demonstrated by the applicant that it cannot be accommodated on lower grade land. Where development is proposed and there is a choice between sites of different grades, development should take place on land of the lowest grade feasible, subject to other Policies in the Plan. Where development is approved on the best and most versatile agricultural lane the local authority will require a schedule for the reuse of soils to be provided in accordance with the agreed agricultural land assessment.

Residential schemes at all scales should include provision for sustainable food production, proportionate to the scale of development. As a guide, for specific types of residential development, we would expect the following types of opportunities to be realistic and provided for at these development scales (see table below). Food growing opportunities will also be sought from non-residential development on a case-by-case basis.

Development scale	Edible Landscaping e.g. hedgerows, trees, vertical growing (provided in public and private spaces) provided specifically or integrated with ornamental planting	Private gardens and/or balconies e.g. ground/roof gardens with appropriate soil conditions, balcony provision of growing space	Outdoor public amenity growing space e.g. communal and community gardens, atriums/courtyards, orchards, neighbourhood growing schemes (at a variety of scales)	Allotments e.g. public provision of dedicated allotment spaces for the managed use by individuals and groups
1-9 dwellings	✓	✓		

10-29 dwellings	✓	✓	✓	
30+ dwellings	✓	✓	✓	✓

> **Food production features may include edible landscaping (hedgerows, trees, vertical growing), public amenity space (communal gardens, orchards, allotments, roof gardens, atriums/courtyards) and/or private amenity space (balconies, gardens). On larger development sites the specific provision of allotments or neighbourhood growing spaces will be sought. Where provision cannot be achieved on-site, off-site contributions to schemes within the nearby area will be considered.**

Link to the Community and Corporate Plan – Community and Place

Explanation

5.30 Growing local food encourages people to lead more active, healthy lifestyles and generates community cohesion. Sustainable food production is a component in creating a low-carbon society and it helps the Bay become more resilient to future food insecurity. Local food has fewer food miles, and therefore less associated carbon emissions, and also helps support the local economy. Torbay stakeholders have identified allotment shortages, lack of community growing areas and a lack of producer outlets in towns as key issues to be resolved.

5.31 The accommodation of new development will inevitably put pressure on productive agricultural land, especially in an area as constrained (in terms of land area) as Torbay. The location of allocated development sites, as identified in this Plan, has been informed by Sustainability Appraisal and Habitats Regulations Assessment. Consequently, the loss of best and most versatile agricultural land has been minimised. However, there are also many opportunities for development to help contribute at smaller and larger scales towards providing important local food growing and foraging opportunities.

5.32 Development and changes of use which result in the loss of high-grade agricultural land will need to establish that alternative, previously developed sites within existing developed areas have been investigated. Where there is an overriding need to develop on agricultural land of Grades 1, 2 or 3a and there is a choice between sites of different grades, land of the lowest grade should be developed, unless the lower grade land has an

environmental value in terms of its landscape, nature conservation and historic or archaeological status which outweighs its agricultural significance.

5.33 The on-site provision of new allotments will be sought from major residential (30+ dwellings) and mixed-use schemes. However, it is recognised that the opportunity for some schemes to realistically deliver formal allotments may be limited. For instance, site-specific constraints and circumstances will have an impact. Opportunities to deliver allotments may be better realised through larger, strategic sites which offer a scale of development with greater prospects to secure their delivery. The enhancement of orchards will be supported, particularly where this would strengthen the growing of local varieties of fruits. Off-site contributions to support schemes, particularly the provision of neighbourhood growing, in the local area will be considered where sufficient on-site provision is not achievable.

Policy SC5: Community facilities, infrastructure provision and developer contributions.

All development should contribute positively to the provision of the necessary community facility demand that will arise. Major proposals should provide the necessary supporting infrastructure and community facilities (appropriate to the scale of the development): These will include health, leisure, educational, and cultural infrastructure alongside cemetery provision and other community facilities such as allotments or community food growing.

Local services and facilities should be accessible via their location and have good transport connectivity. The loss of existing community facilities and buildings will be resisted.

Link to the Community and Corporate Plan – Community and People

Explanation

5.34 In relation to social, recreational and cultural facilities and services the community needs, the NPPF requires local plans to plan positively for the provision of community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) to enhance the sustainability of communities and residential environments, and should 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.

5.35 This policy seeks to create sustainable communities where residents enjoy a high quality of life by protecting, retaining and enhancing existing community facilities, including resisting the loss of community facilities except in exceptional circumstances, and ensuring that new community facilities are located in accessible locations within existing settlements. Development should only be approved where there is sufficient capacity within existing infrastructure, or where there is a programme for improvements or planning contributions can be provided which will mitigate the associated demand.

Policy SC6: Cemetery and memorial provision strategy

A new site is proposed for Green Burial in the Broadsands, Churston, Galmpton Neighbourhood Plan Area. The specific site will determined on the basis of the following criteria. Proposals for other cemetery provision, crematoria or gardens of memorial will be supported where they meet the following criteria:

i. **Do not have an unacceptable impact on landscape sensitivity, biodiversity, heritage, archaeology or residential amenity.**

ii. **Provide a level of tranquillity and dignity. Where proposals include crematoria or the scattering of ashes, they should be located away from residential properties and safeguard residential amenity.**

iii. **Where proposals include chapels, or other ceremonial facilities, they should not cause severe harm to the road network and should be reasonably accessible to active travel and public transport.**

iv. **Are located outside Groundwater Protection Zones or areas at risk of flooding.**

v. **Are outside areas of contaminated land or former landfill areas.**

vi. **Proposals should not result in the loss of public access, open space or areas of recreation. Support will be given to proposals that enhance and improve public access, especially in relation to the provision of Suitable Alternative Natural Greenspace.**

Link to the Community and Corporate Plan – Community and People

Explanation

5.36 Torbay's cemeteries are nearing capacity. Current projections indicate a need to identify about a hectare of land for burials. To avoid a disruption in burial services, new provision or a new cemetery site will be required during the Plan period. The Local Plan proposes additional burial facilities in the south of Torbay and provides an area of search. However, the local of cemeteries are subject to detailed Environment Agency Regulations *(the Environmental Permitting Regulations, particularly in relation to watercourses and avoiding contamination)*, and therefore an "are of search" is included at this stage of the Plan.

5.37 Appropriate locations for new cemeteries will need to consider potential impacts on waterbodies. Cemeteries must not pollute groundwater or surface water and the Environment Agency will normally object to the locating of any new cemetery or the extension of any existing cemetery which could have a detrimental effect on groundwater, well, borehole or spring used to supply water that is for human consumption.

Chapter 6: Moving Torbay - Sustainable travel and inclusive access

Policy TAS: Integrated transport vision, transport hierarchy and strategic connectivity

Transport Vision and Hierarchy

All new development shall contribute to the achievement of the Transport Vision:

To provide integrated, accessible, and inclusive transport for everyone, in line with the transport hierarchy, that facilitates growth and supports reaching net zero carbon.

This is expected to be achieved through development that is led by the transport hierarchy, with effective digital communication to facilitate work and leisure activities and that is connected to the existing transport network across all layers of the transport hierarchy, improving travel choice and delivering benefits to the health and wellbeing of those within the proposed development and those around and/or interacting with it. Improvements to the transport network to deliver these connections may be required to provide integration, accessibility, and inclusivity.

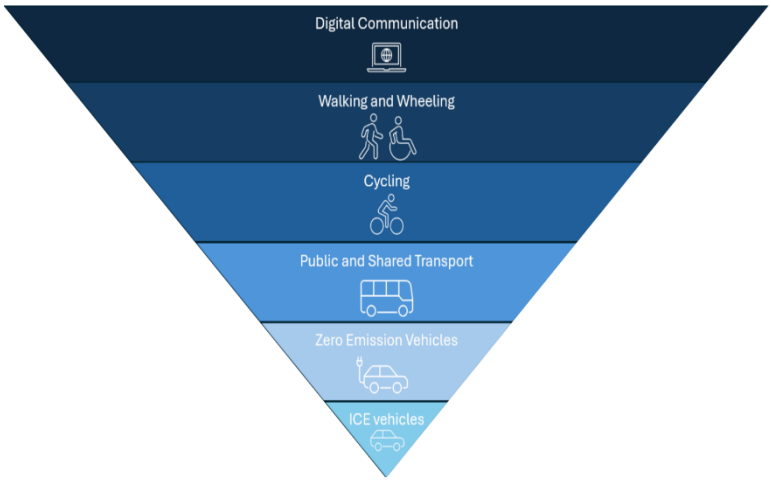

Figure 3 The Transport Hierarchy

Strategic Improvements

The council will support improvements to the strategic transport system that enhance the connections between the three towns, between Torbay and the rest of the sub-region, and between Torbay and national or international markets. The council expects new development to support this directly where applicable or will seek to facilitate delivery of these schemes through the safeguarding of land and/or contributions from development.

Proposals will generally be set out within the Devon and Torbay Local Transport Plan or supplementary documents.

Link to the Community and Corporate Plan – Community and Place

Explanation

6.1 By improving transport connectivity and sustainability it will help deliver the transport infrastructure that is needed for our people and our place, underpinned by the need for resilience and safety on the network.

6.2 We know that transport has a significant impact on our local environment, and it is therefore important that we keep people and businesses connected whilst also improving air quality, enhancing our natural environment and reducing emissions. To do this we will ensure all aspects of the transport hierarchy are considered appropriately.

6.3 How we travel is changing, with increased use of online access influencing how we shop, work and access services. As our climate and the way people travel changes, we need to adapt our transport system to ensure infrastructure remains resilient and will support our needs now and in future through choice.

6.4 The transport hierarchy ensures that as much emphasis as possible is given to the most sustainable modes of transport, but also to ensuring there is a choice of transport options for all.

6.5 To deliver the Local Plan's aspirations and objectives, improvements are needed to ensure the Strategic Transport Network across all modes is fit for purpose and accessible, in order to ensure free movement around the Bay and to the wider sub region and beyond. This is vital to delivering economic prosperity and also to support new development.

6.6 Proposals such as junction improvements, a new railway station, mobility hubs and new cycle routes will contribute directly to ensuring the success of the Strategic Delivery policies.

6.7 The Major Road Network is nationally defined and multi-modal improvements to it will be critical in ensuring the economic growth and delivery of future development in all areas of Torbay.

Walking and Cycling Network

6.8 Delivery of Local Cycling and Walking Infrastructure Plan identified Bay Trails and supporting/connective walking and cycling infrastructure across Torbay, as well as

enhancement and protection of South West Coast Path and King Charles III England Coast Path.

6.9 Local enhancements to walking and cycling infrastructure to ensure effective integration with facilities and public transport services. Major development, and all development in growth areas will be expected to provide connectivity through and around the development proposal, providing key links for access to services, commuting and leisure.

Local Public Transport Services

6.10 Improvements to the bus and public transport networks and infrastructure to provide a step change in quality, accessibility and integration with other forms of transport.

Mobility Hubs

6.11 Development of multi-modal mobility hubs in key locations to support connectivity to the transport network and increase travel choices. Individual hubs may provide different facilities appropriate to the location, but all major development must consider opportunities within the proposals, and those in growth areas must provide suitable facilities. These locations will increase travel choice opportunities for residents, visitors, and commuters. Sites suitable for more significant and/or bespoke facilities include (but are not limited to):

- Paignton Transport Gateway, bringing together investment in the railway station, bus station, car parking and public realm
- the former Park and Ride site at Churston, Brixham,
- the site adjacent to Gallows Gate. Torquay.

Electric Vehicle Infrastructure

6.12 Electric vehicle infrastructure will not be considered in isolation and will feature across strategic and non-strategic investments in the transport network.

6.13 The ongoing delivery of on and off-street public charging infrastructure will be supplemented by new development requirements for associated provision.

Rail Network

6.14 New railway station within the Torquay Gateway, Edginswell, to support residential growth, employment sites, and critical health facilities.

6.15 Upgrades to existing stations to provide enhanced accessibility and other facilities to ensure everyone can access rail services within Torbay and supporting rail patronage to grow.

6.16 Development of proposals to extend the railway line to, and with a new station at, Goodrington Sands and continued maintenance and enhancement of the rail network serving the Bay, supporting the future needs.

6.17 Minimising the impact of development upon level crossings, and where necessary seeking developer contributions to help fund improvements to, or consider alterations to the operation of, level crossings, where these are required as a result of development.

Highway Network

6.18 Multi-modal enhancement of the Major Road Network, including the critical junctions and improving the flow of traffic, to ensure reliable connectivity within, to and from Torbay.

6.19 On-line multi-modal improvements, resilience, and traffic management schemes where necessary to protect and enhance critical route infrastructure.

6.20 The A385 Totnes Road (Torbay / South Hams border to Tweenaway Cross) remains a well used and important connection that is also proposed to accommodate significant new development. We will ensure better connectivity on that corridor across all modes. A comprehensive solution to transport issues is needed to enable the longer term development in Collaton St Mary (SDP3.3), and development contributions are expected to help fund these strategic improvements.

Policy TA1: Reducing the impact of transport and promoting sustainable travel

Proposals shall support principles set out in Policy TAS and accord with the design code or supplementary planning document to support high quality places (planned).

To assess and mitigate the impact of development and to promote sustainable travel choices, the following information will be required to support planning applications:

A Transport Assessment and Travel Plan: ***where the proposed development is likely to have significant transport and related environmental impact (in accordance with Department for Transport guidance); or***

A Transport Statement: ***where the development has relatively minor transport implications (in accordance with Department for Transport guidance).***

Where there is an existing Travel Plan but only minor transport implications are expected, an update to the Travel Plan may still be necessary.

School Travel Plans (or updates) are required where provision for 30 or more extra pupils is planned. A Transport Assessment is required for proposals generating over 30 trips during the morning peak period of 8-9:30am.

The visual impact of transport infrastructure (including signage) within the street scene will be kept to a minimum, to avoid proliferation of unnecessary clutter or harm to amenity and the historic features.

New development must contribute to improved accessibility and a healthy living environment.

Link to the Community and Corporate Plan – Community and People

Explanation

6.21 An effective and efficient transport network is vital for people's lives and livelihoods.

6.22 A reliable, sustainable, safe and connected transport system can help improve the quality of life for residents and create a fairer and healthier society. It supports economic growth and productivity. It enables more equitable access to jobs, education and services. It provides opportunities for physical activity, social interaction and access to the beautiful coast and countryside.

6.23 It is necessary to appropriately and proportionately assess the impact of development to ensure it is contributing and not adversely impacting or stifling economic growth within Torbay.

Policy TA2: Effective and inclusive transport system

Where developments generate new or additional journeys, it may be necessary to seek financial contributions towards enhanced transport infrastructure or service provision.

All new development impacting on transport, in particular where there is evidence of new or additional journeys arising from the development, where the proposal sets out expected public transport use, or where reduced car parking provision is featured, will support intensive public transport services and investment on Key Corridors (see bus service improvement plan), integration of services with other modes, a single bus network system that is safer for all to use, and where necessary, provision of socially necessary connections.

Developments, particularly where related to town centres and harbour areas, shall also consider measures to enhance accessibility and use of taxi and ferry services – balanced against other modes.

It is important that future development makes an appropriate contribution to delivering across these areas to ensure and effective transport system. Where development does not include proposals for encouraging sustainable modes of transport, this may indicate that the proposal is unacceptable.

An effective transport system will be achieved through:

- **Focusing development in locations that are accessible and safely connected by foot, cycle and other wheeled users, public transport, as well as by private vehicles to essential, everyday facilities and supported by opportunities for digital communication and remote working to reduce the need to travel.**
- **Where not already suitably located, improvements shall be sought to ensure users of the new development shall be able to more easily access everyday facilities safely in accordance with the transport hierarchy.**
- **Ensuring that the full extent of the transport hierarchy is provided for as an integral part of all developments, in a safe accessible way that minimises conflict between users.**
- **Improving road safety reflecting the hierarchy for all users and equality of access for all.**
- **Maximise the opportunities for sustainable transport of freight in addition to the high level of choice for employees and visitors.**
- **Appropriate provision of facilities for disabled persons, such as suitable levels, signage, facilities and parking bays must be included within all development.**

Link to the Community and Corporate Plan – Community and People

Explanation

6.24 The council is delivering a sustainable, accessible, integrated and high-quality transportation system which enables travel choice for everyone and promotes Torbay's

economic competitiveness, whilst reducing the need to travel and its environmental impact. It is expected that all new development will contribute towards this.

6.25 Improvements to transport will support Torbay to be healthy, happy and prosperous. These include a focus on improvements to help regenerate the town centres and improving travel choices throughout Torbay.

6.26 Major investment in Edginswell railway station and zero emission buses will be supported by longer operating hours, faster services, more accessible infrastructure and better bus stop facilities to provide a step change in the quality of public transport services and infrastructure. Improvements to walking, wheeling and cycling facilities and roll out of shared mobility will further enhance transport choice and make sustainable travel easier and more attractive for residents and visitors across Torbay and beyond.

6.27 All of this contributes to an effective transport system for Torbay and new development will support this.

Policy TA3: Development layout, access and connectivity standards

Delivering suitable layouts

Layouts will provide and connect to a network of footpaths, cycle routes, green infrastructure and public transport, identified in the Torbay Green Infrastructure Delivery Plan, LCWIP, BSIP etc.,

Multi-modal travel links to, from and through new development will be provided for or secured in perpetuity along with links to potential future development surrounding the site.

Major development, and all development in growth areas, will be expected to provide connectivity through and around the development proposal, providing key links for access to services, commuting and leisure.

All development shall provide safe turning/manoeuvring and stopping areas for vehicles within the site, including deliveries.

Measures for emergency service vehicles, waste collection vehicles and public transport vehicles to access and service the site, as necessary and appropriate, in a way that would not disrupt the service they provide must be included within proposals.

As a minimum, estate roads serving major development will be constructed, completed and maintained to the council's approved highway standards, meet highway safety standards and be appropriately available for use by the occupants, and other users of the development.

The Local Highway Authority will seek to adopt residential estate roads via Section 38 of the Highways Act 1980 as a default position. All estate roads serving minor and major development (commercial or residential) will be required to have a Private Management and Maintenance Plan confirming funding, management and maintenance regimes for the lifetime of the development, if a S38 Agreement as not been entered into.

Accessing the highway network

Schemes which require new access (vehicular, pedestrian or cycle) to/from the highway network will be supported where they:

- **Are essential to access the schemes and can demonstrate significant environmental, safety or economic benefits;**
- **Provide access for all modes to a safe standard, that minimising conflicts between modes and users;**
- **Maintain an acceptable network capacity or provide suitable mitigation for any negative impact on capacity; and**
- **Enhance and contain high quality provision for sustainable modes of transport, proportional to the scale and type of development, prioritised in accordance with the Transport Hierarchy**

New access points will not be permitted where there is an unacceptable impact on road safety, or severe impact on the highway operation.

Link to the Community and Corporate Plan – Community and Place

Explanation

6.28 It is an important principle that new development should integrate with the surrounding area in terms of its connectivity and should be accessible by a wide range of means to provide choice for residents/users.

6.29 Safe, free flowing and well maintained vehicular access throughout development is a vital element of a high quality development.

6.30 Development proposals that require new access provision for any mode will be permitted where the proposal does not create a safety concern for any user, significantly reduce capacity on the road network or impose delays to essential services.

Policy TA4: Parking and shared transport provision

Parking provision should be in accordance with the council's adopted parking standards detailed in the Supplementary Planning Document (to be developed).

In new development, appropriate levels and standards of parking will be incorporated for all users, including cycles, vehicles, electric charging, deliveries, disabled and visitors, that is well-designed, integrates with other public space uses and does not dominate the built environment. This will include, as a minimum the in principle standards set out in the table below.

The loss of existing parking provision for any mode, will be a material consideration in planning applications and must not result in the net loss of parking provision to below the standards and additional development shall provide parking sufficient for the proposal which may exceed the existing.

Shared Transport/Car Club

For all residential developments over 100 units, allocated parking capacity with safe and efficient access to/from new homes and the public highway for shared cycle provision (at 1 space per 20 homes ratio) and shared car provision (at a ratio of 1 space per 100 homes) will be required.

For all residential, leisure and employment uses, appropriate contributions towards this provision of shared transport is expected to be necessary.

Provision of these should not be considered as a substitute for parking requirements unless otherwise agreed through an appropriate Transport Assessment/Statement and Travel Plan.

Table X : In principle parking provision:

Cycle Parking	**Dedicated cycle parking is required within all new development. This can be either through internal storage as part of a non-habitable room, or within a garage, or a purpose-built cycle store. All cycle parking and any**

	associated access routes must be well-illuminated with good natural surveillance to deter theft and engender a feeling of personal security. All cycle parking must be designed for the exclusive use of cycles and maintained in perpetuity. Whether cycle storage is provided within a standalone store or in an internal area of a building, it should be conveniently located with level access and users should not have to negotiate more than one door with their cycle (with a minimum width of 1.2m). Where rear storage is provided an accessway is expected to be designed in from the beginning (eliminating the need for cycles to traverse inside the property from rear to front (and vice versa). **Note: Cycle storage identified in habitable rooms, general storage areas, bin stores, circulation areas, or on balconies will not be considered acceptable.** **Residential use: 1 space per 1-2 bedroom for minor flatted development and 1.5 spaces for major flatted development.** **Residential use : 2 bedrooms plus - 2 parking spaces per unit/dwelling**
Provision for scooters (foot propelled) and powered two-wheeled vehicles including motorcycles.	**Secure and sage provision for scooters (foot propelled) and powered two-wheeled vehicles including motorcycles.** **Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.**
Provision for mobility scooters:	**New development that is likely to cater for those making use of a mobility scooter, such as Care Homes and Retirement Homes, will be expected to make provision for storage areas and dedicated charging points on the ground floor and must form an integral element of the design of the development.**
EVC provision:	**Proposals for houses with at least one designated parking space within the curtilage of its own plot must ensure the installation of at least one active EV charging point. Conversions and change of use applications will be agreed with the LPA on a case by case basis however an expected ratio of 20% 'active EVC' is expected on minor residential development (with 10 plus spaces) and 50% on major schemes with 30% on commercial units. The EVCI charge requirements increase in line with the number and intensity of usage.**
Disabled parking requirements:	**Residential units: 1 space per wheelchair accessible unit plus provision for non-ambulant visitors.**
Parking for People with Young Children and specialist parking	**Provision for child and parent or specialist parking for development where appropriate.**
Shared Transport /Car Club	**Residential developments over 100 units, allocated parking capacity with safe and efficient access to/from new homes and the public highway for shared cycle provision (at 1 space per 20 homes ratio) and shared car provision (at a ratio of 1 space per 100 homes) will be required.** **All residential, leisure and employment uses: appropriate contributions towards provision of shared transport is expected to be necessary.**
Car parking provision:	**All development (should provide an appropriate level of car parking spaces per unit for occupants, staff and visitors to avoid overspill on-street parking. Specific requirements for other uses will be set out in the**

	supporting Supplementary Planning Document(SPD). Where no specific provision is defined, parking should be provided in accordance with a reasoned and site specific prediction of demand, which will need to be set out within the planning application documentation. **Out of town-centre dwellings: 2 spaces per dwelling, 1.5 spaces per apartment with additional parking provision within the curtilage will be required for larger residential accommodation (3-4 bedrooms plus). Parking provision must include additional provision for visitors, appropriate to the nature and scale of the development.** **HMOs should provide 0.25 car parking spaces per bedroom (when calculating parking provision, fractions of spaces should be rounded to the nearest whole number)** **In sustainable locations, where sufficient parking cannot be provided within the curtilage; additional sustainable transport measures will be considered if they can adequately off-set parking demand for the lifetime of the development. Provision of these should not be considered as a substitute for parking requirements unless otherwise agreed through an appropriate Transport Assessment/Statement and Travel Plan. The active travel measures and improvements will be sought as a site deliverability matter where parking is below standard.** **In considering parking requirements, areas which already or potentially have a high-level access to facilities or within a sustainable transport corridor (e.g., within 400m walking distance of a high-frequency route). Subject to active travel measures and improvements – sought as a site deliverability matter where parking is below standard. may be expected to adopt more rigorous parking standards than less accessible areas.**

Link to the Community and Corporate Plan – Community and Place

Explanation

6.31 Parking standards need to reflect a balance between ensuring that the levels of car parking generated by any type of development are met on-site (and therefore overspill and the proliferation of on-street parking is limited) with the need to ensure that the consideration of sustainable transport is fully embedded into the design for new developments. The Local Plan recognises that many people will own motor vehicles and seeks to provide alternatives to car use rather than seeking to inconvenience ownership. The Plan therefore requires residential development to provide adequate on-site parking where possible, but these requirements should not dominate the site's appearance and should be useable. In broad terms, the provision of adequate and appropriate residential parking should be safe, convenient and discrete so that vehicles do not obstruct the highway or dominate the street scene. Torbay Council will take a site specific approach taking into account the above considerations. Reduced parking requirements may be permissible in active travel/sustainable transport corridors, subject to active travel

measures and improvements which will be sought as a site deliverability matter where parking is below standard. For all residential, leisure and employment uses, appropriate contributions towards this provision of shared transport is expected to be necessary. The associated SPD will set out further details on the nature and scale of development parking provision

6.32 Changes of use will be particularly scrutinised to ensure they do not result in localised parking problems or harm an area's character, or undermine economic viability. Levels of car parking provision should also take into account peak and seasonal effects, particularly the additional tourist demand during summer months. High traffic generating uses, particularly out of town developments requiring a Travel Plan, will need to examine how parking provision can affect the way people choose to travel.

6.33 The layout and design of car parks should reflect the scale and character of the area; they should be accessible and safe, with careful consideration given to the pattern and scale of buildings and open spaces in the vicinity. They should positively contribute to the urban environment with appropriate hard and soft landscaping, surface materials and street furniture.

Chapter 7: Building for the future - Resilient and smart infrastructure and developer contributions

Strategic Policy INS: Sustainable infrastructure

A range of physical, social and green infrastructure will be sought in order to help Torbay grow in a sustainable, healthy, safe, and prosperous way.

Development must be supported by the critical infrastructure required for the development to proceed. Development that does not meet critical infrastructure requirements such as those relating to flooding and highway safety or ecological/ environmental improvements to meet Habitats Regulations requirements will not be permitted.

All development will be expected to proportionately and promptly meet the physical, social and environmental infrastructure needs created by the development, commensurate with the type and scale of the proposal and the needs of the area.

The council will seek to ensure that residents of Torbay have excellent access to a wide range of community facilities necessary to create and maintain communities that are sustainable, socially connected, inclusive, healthy and safe.

Where necessary, development will be phased to ensure it comes forward at the same time as, or following, the provision of infrastructure.

New infrastructure should be provided in the most environmentally friendly way possible, consistent with meeting communities' needs, safety and amenity. Infrastructure should encourage healthier lifestyles and provide recreational opportunities by providing for walking, cycling and other recreational opportunities.

The infrastructure needs arising from a development will either need to be met on-site through provisions made directly by developers as an integral part of the development. Where appropriate, this will be regulated through Planning condition or legal agreement. The council's preferred means of achieving this will be for on-site infrastructure (notably including all internal roads and open spaces) to be transferred into the council's ownership with financial contributions towards the council's ongoing management and maintenance costs.

Where safe and practical to do so, all infrastructure provided on-site will be publicly accessible at all times, and will be supported by the necessary management arrangements to ensure that infrastructure is well maintained and fit for purpose for its lifetime.

Where onsite provision of infrastructure is not possible, developer contributions will be sought to achieve offsite provision, in accordance with the hierarchy set out in Policy IN2.

New Infrastructure Projects

The council will take a supportive approach to the development of new or improved infrastructure meeting the needs of the Bay, particularly infrastructure that is of strategic importance, subject to an assessment of the proposal's impacts including on amenity, the natural environment (including any European Wildlife Sites), landscape character, and the historic environment, and any necessary mitigation measures.

In the planning and design of infrastructure projects, opportunities to co-deliver environmental benefits (including habitat creation, ecosystem services [Define in Glossary]1), and social benefits (including increased opportunities for social interaction, active travel and outdoor recreation), should be maximised.

Link to the Community and Corporate Plan – Pride in Place

Explanation

7.1 The full range of physical, social and green infrastructure projects needed over the plan period will be set out in an Infrastructure Delivery Plan, developed with input from infrastructure providers. The Local transport Plan, LCWIP and green Infrastructure Plan also set out green infrastructure needs.

7.2 The Torbay Local Plan 2012-30 was supported by an Infrastructure Delivery Study (PBA 2013) that outlined Torbay's infrastructure needs. This will be updated as part of the Local Plan preparation and a new Infrastructure Delivery Plan produced.

7.3 Most of Torbay's infrastructure requirements are likely to fall within Torbay Unitary Authority's boundaries. Wider infrastructure such as water and electricity supply are covered by other regulatory and funding regimes. The need for cross-boundary infrastructure contributions will be kept under review, but are not currently proposed. The exception to this is likely to be where development affects Habitats regulations matters.

7.4 There are likely to be different ways in which infrastructure can be provided. The council will seek in particular the delivery of environmentally friendly infrastructure, such as sustainable drainage, water efficiency measures and renewable energy/micro generation solutions, so long as these have major biodiversity and recreation benefits and do not prejudice the effective operation of infrastructure or community safety.

7.5 Infrastructure and service delivery should advance equity and should help close the gap between the most and least disadvantaged neighbourhoods and communities within the Bay. It is important that infrastructure facilities and services are well located in relation to need, and are accessible, useable and safe for all. It is important that, where negative impacts associated with new infrastructure are unavoidable, these impacts are fairly and equitably distributed, and that vulnerable or disadvantaged groups are not disproportionately burdened.

7.6 Torbay is a Critical Drainage Area, and flooding, coastal change management and sewer capacity are increasingly important infrastructure issues in the Bay. The council will require that all development contributes towards reducing the volume of water entering the combined sewer system through a range of strategies including designing in water efficiency measures to reduce water consumption, promoting the use of sustainable drainage systems, and increasing the permeable area of development sites. Local Plan policies on drainage, water management and flood risk set out the council's requirements in this regard in more detail.

Policy IN1: Prioritisation of planning obligations

Where possible, infrastructure will be provided onsite in accordance with Policy IN1. Developer Contributions will be sought for the provision of infrastructure, affordable housing and other matters required to make development sustainable in planning terms. Where S106 contributions are argued to make development unviable, an independent assessment of viability will be required, proportionate to the scale of the proposal before S106 requirements are relaxed. Where a reduction in contributions is agreed due to viability constraints, the following order of priority will be taken into account when reducing contributions.

Contributions will be sought on the basis of the impact of the specific development and needs arising from it. In seeking developer contributions, regard will be had to the following order of priority:

1. **Site Deliverability Matters: The provision of critical infrastructure, e.g. flood defence works, highway safety and/or ecological/environmental**

improvements to meet Habitats Regulations requirements, and monitoring of obligations

2. **Heathy Environments including active travel and green and open space.**
3. **Affordable housing**
4. **Employment and Healthcare contributions**
5. **Broader Sustainable Development Contributions (Public transport, Education, Lifelong learning), offsite waste management, sports pitches and offsite open space**

Where development pays CIL an equivalent reduction from Broader Sustainable Development Contributions will be granted.

Where policy requirements are not met due to an agreed viability reason, the s106 Agreement will include mechanisms for the deferred calculation of viability to ensure that developers meet their policy obligations where the viability of the development has improved at a later date.

Link to the Community and Corporate Plan – Pride in Place

Explanation

7.7 Developer contributions towards infrastructure delivery will be sought in the form of the community infrastructure levy and/or section 106, as described in more detail in the council's adopted CIL Charging Schedule, the Planning Contributions and Affordable Housing Supplementary Planning Document, and/or any subsequent local planning documents.

7.8 Developer contributions may be pooled towards the delivery of strategic infrastructure elsewhere within the Bay where this would constitute the most effective and equitable means of meeting the infrastructure needs arising from the development.

7.9 Policy IN1 seeks to set out the council's priorities for S106 Contributions. More details are set out in the Planning Contributions and Affordable Housing Supplementary Planning Document (currently 2022, which will be updated as a supporting document to the Local Plan). www.torbay.gov.uk/media/19610/planning-contributions-spd_2022.pdf

7.10 Policy IN1 sets out the following priority order for Planning Contributions:

1. Site Deliverability Matters. Critical infrastructure (also called “integral infrastructure”). This is physical and enabling infrastructure, which must be delivered on time to allow proposed development to proceed in narrow physical or safety terms (e.g. road access, flood defence works, sustainable drainage, sewerage capacity, water and electricity). Contributions for ecological mitigation etc. which are necessary to make development comply with Habitats Regulations requirements, particularly affecting the SAC and Marine SAC or \biodiversity net gain, will be treated as critical infrastructure. Where possible this will be delivered onsite although it may be covered by a S278 Highway Agreement or part of a S106 Agreement. The council’s preferred method of delivery is through transfer of open space, highways etc to the council for adoption, with a maintenance and monitoring fee.

2. Healthy Environments. This includes the provision of accessible route for active travel, permeability between the site and nearby facilities, the provision of open space etc. Where possible this will be delivered onsite and should be integral to the design of development. although it may be covered by a S278 Highway Agreement or part of a S106 Agreement.

3. Affordable Housing. This is covered in more detail in Policy H7

4. Employment, Town Centre regeneration, These will be sought to mitigate the impact of proposals that have an impact on town centres or result in the loss of employment See Policies XX in Chapter 4.

5. Wider sustainable development Contributions. These are sought to support the infrastructure and other requirements that development generates a need for. Whilst not necessary to make development stand up or remain safe in narrow physical terms, such infrastructure is required to make development acceptable in planning terms. This covers public transport contributions, Education and Lifelong Learning, Health facilities, community safety facilities, off-site provision of Playing pitches and strategic recreation facilities, offsite waste management facilities.

7.11 The above priority list is a starting point only, and each application must be assessed on its merits to determine what obligations are necessary to make the proposal acceptable in planning terms, directly related to the proposal and fairly related to the scale and kind of development. For example education contributions will not be sought from development of older peoples’ accommodation, although this may attract a higher level of healthcare contribution.

7.12 Developer Contributions are usually provided through S106 Obligations, although conditions will be used where possible. The use of S106 Obligations is regulated by the Tests of Lawfulness set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (2010 as amended) and the NPPF (paragraph 58 of the 2024 Framework). These require that obligations are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.

7.13 Mitigation will be provided from Sustainable Development Contributions for affordable housing provided through s106 Contributions or other mechanism that secure the housing as affordable in perpetuity.

7.14 The council adopted a Community Infrastructure Levy (CIL) in 2017 and this will be updated as part of the Local Plan Update. Where development pays CIL the amount of CIL paid will be deducted from the Sustainable Development Contribution liability. However, Site deliverability matters must still be met irrespective of CIL. It is important that mandatory CIL relief for social housing and other matters is sought before development is commenced.

Viability Issues

7.15 Whilst Torbay is a high-need area, it is not a particularly high value area, and the council recognise that development should be viable.

7.16 A Whole Plan Viability Assessment is being prepared as part of the Plan preparation. Therefore, all developments are expected to meet policy requirements and developer contributions in full under normal market conditions. It is not possible for the Torbay Local Plan to anticipate extraordinary events that may occur during the plan period, and therefore it is accepted that abnormal costs or other circumstances may arise which impact upon viability to the extent that the full range of policy requirements and planning obligations set out in the local plan cannot be met.

7.17 Where planning contributions are argued to render development unviable, a viability appraisal of the development proposal will need to be submitted by applicants. For major developments, the council will obtain an independent review of the submitted viability appraisal and will recover from the applicant its reasonable costs in doing so. The submitted viability appraisal and the independent review will be published by the local planning authority with the planning application documentation.

7.18 The council will publish an updated Planning Contributions and Affordable Housing Supplementary Planning Document (SPD) to support the Local Plan to expand upon the principles set out in Policy IN2. In the interim, the 2022 SPD will continue to apply. The council is entitled to charge a 5% administration fee for developer contributions and will update the figures for inflation.

Policy IN2: High quality communications and digital connectivity

To the door fibre

All proposals for residential and commercial development should be designed to connect to high quality communications infrastructure including to the door fibre optic cabling. Where this is not possible, evidence will be required to show why the provision is not technically feasible.

Other ICT development

The introduction and installation of the most up to date and fastest telecom and other Information and Communications Technology (ICT) will be supported by the Local Plan. Applications for ICT developments will be supported where the following criteria are met:

1. **The opportunity to accommodate apparatus on an existing mast or structure in preference to new masts or structures has been fully explored;**
2. **Telecommunication apparatus and associated structures have been sited and designed in order to seek to minimise impact on the visual amenity, townscape, character and appearance of the surrounding area;**
3. **Development does not have an unacceptable impact, including cumulative impact, on residential amenity, landscape character or wildlife;**
4. **Existing landscape features have been utilised and/or an appropriate landscaping scheme has been prepared to minimise the impact on the visual amenity, character or appearance of the surrounding area;**
5. **If on a building, apparatus and associated structures should be sited and designed in order to minimise impact to the external appearance of the host building; and**
6. **Underground facilities and ducts should be sited and laid to minimise harm to tree roots or areas of archaeological importance.**

When considering proposals for telecommunications or other ICT equipment, the council will consider the operational requirements of telecommunications networks. It will be a condition of any approval given that any telecommunication apparatus and associated structures that subsequently become redundant will be permanently removed from the site and that land will be reinstated to its former condition or in accordance with details to be previously agreed with the council.

Link to the Community and Corporate Plan – Pride in Place

Explanation

7.19 There has been a huge expansion in telecommunications and computing in recent years. Internet connectivity is now considered an integral part of everyday life and crucial to the success of most business operations. With the emergence of new services such as 5G services, streaming, the internet of things, home working and the expansion of internet capable devices, there is likely to be a continued very large increase in demand for bandwidth and persistent internet connection.

7.20 The Plan cannot predict the future of technology although it is relatively certain that technological changes will happen quickly. It is important that the planning process is proactive in supporting and encouraging ICT networks to maximise their economic and social benefits.

7.21 Policy IN2 sets out a supportive policy for Communications infrastructure, whilst seeking to minimise the impact of such equipment and making provision for sharing of masts etc. and the removal of redundant equipment.

Chapter 8: Climate Change - Our sustainable and resilient future

Climate Change

8.1 A healthy, happy and prosperous Torbay for all is what Torbay Council's Community and Corporate Plan aims to achieve by 2040. Ensuring that our residents and businesses are able to cope with a changing climate is an important part of achieving this vision for Torbay. This is why our Corporate Plan commits the council to continue to tackle the climate emergency for a sustainable future.

8.2 Beyond natural processes, Humans have contributed to the release of more and more carbon dioxide emissions (and other greenhouse gases) into the air. This causes global temperatures to rise, resulting in long-term changes to the climate, known as climate change[1]. This means that our planet is facing huge environmental challenges. Our economy and society are also experiencing the impacts of a changing climate. Devon, may face more river and surface water flooding, coastal flooding and erosion, reduced water availability, temperature change and extreme heat/cold and a range of negative impacts to key infrastructure, services and our wider economy and society (Devon Cornwall and Isles of Scilly Adaptation Strategy).

8.3 To help play our part in reducing carbon dioxide emissions and to prepare Torbay for a changing climate, Torbay Council declared a climate emergency in 2019 and, with partners, will work towards creating a net zero carbon Torbay[2] by 2050.

8.4 This target is in line with the current UK government's net zero target by 2050. This is incredibly challenging. Success will only be achieved through all organisations, individuals and institutions playing their part. In 2024, The Torbay Climate Partnership approved the Greener Way For Our Bay Framework and Action Plan. This outlines a pathway to a net

[1] Climate change refers to a large-scale, long-term shift in the planet's weather patterns and average temperatures (MET Office). For more on climate change, what's causing it and the evidence to support it please visit **What is climate change? - Met Office**

[2] Torbay will reduce its greenhouse gas emissions by 100% from 2008 levels by 2050

zero carbon Torbay by 2050 and a set of immediate actions to be carried by a range of partners across Torbay.

8.5 Many actions that help tackle climate change and reduce energy use and carbon emissions will also have a number of other benefits, like helping create warm, healthier homes, free from damp and mould in winter, alleviating fuel poverty[3] by creating homes that use less energy and have lower energy bills and through renewable energy generation, homes that have their own resilient source of clean energy, with less reliant on imported energy.

8.6 The National Planning Policy Framework 2025 outlines that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts. It should also help to shape places in ways that contribute to radical reductions in greenhouse gas emissions.

8.7 The following policy therefore plays a key role in ensuring that new developments make a full contribution towards helping Torbay, and the wider UK, increase resilience to a changing climate and contribute towards the transition to net zero carbon by 2050. It also will help create future developments that are good for the occupants and are warm, healthy, developments that generate their own energy and have lower energy bills.

Strategic Policy CERS: Climate resilient, net zero carbon developments

Proportionate to the scale and type of development, all development proposals will be required to be designed to be resilient to climate change and minimise carbon dioxide and wider greenhouse gas emissions.

They must minimise greenhouse gases, including carbon dioxide, and demonstrate how they:

i. **Apply a climate resilient approach to ensure the development is adapted to cope with a changing climate, including design to minimise overheating, use water efficiently and utilise green infrastructure to help cool external spaces**

ii. **Minimise the risk and impact of flooding (including coastal where appropriate), through the location of development and including the use of nature-based solutions e.g. using sustainable drainage of surface water using**

[3] With regards to a person in a fuel poverty, this is someone on a low income, that cannot keep their home warm at a reasonable cost.

features such as rainwater harvesting and reuse, infiltration areas, soakaways, porous pavements, attenuation wetlands and tree pits, green roofs/walls.

iii. Minimise heating and cooling energy demand and associated emissions of greenhouse gas emissions, using layout, orientation and built form

iv. Apply a fabric first approach to maximise energy efficiency

v. Maximise renewable and low carbon energy generation4

vi. Maximise water efficiency and seek to achieve a water efficiency standard of no more than 110 litres per person per day

vii. Minimise the use of materials and creation of waste and promote opportunities for a circular economy

viii. Minimise transport emissions through ensuring that development is integrated, accessible and inclusive for everyone and development complies with the requirements of Policy XXXXX (transport policy).

ix. Achieve a minimum of 10% measurable biodiversity net gain and ensure that on-going management measures are in place

How requirements a- i above are to be met must be detailed in an Energy and Climate Change Statement. As part of their wider Energy and Climate Change Statement, major developments will also need to include a climate resilience assessment and a transport assessment and travel plan.

Link to the Community and Corporate Plan – Climate Resilience

[4] Use of appropriate technologies such as heat pumps, solar thermal / photovoltaic panels, wind turbines + others that are suitable to the location

Explanation

8.8 The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure *(NPPF 2025).*

8.9 Making sure Torbay is healthy, happy and prosperous for all (Torbay Council Community and Corporate Plan) will require new development to be able to cope with a changing climate and minimise associated economic and social impacts, whilst working towards reducing area-wide carbon emissions.

8.10 This policy brings together all these key elements to ensure development prepares for local climate impacts and supports the transition to net zero carbon by 2050.

8.11 New homes and commercial properties should be designed to adapt to a changing climate. They should be appropriately resilient to the impact of storm events including the effects of driving rain, high winds and surface water flooding and heat events. New buildings will need to also limit their propensity to overheat by optimising orientation, shading and layout.

8.12 The provision of green infrastructure can play an important part in helping to build climate resilience into developments. In the form of landscaped spaces, tree cover, green roofs and walls, all can be used to lessen overheating through shading, reduce storm water run-off, reduce external ambient temperatures and improve biodiversity. Major developments are required to submit a detailed Climate Resilience Assessment covering how the development has been assessed for a changing climate and measures to be introduced to increase climate resilience. As a minimum this must cover a, b, c and f above. The Met Office's Local Authority Climate Service can assist developers understand how the local climate of Torbay will change up to 2100.

8.13 Creating homes and buildings that use little to no energy, use energy efficiently and generate energy from low/renewable energy sources are vital to achieving net zero carbon by 2050. Locally, it will also help to create thermally comfortable homes, reduce cold-home related illness, reduce energy bills and reduce the numbers of homes in fuel poverty.

8.14 Building Regulations have been improved to conserve energy and reduce carbon emissions. The government's Future Homes Standard seeks to deliver homes that are

zero carbon ready from 2025[5]. The government has also set out a new Future Buildings Standard which provides a pathway to deliver new non-domestic buildings that are zero carbon ready from 2025. At the time of writing we are still awaiting the introduction of these new standards. The council will keep the government's progress in achieving these standards under review and, if necessary, implement our own energy efficiency requirements to ensure new development is making reductions in carbon emissions and is beneficial for the future occupants.

8.15 Maximising onsite renewable energy generation through technologies such as solar photovoltaic panels and air, water or ground source heat pumps will cut emissions through provision of low/zero carbon forms of energy generation and help the occupant to have lower electricity bills. Community-led renewable and low carbon energy schemes also have an important role to play in our net zero carbon transition and are encouraged to come forward.

8.16 Water efficiency is about reducing our use of water and the affect our homes and buildings have on water resources. The effects of climate change may increase the pressure on water resources. Torbay already faces hose pipe bans as South West Water try and conserve water during times of low water availability. Warmer summers are likely to increase water consumption and reduce available supply.

8.17 Pressure on water supplies can be addressed in part by water efficiency measures to reduce consumption. Improving the efficiency of water use, has the dual benefits of reducing bills and reducing the amount of water flowing into the sewer system, thereby helping to reduce flood risk. Water efficiency measures may include dual flush toilets, low flow bathroom and kitchen fittings, low water consumption appliances, grey water and water recycling systems, water butts and other on-site water retention systems. All development will achieve a water efficiency standard of no more than 110 litres per person per day.

8.18 Development should follow the waste hierarchy and reduce waste, reuse or recycle waste generated on site. Disposal of waste should be the last option.

8.19 The circular economy, which involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products for as long as possible, is important. Developments should choose materials that can be used again and again, reduce waste and the associated manufacturing and transport-related carbon emissions. In accordance with the principles of the circular economy, any infrastructure and development should be

[5] Expected Autumn 2025

underpinned by sustainable waste management, whether it be in relation to construction or ensuring that new homes have appropriate layouts for waste collection services.

8.20 Increased traffic volumes are likely to arise from new developments and if not managed effectively are likely to cause localised pollution and congestion, increase greenhouse gas emissions and reduce the attractiveness of an area for others. New developments must mitigate these traffic impacts. Measures designed to enable people to make sustainable travel choices, such as developments designed for pedestrians with provision of cycle lanes, access to and improved local buses, car clubs, car sharing and electric charging plug-in points can all assist with reducing transport impacts.

8.21 In addition to the submission of an Energy and Climate Change Statement, Major developments will be required to demonstrate they have maximised opportunities for sustainable travel and will make adequate provision to mitigate the likely impacts of traffic through provision of a transport assessment and travel plan. All other developments generating new or additional journeys will be required to submit a transport statement unless there are significant transport implications arising. Particular attention should be had to Local Cycling & Walking Infrastructure Plan containing priority cycle and walking routes, and the bus service improvement plan with network and infrastructure enhancements.

8.22 A Supplementary Planning Document will be developed to provide further guidance.

Policy CER1: Net zero carbon development standards

a. From adoption of the Plan, all developments will have the following requirements:

- **residential development, as a minimum, to achieve a 75% carbon dioxide emissions reduction from that required under Part L of the 2013 Building Regulations.**
- **non-domestic development, as a minimum, to achieve:**
- **A fabric standard at least as good as that required under the current Building Regulations;**
- **Heating using a heat pump or heat network (which does not utilise fossil fuel); and**
- **Solar PV panel coverage equivalent to 40% of the building's footprint for side-lit spaces and 75% of the building's footprint for top-lit spaces.**

b. **In addition to (a) above, all developments will be required to achieve net zero carbon emissions.**

c. **New development should connect to an energy network where there are existing proposals or schemes.**

d. **Any major, high-density development proposal with expected high heat demand must demonstrate that consideration has been given to whether it is feasible and viable to develop a local energy network. Given the scale of development likely to come forward, local energy network assessments are required in the Torquay Gateway and West Paignton SDT policies.**

e. **Major Non-Residential New Build Development will be required to meet the most up to date BREEAM 'Excellent' standard. Where the 'Excellent' Standard cannot be achieved, evidence must be submitted with an application to the satisfaction of the council. The BREEAM 'Very Good' standard must be met as a minimum.**

f. **For all development (including hotels) proposals which involve the change of use or redevelopment of a building, or an extension to an existing building, resulting in a change in energy status[6] the proposal will be required to demonstrate in the Energy and Climate Change Statement how energy demand has been reduced to the lowest practical level using energy efficiency measures, heating/cooling systems have been selected for their energy performance and that on-site renewable energy will be installed unless evidenced to be unfeasible.**

Significant weight will be given to the benefits of development resulting in considerable improvements in line with industry best practice approaches such as Net Zero Operational Carbon and to the energy efficiency and reduction in carbon emissions in existing buildings.

All development must submit an Energy and Climate Change Statement to the local planning authority for approval and implementation, demonstrating how they fulfil the principles of a –f above.

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[6] A change to the energy status is when a building was previously exempt from the Building Regulations energy efficiency requirements but now is not. The change to energy status applies to the building as a whole or parts of the building that have been designed or altered to be used separately. For example, when a previously unheated space becomes part of the heated building

A Supplementary Planning Document will be developed to provide further guidance

Link to the Community and Corporate Plan – Climate Resilience

Explanation

8.23 The Torbay Local Plan is likely to be adopted after the introduction of the Future Homes Standard (FHS) and the Future Building Standard (FBS), but around the same time as its full implementation. These Standards are being introduced by the government to deliver highly efficient homes and buildings which are zero carbon ready, better for the environment and better for the occupants. For occupants, new developments will create warm, healthier homes, free from damp and mould in winter and help alleviate fuel poverty[7] by creating homes that use less energy and have lower energy bills. Through renewable energy generation, homes will also have their own resilient source of energy and be less reliant on imported energy.

8.24 The FHS should ensure that all new homes built from 2025 produce at least 75% fewer carbon emissions than homes delivered under the Building Regulations Part **L** (Conservation of fuel and power in buildings) 2013. It is expected to be achieved by higher fabric and energy efficiency standards, as well as heating sources that do not utilise fossil fuels and the installation of solar PV panels.

8.25 The new FBS requirements for non-domestic buildings will also produce significantly fewer carbon emissions and will require heating sources that do not utilise fossil fuels and the installation of solar PV panels.

8.26 This will significantly reduce the regulated[8] operational emissions for a typical building and make an important contribution to achieving net zero, whilst, for the occupant, increasing thermal comfort and reduce energy bills, fuel poverty and cold-home related illness.

8.27 In accordance with the government's expressed intention to introduce the FHS and FBS in 2025, Policy XXX seeks to ensure that the level of ambition is achieved. Should the introduction be delayed this policy provides a local back-up to the net zero national ambition. The council will keep the government's progress in achieving these standards

[7] With regards to a person in a fuel poverty, this is someone on a low income, that cannot keep their home warm at a reasonable cost.

[8]

under review and, if necessary, implement our own energy efficiency requirements to ensure new development is making reductions in carbon emissions and also playing its role in helping to minimise fuel bills during these challenging times.

8.28 Torbay has limited potential for large-scale renewable energy generation like wind farms and district heat networks. This means that to reach net zero carbon by 2050 all homes need to play a part by generating their own clean energy. Therefore, the Local Plan needs to maximise small scale renewable energy generation wherever possible on new developments. It will also help reduce occupants' energy bills. Therefore, this policy seeks to go beyond FHBS and require new developments to achieve net zero carbon and help create warm, healthier homes that use less energy and have lower energy bills.

8.29 It is expected most buildings will achieve net zero carbon through achieving the Future Homes/Building Standard plus the installation of additional roof mounted solar PV panels, where appropriate, feasible and viable. Net zero refers to having zero regulated carbon dioxide (CO2) emissions associated with a building's annual operational energy consumption. Achieving net zero will require the combination of constructing a highly energy efficient building using a fabric first approach, plus on-site or connection to off-site renewable electricity generation. It will require the annual generation of onsite zero carbon electricity to balance energy consumption from 'regulated' energy. Regulated emissions include CO2 emissions arising from energy use regulated by Part L of the Building regulations (e.g. space heating, domestic hot water, fixed lighting etc).

8.30 The government has yet to publish the final Future Homes Standard. In the latest consultation on FHS the government consulted on two options, one with and one without solar PV panels. Should the government introduce FHS and this include some element of onsite renewable energy generation, through solar PV, then this policy builds on this, requiring additional renewable generation where possible. This is to help occupants of new developments have lower energy bills and a secure local supply of clean energy.

8.31 The outcome of Policy XX will facilitate delivery of net zero carbon homes as soon as possible, prioritising fabric improvements which bring thermal comfort and lower energy bills, through for instance, high efficiency glazing and minimal heat loss from walls, ceilings and roofs. Where schemes cannot achieve all the requirements through fabric improvements, 'top-up' solutions are permissible such as Solar PV arrays to generate low carbon electricity, and finally payments to an approved carbon offsetting fund where necessary. Carbon offsetting should be considered only as a 'last resort'. A Torbay fund will be established and administered by the council and will be collected via Section 106 agreements. Funds will be allocated to low carbon projects within Torbay, where additionality is clear, focussing on retrofitting existing housing stock, with a focus on lower income households and community energy projects. The council will prepare the terms for a carbon offsetting fund with external partners and further guidance will be published.

8.32 Local energy networks[9] can play a role in helping an area to meet its net zero carbon ambitions. They use less energy and emit less carbon emissions by co-producing heat and power which is shared across a network to heat and power buildings. To date, Torbay does not have any large local energy networks. Major development should connect to such networks or communal heating networks where they arise in the future.

8.33 Any large scale residential or non-residential development must demonstrate that consideration has been given to whether it is feasible and viable to develop, or be connected to, a local energy network.

8.34 There is no exact formula for determining if a new development is suitable for the development of a new local energy network. However, major, high-density mixed development proposal with an anticipated high heat demand will lend themselves to such networks, especially if in close proximity to sites with excess waste heat or areas with known natural heat sources such as underground geothermal heat. Given the scale of development likely to come forward across Torbay, a site-specific local energy network assessments is required for development that comes forward within the Torquay Gateway and West Paignton areas (See policy XX XX).

8.35 All Major, non-domestic, developments are also required to meet BREEAM standards. This is a well-established and measurable means of delivering the policy outcomes above, and to achieve a sustainable development that minimises a range of other environmental impacts.

8.36 Energy and Climate Change Statements are also required for conversions and material change of use applications, where the conversion to a new use, will result in a change in energy status. Change to energy status is defined in regulation 2 (1) of the Building Regulations 2010 or most up to date version. A change to the energy status is when a building was previously exempt from the Building Regulations energy efficiency requirements but now is not. The change to energy status applies to the building as a whole or parts of the building that have been designed or altered to be used separately. For example, when a previously unheated space becomes part of the heated building.

8.37 All development must submit an Energy and Climate Change Statement to the local planning authority for approval and implementation, demonstrating how they fulfil the principles of a –f above.

[9] Decentralised low carbon heat generation using district heating or communal heating networks to distribute heat locally.

Policy CER2: Embodied carbon reduction and assessment

All new development will be expected to demonstrate how they will minimise embodied carbon emissions.

Proposals for major development will be required to include an embodied carbon assessment as part of the Energy and Climate Change Statement. This assessment must use a nationally recognised embodied carbon assessment methodology and demonstrate actions taken to reduce embodied carbon emissions.

All development, including demolition that involve one-for-one replacement of existing dwellings must demonstrate why it is not feasible or viable to refurbish existing dwelling(s).

All applications must demonstrate how these requirements are to be met in an Energy and Climate Change Statement

Link to the Community and Corporate Plan – Climate Resilience

Explanation

8.38 Embodied carbon emissions are those typically associated with any processes, materials or products used to construct, maintain, repair, refurbish and repurpose a building and eventual material disposal.

8.39 Embodied carbon from the construction and refurbishment of buildings currently makes up 20% of UK built environment emissions[10]. As operational emissions from buildings continue to reduce, embodied emissions will make up a greater proportion of a building's total carbon emission. Work carried out for the Royal Institution of Chartered Surveyors suggests that embodied carbon currently makes up between 35% and 51% of a building's total emissions, rising to 70% as operational energy decarbonises[11]. For this reason, the Local Plan seeks to start to address this increasing issue. Reducing embodied carbon emissions is extremely hard to achieve. This policy aims to introduce consideration of these emissions and actions to reduce them. No target is set through this policy but ensuring embodied carbon emissions are reduced as far as possible through good design

[10] **Embodied Carbon | UKGBC**

[11] **WoE-net-zero-new-build-policy-evidence- FINAL.pdf**

and planning, will make a significant difference to reducing embodied carbon emissions and further support the transition to net zero by 2050.

8.40 Developments should:

a) be encouraged to prioritise the renovation or retrofit of existing structures, as part of an efficient use of land, and subject to other local plan considerations

b) select highly efficient building design and quality materials and systems which:

- Have low embodied carbon, including transport emissions;
- Minimise the need for replacement over the lifetime of the development;
- Can be reused, recycled and disposed of sustainably at end of life;

c) Ensure that materials are reused and recycled whenever possible, and that waste is minimised in design. Ensure that this is designed in from project inception to completion.

d) Ensure that new buildings are flexible and adaptable to future uses, reducing the need for future redevelopment.

e) All development, including demolition that involve one-for-one replacement of existing dwellings must demonstrate why it is not feasible or viable to refurbish existing dwelling(s). Where it is not feasible or viable a clear plan must be in place to demonstrate that adequate steps have been taken in the design of the new development to reduce embodied carbon and impacts.

f) Demolition of historic buildings which are in a state of considerable disrepair will only be acceptable where robust evidence can be provided to the satisfaction of the local planning authority that the building has not suffered from neglect and that the repair and reuse of the building would not be viable or that significant public benefits, including a lower net-carbon solution for the site to outweigh the heritage harm caused, can be delivered.

Given the impact a major development can have on embodied carbon emissions, they will also be required to include an embodied carbon assessment as part of the Energy and Climate Change Statement. To calculate embodied carbon emissions, a nationally recognised embodied carbon assessment methodology such as RICS and conform to BS EN 15978. All submissions should also demonstrate actions taken to reduce identified embodied carbon emissions. An Embodied Carbon Delivery Checklist will be developed to help all major developments meet this requirement.

Policy CER3: Heritage assets and climate adaptation

Proposals that help to increase resilience to climate change and secure a sustainable future for historic assets and non-designated heritage assets will be supported where they:

a. preserve or enhance the significance of the asset

b. facilitate their sensitive re-use where they have fallen into a state of disrepair or dereliction (subject to such a re-use being appropriate to the specific heritage asset)

Link to the Community and Corporate Plan – Protecting and enhancing Torbay's heritage / Climate Resilience

Explanation

8.41 Within Torbay there are 24 conservation areas, 13 scheduled monuments and approximately 865 listed buildings as well as numerous non-designated heritage assets, so it is vital that they play a role in contributing towards Torbay's net zero carbon target by 2050 (and so buildings can become warm, healthy and with lower energy bills).

8.42 To safeguard our heritage assets and to sustain our cultural heritage for future generations, our heritage assets need to be adaptable to, and protected from, the effects of climate change. Historic buildings can also positively contribute towards reducing carbon emissions through sensitive and sympathetic adaptations that secure their retention, repair, retrofit and reuse alongside the conservation of their significance. The embodied energy (the energy used within the materials and construction activities) in historic buildings means that their retention aligns with the ambition to reduce carbon emissions and the priority to conserve heritage assets.

8.43 Sympathetic adaptation that preserves the building is required to improve energy efficiency, reduce emissions, enable renewable energy generation and/or enable the building to adapt to climate change. Adaptation may require alterations to heritage assets or development within their settings. A holistic view should be taken when considering such alterations. This should balance the need to safeguard the future of the asset and its conservation, and where appropriate, enhancement, of its significance.

8.44 Historic England offers information and advice on many related topics including energy efficiency and historic buildings. Historic England Advice Note 18 sets out more detail regarding their requirements for adapting historic buildings for energy and carbon efficiency.

8.45 A Supplementary Planning Document will be developed to provide further guidance.

Policy CER4: Renewable and low carbon energy generation

Renewable and low carbon energy-generating development[12], including energy networks and community projects and all related enabling infrastructure (including battery storage and other energy storage facilities or recovery of waste heat or cooling and proposals that support the transition to a smart, flexible, and zero carbon energy system) will be supported where proposals avoid unacceptable impacts upon amenity and the natural, historic and built environment. Clear evidence of local community involvement and leadership will be given substantial positive weight.

Energy-generating development that is neither renewable nor low carbon will not be permitted[13]

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

8.46 The NPPF states the planning system should support the transition to net zero by 2050 and should increase the use and supply of renewable and low carbon energy and heat. The UK government's "Clean Power 2030" target aims for a clean power system by 2030, with at least 95% of our power coming from low-carbon sources. The use and supply of renewable and low carbon energy and heat will play a vital contribution towards local and national net zero carbon targets by 2050. By driving forward new low carbon technologies, we can cut the use of fossil fuels for heating our homes.

[12] Includes a wide range of technologies that harness energy from water (hydro, wind, solar, clean hydrogen, geothermal, ground via bore holes, anaerobic digestion and new and emerging opportunities.

[13] With the exception of essential services and buildings, such as hospitals, that will still need backup power generation which are likely to be powered by fossil fuels.

8.47 Previous studies[14] carried out show a lack of abundant natural resources to supply clean energy in Torbay. The constrained nature of Torbay and proximity to nationally significant landscapes and marine designation, limits capacity for clean energy generation, through large, stand-alone, wind turbines, solar farms and low carbon heat networks. However, technologies are developing all the time and may give rise to new opportunities such geothermal heat. Therefore, this policy aims to be flexible and support the clean power transition where appropriate for Torbay. The Local Plan also aims to maximise smaller scale clean energy generation like roof top mounted solar. This is covered in more detail in policy XX Net Zero XXXXX.

8.48 Major developments are encouraged to include land for larger scheme such as solar PV and wind turbines and be accompanied with some means of longer-term energy storage, to draw-down electricity when required.

8.49 Communities are also encouraged to develop their own low carbon/renewable energy proposals, through neighbourhood plans. The benefits of which can include community ownership, revenue, and local jobs.

8.50 Where renewable and low carbon energy-generating development comes forward, the council will not require applicants to demonstrate the overall need for renewable or low carbon energy. The approach set out in this policy aims to help increase the use and supply of renewable and low carbon energy and heat as it arises.

8.51 Energy networks are vital to making net zero a reality in the UK. In high density urban areas, they are often the lowest cost, low carbon heating options. This is because they offer a communal solution that can provide heat to a range of homes and businesses by capturing or generating heat locally. By driving forward new low carbon technologies like heat networks, we can cut the use of fossil fuels for heating our homes and shield households from oil and gas price rises that are being pushed up by pressures on global energy markets.

8.52 The Energy Act 2023 provides the powers for government to implement heat network zoning in England through regulations. These zones will be introduced from 2025. If a zone is highlighted in Torbay this policy will be updated to support the development of the zone.

[14] **torbay.gov.uk/media/1797/sustainableenergyassessment.pdf**

Strategic Policy ER1: Flood Risk and Safe Development

All development (including access and egress) must be safe for its lifetime from all sources of flooding, taking account of its future use, function and government projections of how the risk of flooding may change in response to climate change. The sequential approach, as outlined in the National Planning Policy Framework, must be used to guide new development towards sustainable locations, giving priority to sites with the lowest risk of flooding and taking account of the vulnerability of the proposed land uses. Areas subject to flood risk[1] are shown on the Policies Map.

Development will not increase or exacerbate flood risk elsewhere and will reduce flood risk to the application site and its surroundings, including an allowance for climate change. Where development is necessary in areas at risk of flooding, it should be laid out and designed to ensure buildings and their surroundings are appropriately resistant and resilient to all forms of flooding, would be safe and would not increase the risk of flooding to third parties.

Mitigation measures such as Sustainable Drainage Systems (SuDS), Water Sensitive Urban Design (WSUD) and water storage areas will be required to restrict site discharge rates, alleviate downstream flood risk, prevent increased discharge from Ilsham Combined Sewer Oufall (CSO) during flood events and encourage biodiversity.

Proposals should have regard to the council's Local Flood Risk Management Strategy and comply with the requirements of any subsequent Action Plan. The council's SuDS Design Guidance should be adhered to.

Development that contributes directly to downstream flooding and increased discharge from Ilsham CSO during flood events will not be permitted until the appropriate flood protection measures referred to above are put in place. Developers will be required to contribute to these works as appropriate (see Policy I1 'Infrastructure, phasing and delivery of development').

Torbay is designated as a Critical Drainage Area and consequently all developments require a basic Flood Risk Assessment (FRA). A more detailed FRA will be required for proposals with a site area of 1 hectare or greater within Flood Zone 1, including where they impact on catchments draining into Flood Zones 2 and 3, and for all new development within Flood Zones 2 and 3. A Flood Risk Assessment will also be required for development close to seafronts within Flood Zone 1 where there may be a risk of flooding due to wave action.

Development of basement accommodation, including changes of use or basement parking will not be permitted where there is danger of inundation and consequent risk

to life. This will apply to conversions of existing basement accommodation to a more vulnerable use.

On sites which benefit from existing flood defence schemes, consideration should be given to how the development will be safe and satisfactorily defended for the lifetime of the development, having regard to the future maintenance, modifications and enhancements that will be required to retain the existing level of protection. A financial contribution towards flood defence works may be requested by the council. Development will be resisted where this requires disproportionate costs for flood defence works, or generates substantial obligations for the public sector.

Development must not result in the loss of access to watercourses, or flood defence assets, for maintenance, clearance, repair or replacement.

Proposals which provide functional improvements to a floodplain, open up culverts or restore the natural characteristics of catchments will be promoted and encouraged, particularly where this reduces flood risk, improves water quality, maintains water resources, enhances biodiversity, or produces other benefits, such as improved amenity or provision for recreation.

Link to the Community and Corporate Plan – Climate Resilience

Explanation

8.53 This Policy seeks to avoid inappropriate development in areas subject to flooding, and to direct development away from areas of highest risk. Events in Torbay and elsewhere have shown the disruption and distress caused by flood events which, at worst, can lead to the loss of life and damage to property.

8.54 The risk from flooding is low in most parts of Torbay. However, due to the Bay's topography, climate, proximity to the sea and the nature of watercourses and sewers, flooding can occur rapidly, giving people little time to react. It is therefore particularly important that new development considers flood risk.

8.55 The southwest of England has already experienced a significant increase in precipitation. The Met Office climate pack for Torbay suggests that winter precipitation could increase by between 7% and 23% by the 2030s, which increases the risk of river and surface water flooding.

8.56 Indicative flood risk zones are shown on the Policies Map. However, they are not intended to be definitive and it is the responsibility of the applicant to ensure that proposals meet the requirements of the Local Plan and NPPF. More detailed information can be found in

the most recent Torbay Strategic Flood Risk Assessment (SFRA) and Environment Agency data. Most of the coastal fringe and land adjacent to watercourses is within a medium or high risk flood area – Flood Zones 2 and 3. This includes parts of Brixham, Paignton and Torquay Town Centres, Higher Brixham, Torquay waterfront, Torre Abbey Meadows, parts of Preston and Goodrington, Occombe and Clennon Valleys, Broadsands, Kings Ash Road, Totnes Road, Churston and Galmpton. Policy C3 is also relevant to such areas. It is important to note that coastal frontages may be at risk of flooding from wave action, even where they are mapped as Flood Zone 1. This must be recognised in planning for such areas.

8.57 The council's approved Torbay Local Flood Risk Management Strategy explains the key flood risks in Torbay, the measures that have already been taken to minimise these risks, and the measures and actions that will need to be taken in order to minimise these risks further. The ensuing Action Plan will be used to inform the medium term plan for flood defence funding in liaison with South West Water. It will allow flood risk management actions to be prioritised and for investment plans to be focused and coordinated.

8.58 The greatest risk of tidal flooding coincides with extreme storms, high tides and easterly winds. This could potentially lead to the local over-topping or breach (failure) of existing flood defences. Fluvial flood events have tended to arise where rainfall exceeds the capacity of watercourses, or as a result of problems within culverts. A key factor influencing the magnitude of fluvial flood events is the steep topography present in much of Torbay.

8.59 There is sufficient land within Flood Zone 1, where the probability of flooding is low, in order to deliver the majority of the future growth identified by the Local Plan.

8.60 A sequential test should be undertaken, in accordance with the National Planning Policy Framework and National Planning Practice Guidance, to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account.

8.61 For all development (including changes of use) in Flood Zones 1, 2 or 3, the council will work with developers to seek opportunities to reduce the overall risk of flooding in the area and beyond, through the layout and form of development, including sustainable drainage systems and green infrastructure.

8.62 The opportunity to reduce the vulnerability of existing basement flats in areas of flood risk will be particularly encouraged. Changes of use of existing basements to 'more' and 'highly' vulnerable uses will not be acceptable. Similarly, the reorientation of existing residential accommodation that would result in self-contained basement dwellings will not be permitted where there would be no unfettered access to high ground, or higher floors that are above potential flood levels within the building in question.

8.63 It is recognised that the intense pressure on Torbay's finite land supply will mean some development will continue to occur in flood risk areas, and this will help to sustain the vitality of the existing urban area and contribute to the regeneration of the local economy. Additionally, development in the urban area on brownfield sites has significant benefits, including the potential to help mitigate climate change by limiting the need to travel and supporting local energy networks. In order to deliver the sustainable regeneration of brownfield areas, flood risk will need to be mitigated through SuDS and other nature-based solutions, and managed through design and site layout to ensure the development is appropriately flood resistant and resilient.

8.64 The acceptability of proposals will be determined with regard to the compatibility of land uses in the National Planning Policy Framework and National Planning Practice Guidance, and the specific package of mitigation measures being proposed. Such developments must be safe over their lifetime and take into account the effects of climate change (also see Policy CERS 'Climate Resilient, Zero Carbon Developments').

8.65 The whole of Torbay is designated as a Critical Drainage Area (CDA). For this reason, all development will require a basic Flood Risk Assessment. The catchments within Torbay are typically small, steep, and in the most part highly developed in nature. There is also a legacy of culverting (piping) of the watercourse channels which adds to the risk of flooding and as such all new development must deliver a reduction in current rainfall run-off rates. This requirement also applies to brownfield sites. To satisfy the above will require additional water sensitive urban design (WSUD) and may involve creation of water storage areas within the site, compared to the normal SuDS design, thereby contributing to a reduction in flooding downstream.

8.66 The government has stated that individuals and businesses that benefit the most from flood defences (for example by lower insurance premiums and averted damage) should pay a greater proportion towards their cost, giving effect to the 'beneficiary pays principle' (DEFRA, 2010). A financial contribution for the maintenance and improvement of flood defence infrastructure will be requested where it protects a proposed development, or makes a development feasible, which otherwise, could not be permitted.

8.67 New development will need to be designed and constructed to minimise flood risk by the careful layout of land uses and activities to ensure flood resilience and resistance. Safe access, escape routes, refuge areas and evacuation plans may need to be provided. Where a development site has different flood risk characteristics (for example where it straddles flood zones), vulnerable uses should be directed to the part of the site with the lowest flood risk. Particular care will need to be taken with proposals to provide new basement accommodation or underground car parking, as these uses are particularly

difficult to defend. Development is unlikely to be permitted where there is a danger of inundation of such areas, as this poses a danger to life.

8.68 In accordance with this Policy, a Flood Risk Assessment (FRA) may be requested to support a planning application. This should demonstrate how the risk of all forms of flooding has been considered, any mitigation measures proposed, and identify the effects of 'adding in' climate change. Impacts both upstream and downstream in the catchment will need to be examined where there is a risk of fluvial flooding or surface water run-off. The detail provided by the FRA should be proportionate to the flood risk posed to and by the proposed development. Details of the measures, proportionate to the scale and nature of the proposal, that will be used to address flood risk will be required when a planning application is submitted.

Strategic Policy ER2: Drainage Hierarchy

All development, including changes of use, must minimise the generation of surface water run-off and ensure that run-off does not enter the combined sewer network. All development must demonstrate how it has maximised the use of permeable natural surfaces, planting, and vegetated areas to its full potential.

All development must adhere to the drainage hierarchy and dispose of surface water using an adequate ground infiltration system in the first instance. Only where it is evidenced that ground infiltration is not possible can the next method of water disposal in the hierarchy be investigated.

The drainage hierarchy, listed in order of priority:

i. **An adequate ground infiltration system (for example swales, soakaways, infiltration basins, filter drains, rain gardens). This option must be fully explored and only discounted where the Local Planning Authority (LPA) is satisfied that it is not feasible;**

ii. **A main river or water course;**

iii. **A surface water sewer or highway drain;**

iv. **As the last resort, where the above drainage solutions have been fully investigated and robust evidence provided to justify why they cannot be utilised, development may be permitted to discharge water to a combined (foul and surface water) sewer, where discharge is controlled to be at greenfield discharge rates.**

Where development cannot meet criteria i-iii above and proposes to discharge surface water into a combined sewer, it will be subject to an Habitats Regulations Assessment (HRA) and the following criteria must be met:

1. **Robust evidence must be provided to demonstrate that there will be no adverse impact on the features of the Marine Special Area of Conservation (SAC), either alone or in combination with other plans or projects, as a result of increased pressure on the sewer system and the associated risk of sewer spills.**

2. **Appropriate mitigation measures will be required, such as a planning contribution towards strategic sustainable drainage improvements to reduce pressure on the sewer system to ensure no likely significant effect on the SAC.**

3. **Development must also demonstrate a 20% reduction in the impermeable area of the site post-development, to enhance opportunities for rainwater absorption through permeable natural surfaces.**

To ensure there are no cumulative adverse impacts on the Marine SAC resulting from combined sewer spills, all development proposals must submit detailed drainage arrangements at the application stage. This will enable the Local Planning Authority to undertake a Habitats Regulations Assessment screening and, where necessary, an Appropriate Assessment.

Development may need to be phased in accordance with the provision of adequate water-related infrastructure and a financial contribution, or works in kind, may be required in order for development to proceed. This would include funding to ensure the provision of any necessary additional surface water management schemes.

Where drainage proposals require monitoring, a section 106 agreement will be used to secure a monitoring fee.

Link to the Community and Corporate Plan – Climate Resilience

Explanation

8.69 The Torbay Sewer Capacity Assessment2 (SCA) hydraulic modelling suggested that the sewer network will face substantial challenges due to the cumulative impacts of increased sea level rise and rainfall, urban creep and population growth (Figure 4).

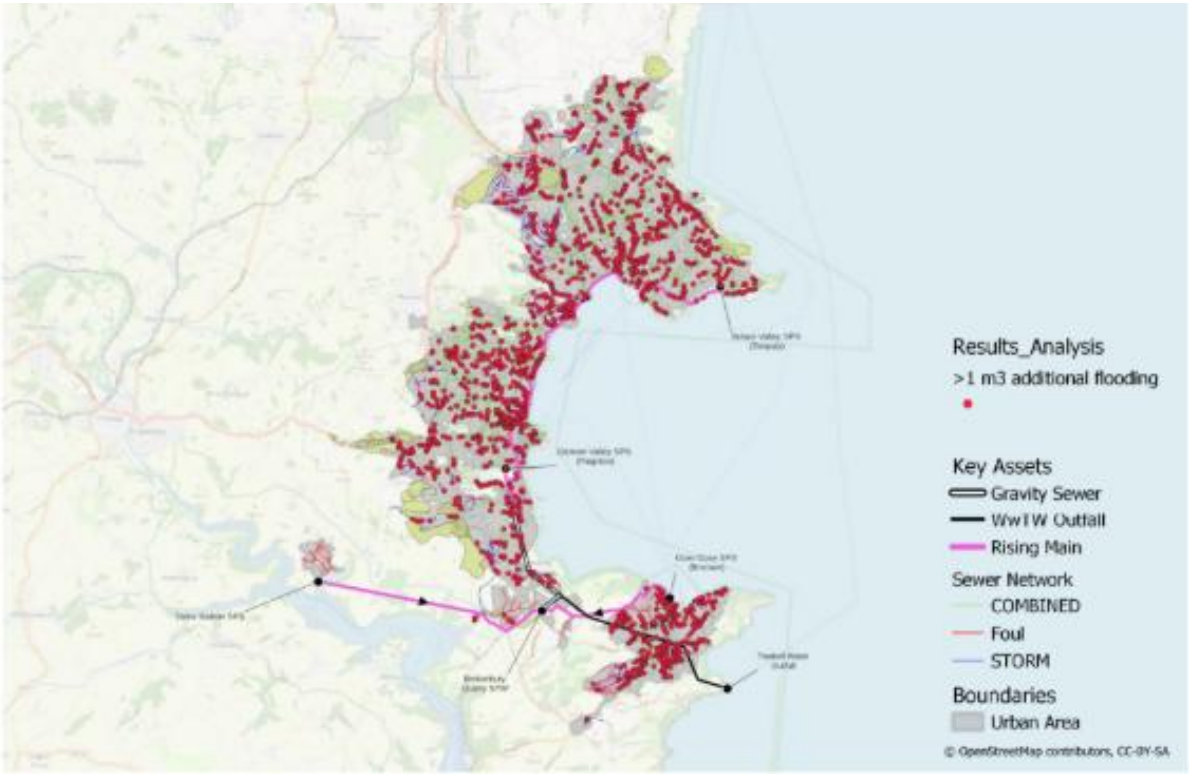

Figure 4 Torbay flooding detriment

8.70 Figure 4 illustrates flooding detriment due to development foul flows, creep across the whole catchment and 50% climate change allowance. For this assessment, the critical level has been taken as 0.5m below the manhole cover. This is the point where water level may impact upon low lying property by causing flooding or restricted sewer use. It should be noted that the results have been generated from a relatively extreme rainfall event and must be viewed as an indicator of modelled performance, rather than of the likelihood of actual sewer flooding occurring.

8.71 The SCA suggests there will be a 11% increase in combined sewer overspills (CSOs) by 2040 as a result of more rainfall due to climate change, the modelled level of population growth and urban creep from the existing built areas. CSO increase is likely to be detrimental to the features of the Lyme Bay and Torbay Marine Special Area of Conservation (SAC), Torbay's bathing water quality and the broader tourist industry all of which are sensitive to changes in water quality.

8.72 To avoid impacts on the Marine SAC the risk of increased CSO spills and sewer flooding must be avoided, as a result all development must reduce the amount of rainfall that is discharged into the combined sewer system through adherence to the drainage hierarchy.

8.73 In accordance with advice from SWW, development that proposes discharging surface water into combined sewers will be given increased scrutiny in relation to developers' justification for not using higher priority disposal methods within the hierarchy, to avoid increasing the existing stress on these network assets.

8.74 Brownfield or town centre developments are not always able to meet steps i-iii of the drainage hierarchy and seek to discharge surface water into the combined sewer system at a controlled rate. Natural England has expressed serious concerns about the effect of combined sewer overflows on the integrity of the marine reefs which are an important element of the Marine Special Area of Conservation (SAC). The cumulative impact of surface water and population increase is likely to result in increased CSOs, which has an adverse effect on the integrity of the Marine SAC.

8.75 Development will need to show that there is no likely significant effect (LSE) on the Marine SAC, including the combined impact. In order to achieve this, proposals will need to show that they avoid or cancel out the risk of increased run-off, and thereby an increased risk of spills.

8.76 However, where proposals are reliant upon discharge to the combined sewer system, posing a risk of increased spills, it is likely that they will contribute to a LSE on the Marine SAC and will therefore require Appropriate Assessment, especially in order to assess their 'in combination' effect with other such proposals. In these instances, mitigation measures will be required and the council may seek a planning contribution towards strategic sustainable drainage improvements to reduce surface water within the combined sewer system when development disposes of surface water in this way.

8.77 Where adverse impacts on a SAC may be possible from development there is a need for assessment under the Habitat Regulations to determine the acceptability of proposals. As a result, development will be required to submit drainage details prior to determination so that the council can assess whether it can reasonably be achieved with no adverse impact on the SAC due to the cumulative impact.

8.78 Minimisation of surface water run off can further be achieved using green infrastructure features which improve the potential for natural absorption of rainwater, such as soakaways, rainwater harvesting and reuse, green roofs, infiltration areas, porous pavements, attenuation wetlands and tree pits. All development should maximise these sustainable water management features.

Strategic Policy ER3: Water Management

All development must submit a water management plan demonstrating how it has met the below criteria. Water management plans should be proportionate to the scale of development.

1. **The design of buildings and the surrounding environment (including pavements, highways, parking areas, driveways, gardens, public green spaces, planting and drainage) maximises Water Sensitive Urban Design (WSUD) and the provision of natural flood management measures and is resilient to the ongoing and predicted impacts of climate change. The design of development must maximise natural and permeable surfaces. Where hard surfacing is necessary, it should be permeable wherever possible.**

2. **All development must minimise water consumption and optimise water efficiency:**

a. **Homes will be expected to demonstrate how they will achieve an estimated water consumption of 110 litres or less, per person per day.**

b. **Non-residential development will be required to achieve full credits for category Wat 01 of BREEAM unless demonstrated impracticable.**

3. **Development avoids harm to surface waters (including rivers and coastal waters), sensitive water-reliant habitats and species and sites protected under European legislation, and any adverse impacts on the quality and quantity of groundwater. Regard should be had to the cumulative effects of developments;**

4. **Where development is located within Groundwater Source Protection Zones (SPZs) or where there is a significant risk of adverse effects on aquatic ecosystems Pollution Prevention Plans must be prepared and submitted as part of a planning application;**

5. **Development provides appropriate sewage disposal systems with separate foul and surface water, and particularly through sustainable drainage measures, reduce water being discharged into shared sewers (see also Policy W5 and Policy ER2);**

6. **Development delivers appropriate mitigation measures in accordance with the government's current Water Framework Directive objectives.**

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

8.79 This Policy seeks to minimise the effect of development on water bodies, and to deliver Water Framework Directive objectives and appropriate mitigation measures set out in the South West River Basin Management Plan.

8.80 One of the principles of the Water Framework Directive is that there should be no deterioration in water quality status arising through development. The council will ensure there is no deterioration in water quality status arising through development, and seek development to bring about improvements to bathing waters and marine habitats through the design of development and off-site contributions where appropriate.

8.81 South West Water has reported water availability as a risk to Torbay. The projected changes in weather patterns and climate coupled with increased water demand due to population growth, behavioural changes to cope with the shift in climate and other demand pressures puts a strain on the water supply infrastructure and sources used for abstraction3. Torbay Council has received evidence from the Environment Agency and South West Water, alongside a joint position statement from these bodies advising that all development in Torbay must integrate water resilience measures. In light of this, and the evidence indicating that water is becoming an increasingly scarce resource, a water efficiency standard of 110 litres per person per day for new homes is justified to help manage demand. Water efficiency should be calculated in accordance with the methodology set out in Approved Document G of the Building Regulations.

8.82 The design of new developments should incorporate water efficiency and consumption measures, such as rainwater/ or greywater recycling, low flow taps and showers, low flush toilets, rain gardens and water butts in the construction of new buildings.

8.83 The council will require a Pollution Prevention Plan (PPP) to be prepared where the development poses a significant risk to the water environment, including the Marine Special Area of Conservation (SAC), from either the construction process and operation, or design of buildings (for example through run-off). The PPP should identify how the potential for adverse effects on aquatic ecosystems or socio-economic assets, such as the coastal bathing waters, will be managed. The physical and chemical modification of water bodies will be resisted where this harms their function or results in damage to habitats.

8.84 Groundwater resources are an invaluable source of water for public supply, industry, agriculture and rivers but can be harmed by a range of activities, such as contamination from industrial uses or infilling in the urban area. The council will seek to prevent or limit

the entry of pollutants and protect water resources by refusing planning consent for developments which it considers pose an unacceptable risk to groundwater. The council may require measures, such as the provision of Sustainable Drainage Systems (SuDS), to minimise or remove the risk. Further details are set out in the Torbay Flood Risk Management Strategy. As set out above, the use of sustainable drainage systems such as swales, soakaways, infiltration basins, filter drains and rain gardens will be the first preference.

8.85 The age and capacity of shared sewers, especially in Paignton, has been identified as a major infrastructure constraint. Policy W5 deals with wastewater disposal in more detail. However, better use of existing infrastructure and water efficiency will be as important as new sewerage infrastructure in ensuring a sustainable future. Development proposals must provide adequate sewerage infrastructure to cope with the anticipated increase in sewage and surface water, including the impact of extreme weather events. Foul and surface water drainage should be separated to reduce the likelihood of flooding and contamination downstream. Measures to promote the conservation and reuse of water such as water butts and rain/ grey water harvesting will be supported. The use of natural sewage treatment, such as wetland / reed beds, is encouraged where practicable. The phasing of development may be required in line with a timetable for the provision of critical water and drainage infrastructure improvements required to serve a development proposal.

Policy ER4: Sustainable Drainage Systems and Water Sensitive Urban Design

Sustainable Drainage Systems (SuDS) must prioritise the use of above ground, biodiverse solutions and be incorporated into development proposals in a holistic and imaginative way so that they form an integral part of the green and blue infrastructure, providing multi-functional benefits to amenity, water quality, recreation and biodiversity. SuDS should provide a safe, naturalised, accessible system without the need for fencing or barriers. Consideration must be given to the vulnerability of existing site surroundings, including buildings, ground conditions, ecology, landscape and heritage. Well-designed SuDS should provide multiple benefits and form an important element of biodiversity net gain, climate adaptation, public space provision.

Development incorporating Sustainable Drainage Systems (SuDS) must have regard to the most recently adopted Torbay Council SuDS Design Guide, including the four pillars of SuDS design:

1. **Amenity**
2. **Biodiversity**
3. **Water quantity**
4. **Water quality**

A financial contribution may be requested for capital improvement works to the existing drainage infrastructure.

All development should utilise a Water Sensitive Urban Design (WSUD) approach to ensure the delivery of water sensitive places. Where urban areas are being regenerated the retrofitting of water sensitive urban design is a high priority.

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

8.86 At the top of the drainage hierarchy is infiltration to Sustainable Drainage Systems (SuDS). SUDS mimic nature and are designed to take account of water quantity (flooding), water quality (pollution) and amenity issues. They are more sustainable than traditional drainage methods because they:

- Reduce flooding by managing runoff volumes and flow rates from hard surfaces
- Protect or enhance water quality
- Protect natural flow regimes in watercourses
- Are sympathetic to the environment and the needs of the local community creating a better place to live and work
- • Provide a natural habitat for wildlife
- • Promote evapotranspiration from vegetation and surface water
- • Recharge groundwater and natural aquifers

8.87 WSUD integrates water cycle management with the built environment though the use of Sustainable drainage systems (SuDS) and making space for water. In towns and cities, space for water can be created in areas that are not traditionally ‘designed’ to flood. Blue corridors can be created in existing urban areas to channel run off through a development.

Policy ER5: Contaminated Land and Site Remediation

Development proposals must take the following environmental considerations into account:

1. **Where identified or suspected contamination presents a risk to public health and safety, buildings, structures or the natural environment, appropriate investigations and remedial or precautionary measures will need to be agreed with the council; and**

2. **Developers will need to demonstrate that any identified or suspected contamination can be satisfactorily overcome without risk to health.**

3. **The council will seek to support and subsidise the removal of contamination where it achieves wider public benefits including town centre regeneration, provision of employment or affordable housing.**

Link to the Community and Corporate Plan – Pride in Place

Explanation

8.88 Ensuring the best use of land will often mean that contaminated land needs to be reused. Whilst contamination is not generally a significant issue in Torbay, there are several important sites where previous or current land uses suggest a remediation strategy will need to be agreed with the council before development commences.

8.89 Whilst contamination needs to be removed and sites rendered safe, some such sites are often very sustainably located for brownfield regeneration, and the council will seek to support their regeneration, including through the flexible use of developer contributions, where this meets the legal tests.

8.90 The council has prepared a Contaminated Land Strategy in accordance with the Environmental Protection Act 1990 – Part IIA.

8.91 The council will request appropriate site investigations and reports to be undertaken to assess the ground conditions and to identify the remedial, preventative and precautionary measures that will be required. The examination of any development site may need to consider surrounding land and activities, including any pathways through which a pollutant could potentially transfer. The sensitivity of the proposed end use is especially relevant, particularly where residential development is proposed with gardens; sites with a history of

contamination could present risks from growing vegetables or dermal contact with soils. The degree of exposure, in terms of the time users of a development spend staying in an area, will be taken into account. Site investigation reports and recommendations for remedial, preventative or precautionary measures must be submitted with major planning applications.

Policy ER6: Ground stability and risk management

Development proposals must take the following considerations into account:

1. **Appropriate investigations and remedial or precautionary measures will need to be agreed with the council where identified or suspected ground instability presents a risk to public health and safety, buildings, structures or the natural environment; and**

2. **Developers will need to demonstrate that any identified or suspected ground instability can be satisfactorily overcome in order for development to proceed. This applies particularly, but not just to, land within the Coastal Change Management Zone.**

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

8.92 Ground stability is an issue in the immediate coastal area and inland due to the natural movement of the ground and underlying strata or bedrock. The impacts of climate change can also result in ground stability issues. Where land stability has been identified as a concern or is suspected, developers will be expected to undertake a geotechnical investigation in accordance with the council's requirements. Conditions will be attached to planning permissions to ensure necessary procedures are followed. See also Policies ER7 'Coastal change management' and Policy GE1 'Geodiversity'.

Policy ER7: Coastal Change Management Areas

Permanent new residential development (including through change of use) will not be permitted within a Coastal Change Management Area (CCMA).

To reduce the impacts of physical changes to the coast and the impact of these changes on coastal or estuarine communities, new development, or the intensification of existing development in Coastal Change Management Areas will be limited to the following uses:

a. **Essential infrastructure* provided there are clear, costed plans to manage the impacts of coastal change on it, and it will not have an adverse impact on rates of coastal change at the site or elsewhere; or**

b. **Change of use for less vulnerable and water compatible tourism-related development, shops, small scale business or leisure activities requiring a coastal location and providing substantial economic and social benefits to the community; or**

c. **Key community infrastructure, which has to be sited within the CCMA to provide the intended benefits to the wider community and there are clear, costed plans to manage the impact of coastal change on it and the service it provides; or**

d. **Adaption measures to existing buildings and businesses, which increase resilience to flood risk; or**

e. **Temporary siting of development directly linked to the coastal strip (such as beach huts, cafes/tea rooms, car parks and sites used for holiday or short-let caravans and camping); or**

f. **Water compatible development.**

All development must demonstrate:

i. **that it is consistent with policy statements for the local policy unit in the current Shoreline Management Plan**

ii. **that it will be safe over its planned lifetime and does not have an unacceptable impact on coastal change, would not result in an increased risk to life or significant increase in risk to property.**

iii. **that it conserves, or where appropriate enhances, landscape, seascape and townscape character, heritage significance and important coastal habitats, particularly where they are at risk from climate change impacts.**

Where development is proposed outside a CCMA where there is uncertainty in the rate of erosion or flooding that could cause loss or permanent inundation within the lifetime of a development, the precautionary principle should apply.

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

8.93 The NPPF requires plans to reduce the risk of coastal change by avoiding inappropriate development in vulnerable areas and identifying Coastal Change Management Areas (CCMAs). CCMAs are not necessary where the Shoreline Management Plan policy is to 'hold the line' and can be maintained over the plan's lifetime. Generally, the centres of main coastal settlements are defended.

8.94 *In the context of CCMAs, essential infrastructure is defined as:

i. essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk;

ii. essential utility infrastructure which must be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood; and

iii. wind turbines.

Chapter 9: Our Natural Places - Protecting and enhancing Torbay's countryside, landscape and natural environment

Policy LS: Landscape Strategy

The overarching strategy is to provide a high-quality landscape setting and strong green infrastructure framework; to protect, conserve and, wherever possible, enhance landscape character and local distinctiveness for the countryside and seascape by reference to the Torbay Landscape Character Assessment, including the Historic Landscape Characterisation. The rural landscape performs a crucial part of the identity and value of our settlements and the strategic gaps between the three main towns in Torbay and between Torbay, Teignbridge and the South Hams should be protected to prevent coalescence and to retain the separate identities of the settlements.

The South Devon National Landscape (SDNL) has the highest status of protection and great weight will be given to conserving and enhancing the landscape and scenic beauty; development within the SDNL setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.

All new major development should be set sympathetically within the landscape, and promote a connection with green space and nature, providing appropriate green infrastructure including access to green space or water, such as ponds and streams; new streets should be tree-lined. Woodlands, trees and hedgerow features should be protected and provided appropriately to the scale of development and landscape context. Development should protect and enhance locally valued landscapes.

Urban open spaces and landscape/townscape features will be maintained or enhanced to support the overall character and appearance of the local environment.

Link to the Community and Corporate Plan – Pride in Place

Explanation

9.1 The local landscape setting as a crucial part of the identity and value of Torbay. Conserving the setting of our villages, towns, and protecting the South Devon National Landscape, is a central consideration in approving or refusing permission for new development.

Policy L1: Protecting our countryside and rural economy

In the open countryside, away from existing settlements, and in rural areas surrounding the three towns of Torbay, development will be resisted where this would lead to the loss of open countryside or creation of urban sprawl, or where it would encourage the merging of urban areas and surrounding settlements to the detriment of their special rural character and setting. The countryside area and undeveloped coast (Policy L3) together define the settlement boundaries.

Major new development should focus on Future Growth Areas in the Strategic Delivery Areas set out in the Key Diagram, consistent with the ambition and policies of the Local Plan. Otherwise, development outside the main urban areas and Strategic Delivery Areas will normally only be permitted within the established boundaries of villages and hamlets, provided that it is of an appropriate modest scale and consistent with relevant Local Plan Policies, including those relating to landscape, recreation, biodiversity, design and conservation. Suitable infill development, refurbishments and conversions will be permitted within these settlements in order to meet the day-to-day needs of local communities, to promote the retention and development of local services and to help maintain their sustainability. Village Envelopes in Maidencombe and Churston/ Galmpton are defined on the Policies Map.

Outside settlement boundaries, the following forms of development may be permitted, provided that the rural and landscape character, wildlife habitats, green corridors and historic features are not adversely affected and necessary mitigation measures are carried out to minimise any harm to the environment:

1. **New homes for which there is a proven agricultural need, or self-build affordable housing where acceptable under Policy H7 and within Brixham Peninsula, Policy BH9 and BH2;**
2. **Development required for forestry, horticulture or agriculture;**
3. **Touring caravans and tents;**
4. **Tourist facilities appropriate to the rural area;**

5. **Development associated with outdoor sport and recreation appropriate in a rural area;**

6. **Sensitive conversion, alteration and extension of existing buildings;**

7. **Essential improvements to the highway network; and**

8. **Appropriate renewable energy development.**

Where new development proposals come forward, the council will also have regard to the need to protect, conserve or enhance the distinctive landscape characteristics and visual quality of a particular location, as identified in the Torbay Landscape Study and Character Assessment, the suitability of development and the capacity of the countryside to accommodate change.

Proposals must demonstrate how they have taken into account the most recent Landscape Character Assessment and assessed the potential impact of the proposal on the landscape. Where a proposed development is likely to have a significant impact on the landscape character or visual amenity of an area, a Landscape Visual Impact Assessments (LVIAs) or Environmental Impact Assessment will be required.

Development in the countryside should not have an adverse effect on the integrity of the South Hams SAC or other important habitats. It should also have regard to Policy NC1 to assess the in-combination effects of multiple developments that could affect Greater Horseshoe Bats, calcareous grassland features and the integrity of the South Hams SAC, and the scope for developer contributions to mitigate the impact of increased recreational pressure on the South Hams SAC.

The Countryside Area is shown on the Policies Map.

Link to the Community and Corporate Plan – Community and Place

Explanation

9.2 The open countryside of Torbay is a fundamental part of the sub-region's identity and a major component of the Bay's tourism offer. It provides amenity value and a range of recreational opportunities and is an integral part of the Bay's economy.

9.3 The Local Plan strikes a careful balance between protecting the integrity and character of the countryside whilst allowing development that is vital to the support of sustainable communities, such as self-build schemes (see Policy Hx) and the rural economy.

9.4 The Countryside Area is shown on the Policies Map and has been defined for the following reasons:-

a. To identify the countryside around Torbay as a finite resource and to encourage its best use;

b. To safeguard Torbay from further urban sprawl and maintain important green wedges;

c. To prevent the main urban areas of Torbay from merging with each other and neighbouring settlements;

d. To preserve the special character of the towns and villages within Torbay's overall landscape setting;

e. To recognise the need to adapt to changing demands in the countryside around Torbay and priorities for development;

f. To concentrate building development within the urban area and prevent the unnecessary spread of inappropriate uses into the countryside; and

g. To maintain a connected network of landscape features to provide Green Infrastructure

9.5 Much of the rural hinterland will be covered by other designations including country parks other landscape designations as well as our best and most versatile agricultural land (policy X). Proposals for development will be considered in the context of the Torbay Landscape Character Assessment which identifies the key characteristics to protect, conserve or enhance those features which contribute to a particular distinctive character.

9.6 Different towns and urban areas in Torbay have very distinct identities that should be protected and wherever possible enhanced. Strategic green wedges are important to prevent urban coalescence and retain the valuable landscape setting that is characteristic of Torbay's urban areas. About a quarter of the Countryside Area is also overlaid by the nationally important AONB (Policy Lx), and 40% is designated as undeveloped coast (Policy Lx) and form part of the Strategic Local Nature Recovery Network (LNRN).

9.7 The Local Plan Update provides an opportunity to identify areas of non-coalescence, on the Policies Map, which would seek to retain a rural and open character of the land, and/or protect the separate identity of settlements (both existing and allocated).

Policy L2: National Landscape (previous Area of Outstanding Natural Beauty)15

Great weight will be given to conserving and enhancing the landscape and scenic beauty of the South Devon National Landscape (previous Area of Outstanding Natural Beauty)[1].

Major development in a designated National Landscape will be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. Proposals within the setting of a National Landscape should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Consideration of such applications will assess:

- **the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;**
- **the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and**
- **any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated taking account of the relevant South Devon National Landscape (AONB) Management Plan and the special qualities alongside the Torbay Landscape Character Assessment.**

Development which is permitted in the National Landscape should complement the scale, massing, footprint and spacing characteristic of the area. It should also adhere to guidance in the South Devon National Landscape (AONB) Management Plan, particularly in relation to building form and design. Mitigation measures may include planning contributions towards delivery of projects set out in the Management Plan.

Link to the Community and Corporate Plan – Pride in Place

[15] National Landscapes: areas legally designated as areas of outstanding natural beauty under the National Parks and Access to the Countryside Act 1949 and Countryside and Rights of Way Act 2000

Explanation

9.8 National Landscapes (formerly known as Area of Outstanding Natural Beauty- AONBs) are designated in recognition of the outstanding qualities of their 'natural beauty' under the National Parks and Access to the Countryside Act 1949. They contain the most beautiful, spectacular, and dramatic areas of countryside and form landscapes of national importance with designation conferring the highest status for the conservation of landscape and scenic beauty.

9.9 The Levelling Up and Regeneration Act (2023) amended Section 85 of the Countryside and Rights of Way Act 2000[1], which means that rather than 'have regard to', relevant authorities (including the Local Planning Authority) must 'further the purposes' of Protected Landscapes of conserving and enhancing the natural beauty[2] of the National Landscape (NL). Each component of natural beauty identifies what is special about the landscape and should be afforded 'great weight' in planning decisions. Reference to the South Devon National Landscape (SDNL) Management Plan is a key tool to ensure that public bodies are meeting their duty and reference to the special qualities which define the unique 'natural beauty' for which the SDNL is designated. The SDNL Management Plan's policies and the special qualities of the SDNL establish criteria against which policy and actions can be assessed for compliance with the duty.

9.10 The SDNL Management and Delivery Plan sets out externally funded projects and identifies the key planned actions delivered by partners that contribute towards the conservation and enhancement of the South Devon National Landscape. Where residual harm results from new development, mitigation measures may include a request for planning contributions towards achieving relevant projects.

[1] As amended by the Levelling-up and Regeneration Act 2023

[2] Glossary : 'Natural beauty' has no legal definition but legally consideration must be given to the 'flora, fauna, geological and physiographical' features of the designated area. CHECK

[1] National Landscapes: areas legally designated as areas of outstanding natural beauty under the National Parks and Access to the Countryside Act 1949 and Countryside and Rights of Way Act 2000

Policy L3: Coastal landscape and change management

The undeveloped coast:

The council and partnership organisations will conserve the character of the undeveloped coast and seek to enhance its distinctive landscape, seascape,

biodiversity, geological, recreational and cultural value. Development will not be permitted in the undeveloped coastal area unless proposals satisfy the following requirements:

1. **Maintain the unspoilt character of the coastline, coastal landscape and seascape;**
2. **Maintain or improve public access for recreation; and**
3. **Provide sensitively designed development, including tourism uses, where there are clear economic or sustainability benefits that cannot be realised in alternative locations.**

Where new development proposals have met the above criteria, the council will also have regard to the need to protect, conserve or enhance the distinctive landscape characteristics and visual quality of a particular location, as identified in the Torbay Landscape Study and Character Assessment, the suitability of development and the capacity of the countryside to accommodate change and particular reference to coastal change management.

Development outside the undeveloped coast which may harm the intrinsic character of the area will be assessed with regard to visual impact.

The undeveloped coast is shown on the Policies Map.

The developed coast: In the developed areas of coast, development will be permitted where it provides benefit to Torbay's economy and does not unacceptably harm the landscape character and appearance of natural, historic or geological assets and coastal change management.

Link to the Community and Corporate Plan – Pride in Place

Explanation

9.11 Policy L3 deals with landscape and related matters to do with the coast. Policy x addresses issues such as shoreline management, flooding and land stability which are associated with development in coastal areas.

9.12 The mean low water mark defines the limits within which Torbay Council has a statutory power to control the development and use of land. The coast is significant from an environmental, economic and social perspective and adds greatly to the quality of life for Torbay's residents. The scenic beauty, natural setting and seascape underpin Torbay's

popularity as a place to live, work and visit and so it is important to protect the intrinsic landscape character of the undeveloped coast for its own sake, and as a significant, finite resource. The quality of life and distinctive local identity is enhanced by a large number of accessible award-winning bathing beaches and three harbours, which form an important recreational and amenity resource. The South West Coast Path extends along Torbay's coastline, providing an attractive environment for walking and is a popular tourist draw.

9.13 It is important that the qualities of the coastline are conserved for future generations, in particular the important areas of undeveloped coastline which extend landward to include areas that maintain a coastal character, and are within the visual envelope to and from the seaward side. Developments will only be permitted along the undeveloped coast to provide facilities for activities appropriate to the location, such as low-key rural tourism or recreation uses, where their introduction does not harm the scenic qualities and prevailing character, and any built development is kept to a minimum.

9.14 Consideration should be given to whether there are alternative locations where the development could feasibly be located, away from the undeveloped coast. The Torbay Landscape Character Assessment (LCA) identifies a number of coastal landscape character types which incorporate the majority of the land within the undeveloped coast. The LCA should be used (in combination with any seascape analysis) as a basis for assessing the character and sensitivity of the area and its ability to accommodate new development. This will include parts of the developed coast where the LCA has identified 'undeveloped' maritime cliffs, coastal plateau and low lying beaches.

Policy L4: Valued landscapes

Landscapes which, by reason of their local distinctiveness, special qualities and features and or condition, that have a limited capacity to absorb change that has, or may have, a significant effect on, or detract from, their character and or condition.

This will include the South Devon National Landscape and it's setting at a national level, alongside the undeveloped coast that may be considered to form locally valued landscapes (LVL);

Proposals within these areas must:

- **Avoid loss of key characteristics, or their legibility, that underpin the scenic quality and the significance of the locally valued landscape and landscape character area.**
- **Respond effectively to the key characteristics and significance of the area referred to in the Torbay Landscape Character Assessment and**

Landscape (2025) and the specific recommendations within the LCA (or subsequent update).

Locally valued landscape is not limited to the undeveloped coast and may be identified through the Torbay Landscape Character Assessment. Individual proposals within or next to these valued landscape areas will be assessed based on their specific landscape and visual impact taking into account any mitigation proposals.

Development which protects and enhances the locally valued landscapes will be supported.

Link to the Community and Corporate Plan – Pride in Place

Explanation

9.15 There is no single definition of a valued landscape, however, legal decisions have tended to say that to be a 'valued landscape', there should be some local distinctiveness, special quality, or feature, rather than solely being 'valued' by local people. It will be a matter of planning judgement whether or not land forms part of a valued landscape, the council considers that the following are likely to qualify as valued landscapes which include but are not limited to: the South Devon National Landscape and it's setting, undeveloped coast, land within or in the setting of a designated heritage asset, urban landscapes such as Local Green Spaces (LGS) and Urban Landscape Protection Areas (ULPAs).

9.16 The LCA provides additional advice on whether areas of landscape are likely to be considered as 'valued'.

Policy L5: Urban Landscape Protection Areas (ULPAs)

Development within Urban Landscape Protection Areas (ULPAs), as shown on the Policies Map, will only be permitted where:

1. **It does not undermine the value of the ULPA as an open or landscaped feature within the urban area; and**

2. **It makes a positive contribution to the urban environment and enhances the landscape character of the ULPA.**

Designated Urban Landscape Protection Areas are as follows :

Torquay
01 Watcombe Park and Watcombe Heights
02 Mincent Hill, Barton
03 Scotts Bridge/Barton
04 Riviera Way Corridor
05 Lummaton Hill, Combe Pafford
06 Hele Woods/Windmill Hill Woods
07 Daison Woods
08 St. Marychurch Road (formerly Oddicombe Downs)
09 Babbacombe Downs
10 Cary Park
11 Markham Plantation and Sherwell Valley
12 Shiphay Manor (Girls' Grammar School)
13 Rowcroft/Shiphay Plantation
14 Chapel Hill, Torre
15 Stantaway Hill, Upton
16 Grange Road/Warberry Copse
17 The Quinta
18 Lydwell Road
19 Palace Hotel Grounds (North)
20 Palace Hotel Grounds (South)
21 Ansteys Playing Field

22 Ilsham Valley/Lincombe Slopes
23 Torwood Gardens
24 Daddyhole Plain
25 St. Johns Wood, Park Hill
26 Stentiford Hill
27 Torre Abbey Meadows and Sports Grounds
28 Sherwell Park
29 Ashfield Gardens
30 St. Matthew’s Field
Paignton
31 Preston Green
32 Parkfield
33 Paignton Green North
34 Paignton Green South
35 Queen’s Park
36 Victoria Park
37 Paignton Cemetery and allotments
38 Monastery, Winner Hill
39 Primley Woods and Meadow to south
40 Goodrington Park/Roundham
41 Quay West Corner
42 Clennon Hill/Roselands Valley

43 Sugar Loaf Hill
Brixham
44 Tor Rocks, Broadsands
45 Brunel Woods, Galmpton
46 Battery Grounds
47 Furzeham Recreation Ground
48 St. Mary's Churchyard and Park
49 Summercombe
50 Shoalstone and Ashole Woods.

Link to the Community and Corporate Plan – Community and Place

Explanation

9.17 These enclaves of special landscape quality set in or bordering the urban areas (some of which also skirt the coastal fringe) vary in size and make a considerable contribution to the environment in a variety of ways. Taken as a whole these protected urban landscape areas form a valuable part of Torbay's green infrastructure (see Policy GIS) and help ensure a healthy Bay (see Policy SC1). They are considered to form 'valued landscapes'.

9.18 Some ULPAs act as local vantage points, some as amenity open space, some as green spaces that provide a natural and visual break within the local (urban) townscape and others as landmarks in the local scene. In some cases they perform all four roles. Designated ULPAs include both publicly owned/publicly accessible and privately owned/non-accessible sites. Some ULPAs are also of ecological significance and some have been subsequently allocated as Local Green Spaces (LGSs) in Neighbourhood Plans.

9.19 The preparation of an updated Local Plan offers the opportunity to review the designated ULPAs and provide further clarity and guidance in relation to these sites.

Policy L6: Local Green Spaces (LGSs)

Development proposals that protect or enhance Local Green Spaces and that comply with other relevant policies will be permitted.

Development proposals that would have an unacceptable adverse impact on the use, function and appearance of these local green spaces or would result in their loss will not be permitted other than in very special circumstances and such circumstances will only exist where the harm resulting from the proposal is clearly outweighed by other considerations.

Development or change of use that would conflict with the reason for designation will be seen as inappropriate development.

Inappropriate development adjacent to a Local Green Space that would have a significant adverse impact upon the reason for the designation will not be supported.

Link to the Community and Corporate Plan – Community and Place

Explanation

9.20 The Neighbourhood Forums have included a number of Local Green Spaces that are green spaces that are demonstrably special to a local community. The preparation of an updated Local Plan offers the opportunity to review the designated Local Green Spaces. Designation should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services and be capable of enduring beyond the end of the plan period. Local Green Space must be reasonably close to the community it serves; have demonstrable local significance and interest; be local in character; and not cover an extensive tract of land.

9.21 Consideration of development proposals within a Local Green Space should be consistent with national policy[1] for Green Belts (excluding provisions relating to 'grey belt' and previously developed land).

[1] National Planning Policy Framework - GOV.UK

Strategic Policy THS: Trees and Hedgerows

The Local Plan seeks to assist the delivery of the most up-to-date Torbay Tree Strategy. Planning applications will set out how they achieve the vision set out in the Devon Tree and Woodland Strategy to: Expand, Improve, Protect, Inspire and Deliver.

Development that supports the planting of new trees or areas of woodland, especially in appropriate Devon Local Nature Recovery Areas, or which would include public access woodland schemes, will be encouraged where they conserve or enhance biodiversity, landscape, seascape character and best and most versatile agricultural land, or where they conserve and where appropriate enhance the significance of heritage assets and their settings, including historic landscapes. New streets should be tree lined.

All development proposals will retain good quality and healthy woodland, trees and hedgerows, including: ancient woodland; ancient and veteran trees; those with visual amenity; those that support wildlife or provide connectivity; those which positively contribute to the historic environment or the significance of a heritage asset and its setting; and rare or unusual species of trees. These will be incorporated into the overall design and landscape scheme, within public spaces where possible (see Policy TH1). The council will seek to adopt new public green spaces and may protect any new trees through the implementation of Tree Preservation Orders (TPO).

Ancient Woodland, Ancient Hedgerows and Veteran Trees:

Development proposals resulting in the loss or deterioration of ancient woodland, ancient hedgerows or ancient and veteran trees will only be permitted where there are wholly exceptional circumstances and the benefits of the development in that location clearly outweigh the loss. Where it is permitted, a compensation strategy will need to be agreed and secured prior to granting planning permission.

TPO/Conservation Area:

Where the proposal will result in the loss or deterioration of a tree protected by a Tree Preservation Order or a tree within a Conservation Area, then permission will be refused unless:

a. **the need for, and benefits of, the development in that location clearly outweigh the loss, and**

b. **suitable and robust mitigation is provided through replacement tree planting or a suitable planning contribution**

All:

Any other tree, hedge or woodland not covered by the above and which makes a positive contribution to the landscape, amenity or biodiversity value of the area, should be retained as part of the design and layout of development schemes.

Where a loss of trees, hedges or woodland is unavoidable, replacement planting commensurate with the loss will be undertaken on site. Tree planting will be in accordance with Policy TH2. Where onsite replacement tree planting is not feasible, developer contributions will be required.

In instances where new trees and/or woodlands are proposed, developer contributions may be required to ensure suitable provisions are in place for their long-term management and maintenance and for major residential developments, provision of information for new occupants about the appropriate positive management of private trees and landscape features.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.22 This policy aims to deliver strategic scale expansion of green landscape features and to ensure tree, woodland and other landscape features are protected, and where this is not possible suitable mitigation is provided.

9.23 Woodlands, trees and hedgerows can form important landscape features as well as providing valuable habitats and wildlife corridors.

9.24 Woodlands form traditional elements of the countryside or important islands of natural habitat within Torbay's urban areas. Once lost, this part of our heritage cannot be replaced.

9.25 Hedgerows, many of which are of traditional Devon Bank construction, are important elements within the landscape of Torbay. They can function as wildlife corridors linking wildlife sites. Hedges can also form very ancient land boundaries and may preserve historically important artifacts. A quarter of Devon's hedges are more than 800 years old.

For these reasons, it is important that significant hedgerows are retained and their appropriate retention will be secured by planning conditions.

9.26 Established hedges have substantially more historic and environmental value than new hedges, which take time to mature and do not reflect historic enclosure patterns. Therefore, existing hedges should be retained wherever possible. This is particularly important where they form part of the Greater Horseshoe Bat corridors identified in Policy XXXX. Maintenance of hedgerows may be essential to maintain the integrity of the South Hams SAC and must be considered at an early stage of the planning process, in accordance with Policies SS8 and Policy NC1.

Policy TH1: Trees, hedgerows and natural landscape features

Development will not be permitted when it would seriously harm, either directly or indirectly, protected or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. Harm can arise directly, through felling or damage during construction, or indirectly through pressure to fell or prune in the future due to the proximity of trees to a new development.

Development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity or climate resilience role (Strategic Policy THS).

All development proposals will demonstrate how retained and new trees, hedges and woodland will have a satisfactory long-term relationship with: buildings; infrastructure; utilities and services; and highway movement; and will ensure the amenity and safety of occupiers of buildings and retain or create sightlines enabling public spaces to be well overlooked.

Planting schemes for public spaces and roadsides should include suitable native species that occur naturally in the locality, unless (it can be justified that) arboricultural considerations mean native species are not appropriate. In accordance with Policy DE1, 'Living' boundary features should be used as an integral part of layouts in the first instance and must comprise native hedging species wherever possible.

New development will be designed and undertaken to prevent damage to root systems of retained or new woodland, trees and hedgerows and will allow for future above and below ground growth over the life of the development. New trees must maximise their

potential to provide climate resilience, including surface water attenuation, through measures such as tree pits which are fully integrated to SuDS schemes.

Measures to protect retained trees, hedges and woodland must be in place before, and remain in place during, the development process. This must be demonstrated through an agreed Method Statement. Appropriate management will be secured in perpetuity, through agreed Landscape Management Plans and for major residential developments, provision of information for new occupants about the benefits of and appropriate positive management of private trees, hedges and landscape features.

Where construction near trees or hedges is unavoidable, construction techniques and methods of working will be designed to prevent or minimise damage. Temporary netting of hedges or trees prior to, and during construction of, development will not be permitted. Where hedges cannot be retained, they should be translocated, rather than removed.

Where a loss of trees, hedges or woodland is unavoidable, compensatory planting must be provided. To compensate for losses of trees and/or woodland, the strategy in Policy TH2 should be used. Where new trees, hedges and/or woodlands are proposed, developer contributions may be required to ensure suitable provisions are in place for their long-term management and maintenance.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.27 Trees have a considerable environmental value and are particularly important in urban areas. Not only are they aesthetically pleasing in themselves but they can soften development, improve the environmental quality of our streets and provide a green framework to our towns. They can be important, both individually and in groups. In parts of Torbay, there are whole areas where trees are largely responsible for the character of the environment.

9.28 Orchards serve a valuable green infrastructure and local heritage role as well as being an excellent form of sustainable food production. Traditional orchards are a priority habitat and the council has a duty to conserve and enhance priority habitats. On this basis, proposals affecting orchards will be considered on the basis of Policies GIS, THS and SC4.

9.29 Many people are less enthusiastic about trees close to their property, where they may be seen as obstructing views and taking away light, as well as causing maintenance problems and sometimes danger. Development may not be permitted if it is incompatible with the retention of trees. Proposals affecting trees will be carefully considered to ensure trees which are to remain do not cause unreasonable inconvenience to future occupiers.

9.30 By its very nature, the carrying out of development work can cause damage to tree roots by compaction and excavation. In determining planning applications, it will be necessary to ensure that construction is not carried out in close proximity to trees in such a manner as to cause damage.

9.31 Trees will be protected by imposing conditions on planning consents for development. These can specify measures to be taken to protect trees during and after the building process. Such conditions will be used whenever trees of amenity value are adjacent to development. New tree planting should seek to enhance existing, create new habitats or provide shelter belts.

9.32 TPOs may also be used to safeguard the amenity value of trees and to prevent them from being felled. They can be made on individual trees, groups of trees or on whole areas. Torbay has a rich legacy of trees, many of which are protected by Tree Preservation Orders. Similar protection applies to trees in conservation areas where there will generally be a presumption against felling such trees unless there are sound reasons for doing so.

Policy TH2: Mitigation for loss of trees, hedgerows and woodland

Where principles of Strategic Policy THS have been followed and suitable evidence demonstrates that it is acceptable for tree(s), hedges and/or woodland to be lost as part of a development proposal, then appropriate mitigation, via compensatory tree planting, will be required.

Such tree planting should:

a. take all opportunities to meet the five Tree Planting Principles (see supporting text); and

b. unless demonstrably impractical or inappropriate, provide the following specific quantity of compensatory trees for the loss each tree within the size category indicated below:

Trunk girth (mm) at 1.5m above ground of tree lost to development	Number of replacement trees required per tree lost*
75 - 200	2
201 - 400	4
401 - 600	6
601 - 800	9
801 - 1000	10
1000+	11+**

*** replacement based on selected standards 100-120 mm girth at 1.0m**

**** depending on the value of the tree to be lost additional compensatory planting may be required**

Where new compensatory hedges are provided, the principles of the Devon Hedge Group guidance on making new hedges should be followed.

In instances where new trees, hedges and/or woodlands are proposed, developer contributions may be required to ensure suitable provisions are in place for their long-term management and maintenance.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.33 Trees and other planting provide a broad range of benefits from providing wildlife habitat, urban cooling to help impact the impacts of climate change, adding maturity to new sites, softening and enhancing the built form, screening, shading, storm water attenuation, visual amenity, and contributing to health and well-being.

9.34 New trees and planting can contribute to the government's 25 Year Environment Plan and the UK's efforts to hit net zero carbon emissions by 2050, contribute to biodiversity net gain and assist in achieving the Devon Tree and Woodland Strategy target of 20% tree cover in Torbay.

9.35 The tree compensation standard set out in this policy provides a suitable mechanism to determine the appropriate level of mitigation. The council's first preference is for on-site replacement in suitable locations which will be secured through planning conditions.

9.36 In exceptional circumstances, where planting cannot be achieved on-site without compromising achievement of a good design, new tree planting proposals may be considered off-site as mitigation (including on public land and for example in locations identified through the Devon Local Nature Recovery Strategy) and secured through a planning obligation.

9.37 The council is committed to increasing the overall tree cover in the district wherever possible, and therefore opportunities for new tree planting should be explored as part of all development proposals. Planting schemes for public spaces and roadsides should include only native species that occur naturally in the locality, unless arboricultural considerations mean native species are not appropriate.

9.38 Where new tree planting is proposed (irrespective of whether this is to compensate for losses on- site), then the quantity, location and species selection of new trees will be expected to take practicable opportunities to meet the following five Tree Planting Principles:

- Create habitat and, if possible, connect the development site to the Strategic Green Infrastructure Network; and
- Assist in reducing or mitigating run-off and flood risk on the development site; and
- Assist in providing shade and shelter to address urban cooling, and in turn assist in mitigating against the effects of climate change; and
- Create a strong landscaping framework to either (a) enclose or mitigate the visual impact of a development or (b) create new and enhanced landscape, or both; and
- Be of an appropriate species for the site.

Strategic Policy NCS1: Biodiversity and Nature Recovery Network

All development that contributes to the conservation and enhancement of the natural assets within the Bay will be supported.

The council will safeguard, conserve and enhance the valued qualities, features and attributes of sites in the Bay which are important for biodiversity and geodiversity.

In order to increase biodiversity, help achieve net zero, improve the local environment and enhance health and wellbeing, all development will be required to:

1. **Recognise the importance of and benefits provided by ecosystem services, and be located and designed to avoid negative impacts on biodiversity and geodiversity. This includes but is not limited to: tranquillity, dark night skies, bathing waters, biodiversity, geodiversity and soils within the Bay (commensurate with their importance). Only where this is not possible will mitigation, and as a last resort, compensation be considered.**

2. **Protect, enhance and expand existing wildlife-rich habitats and geodiversity, and create new ones to support a nature recovery network. Development must seek to support and deliver the priorities and actions in the most up to date Torbay Green Infrastructure Strategy, Nature Recovery Network (NRN) and Devon, Plymouth and Torbay Local Nature Recovery Strategy (LNRS). These strategies must be utilised to ensure new development integrates wildlife and links new green spaces with habitats in the wider landscape.**

3. **Protect local, national and internationally protected sites, priority species and habitats. The council will safeguard, conserve and enhance the valued qualities and features of sites protected under European legislation, including supporting habitats outside of the designation which ensures the favourable conservation status of the site. Where a proposal may have adverse effects on a European site which cannot be mitigated development will not be permitted. Particular attention must be paid to Greater Horseshoe Bat flight paths, and Cirl Buntings.**

4. **Avoid impacts on irreplaceable habitats. Development that involves the loss of irreplaceable habitats will not be supported.**

5. **Positively incorporate and promote biodiversity features, proportionate to their scale, including features which support priority or threatened species such as swifts, bats and hedgehogs.**

6. **Provide a measurable and proportionate net gain in biodiversity, as set out in Policy NC2.**

7. **Provide long term land management practices to maintain or restore landscapes, greenspace, watercourses, dark corridors and amenity open spaces, integrating biodiversity and green infrastructure objectives including improved public access.**

All development must be located and designed to follow the mitigation hierarchy (avoid, minimise, mitigate, compensate) to prevent adverse impacts upon biodiversity, or geodiversity. Developer contributions may be required to allow monitoring of any mitigation, or to improve management or enhancement of the natural environment.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.39 Biodiversity is fundamental to our health, wellbeing, and economic prosperity. 'Biodiversity' means the wealth and diversity of all our wild plants and animals and their habitats. It is also used to include our geological and geomorphological heritage. The quality of the natural environment and the health and resilience of biodiversity is an important asset and is clearly linked to Torbay's attraction, sense of place, economy, tourism and general environmental quality. Biodiversity is also a key consideration in, and driver for, high quality design.

9.40 The value and importance of wildlife and the natural world is increasingly recognised by government, as evidenced by the Environment Act 2021, which itself followed on from the government paper 'A Green Future: Our 25 Year Plan to Improve the Environment'. Internationally, nationally, regionally and locally important nature conservation sites in Torbay support a wide variety of wildlife and these sites are shown on the Policies Map. However, since the 1970's biodiversity has declined rapidly throughout the UK[16]. There is an urgent need to reverse this decline through the protection and enhancement of biodiversity.

9.41 Regard should be had to the Devon, Plymouth and Torbay Local Nature Recovery Strategy and any local biodiversity evidence specific to Torbay in respect of all target habitats and species.

[16] NBN (2019) State of Nature 2019

9.42 In negotiating landscape, biodiversity and green infrastructure mitigation packages as part of developments, the plans and other documents referred to above will be taken into account. The council will require no overall detriment and will seek net gains to the natural environment in accordance with the NPPF. Policy THS is also relevant. However, such mitigation measures cannot be used to compensate intrinsically unsuitable development (see Policy NC1). High quality bathing waters are an important asset both for ecology and tourism in Torbay. Policies ER2, ER3 and W5 seek to minimise the impact of wastewater upon bathing water qualities, for example by removing existing and restricting new surface water connections to combined sewers.

9.43 Much landscape is man-made and there is an interrelationship between the historic and natural environment for example when considering hedgerows, field patterns and other naturalised features (see Policies GIS and TH1)

Strategic Policy NCS2: Habitats Regulations Assessment

Subject to exceptional circumstances, development must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 as amended[17].

Sufficient and up-to-date survey information, commensurate with the sensitivity of the site and the nature, location, and scale of the proposal, will be required to inform planning applications and allow the planning authority to carry out Habitats Regulations Assessment (HRA) of the proposal.

Where there are likely significant effects to a European site, alone or in-combination, from an application, mitigation measures will need to be secured. Appropriate assessment will be necessary and will need to ensure mitigation measures are adequate and secured for as long as the impact might occur. Legislation and government guidance requires the planning authority to be confident beyond reasonable scientific doubt that the proposals will not result in an adverse effect on the integrity of the site. Consequently, the council will require high quality and accurate evidence to inform HRA and will seek the advice of the statutory conservation body (Natural England).

Where it is not possible to rule out adverse effects on integrity, alone or in combination with other plans or projects, permission will only be granted in

[17] The Conservation of Habitats Species Regulations 2017, https://www.legislation.gov.uk/uksi/2017/1012/contents [accessed 20th Aug 2025]

exceptional circumstances. In such cases it will be necessary to demonstrate that there are no alternatives, there is over-riding public interest and compensation can be secured.

Plans and proposals should take into consideration and be in accordance with the latest versions of all council and wider HRA guidance documents and strategies. These documents and strategies are intended to facilitate HRA assessment by providing a coherent strategic approach to the delivery of mitigation requirements whilst avoiding unnecessary duplication of assessment effort. Specific HRA policy requirements in relation to avoiding, mitigating and compensating impacts on European sites (at the point of Local Plan publication) are set out in the Policy Table below.

Policy NCS2 Table	
Protected Site	HRA Requirements
Berry Head to Sharkham Point component of the South Hams SAC	In respect of the Berry Head to Sharkham Point component of the South Hams SAC, a strategic approach to HRA mitigation has been established and a new strategy is due to be completed in early 2026. The strategy will set out the mitigation measures required to ensure new residential and tourist accommodation does not have an adverse impact on Berry Head to Sharkham Point as a result of increased recreation pressures. Mitigation for the development of new residential or holiday accommodation within the Zone of Influence for recreation pressure will comprise: a) SAMMS (Strategic Access Management and Monitoring);- Development will be required to provide a financial Mitigation Contribution towards SAMMS mitigation for recreation impacts on the protected site, and; b) Off-site infrastructure (including SANGs – 'Suitable Alternative Natural Greenspace' and local projects). Development will be required to pay a SANG Contribution to the Local Planning Authority sufficient to provide and maintain SANGs in an appropriate strategic location, and;

	c) Any other specific measures to avoid impacts on the Berry Head to Sharkham Point component of the South Hams SAC identified by Appropriate Assessment Developers must clearly demonstrate that mitigation can and will be provided to ensure no adverse effect on the integrity of the European site. Mechanisms through which mitigation delivery will be achieved, secured in perpetuity, and delivered within agreed timescales must also be identified. All mitigation is to be delivered in accordance with the most recently adopted/approved version of the strategy and supporting guidance. Any deviation from the above measures must be clearly justified and will be considered on a case-by-case basis.
South Hams SAC Greater Horseshoe Bats	Development that could impact Greater Horseshoe Bats will be located and designed to protect the integrity of the South Hams SAC by: 1. Avoiding the loss, damage, or illumination of, or disturbance to, Greater Horseshoe Bat: a. roosts which are known, or are likely, to provide significant functional support to the SAC; b. foraging areas within the Sustenance Zones, especially within juvenile foraging areas; c. flyways and commuting routes within the Sustenance Zones; d. networks of actual or potential commuting routes within the Landscape Connectivity Zone; e. existing mitigation features resulting from previous development; f. known or likely pinch points; and g. foraging areas within the Landscape Connectivity Zone where they are of particular importance e.g. due to their size or proximity to a roost.

	2. Maintaining, enhancing, or creating sufficiently wide and dark stand-off zones between the development and bat flyways / habitats, to protect the bats and their commuting routes/habitats from impacts from development; 3. Designing development and lighting to be compatible with known or potential Greater Horseshoe Bat habitats and flyways, as demonstrated through lighting modelling where required. Particular attention must be given to maintaining dark corridors and low-light environments, especially where development is proposed at the edge of the built-up area; 4. Avoiding likely increases in death or injury to bats through interaction with wind turbines or traffic; 5. Creating or enhancing roosts, commuting routes and foraging zones, where required by Appropriate Assessment and/or when opportunities arise; 6. Maintaining connectivity within and between Sustenance Zones through the Landscape Connectivity Zone, especially across roads, railway lines or other linear barriers; 7. Where required by Appropriate Assessment, providing financial contributions to help create permanent, high quality Greater Horseshoe Bat habitat and roosts in locations which increase population resilience; 8. For the purposes of undertaking Habitats Regulations Assessment, complying with the 2019 South Hams SAC Habitats Regulations Assessment Guidance (or subsequent revisions) and technical advice notes; and 9. Avoiding the loss, damage, pollution of, or other harm to habitats which are also listed as Qualifying Features for which the South Hams SAC was designated. Where Greater Horseshoe Bat mitigation is required, a scheme of monitoring, to ensure mitigation has been carried out and is effective, including any remedial measures required, will be agreed and secured prior to granting planning permission.

Lyme Bay and Torbay Marine SAC	Water Quality: In respect of the Lyme Bay and Torbay Marine SAC the council has commissioned a Water Cycle Study and a Sewer Capacity Assessment. This evidence sets out the measures required to ensure there are no cumulative adverse impacts on the Marine SAC resulting from combined sewer overspills (CSO). Mitigation for CSO increase and the removal of surface water from the combined sewer system is set out in detail in Policies ER2, ER3, ER4 and will comprise: 1. All development must minimise the generation of run-off and reduce surface water entering the combined sewer system and maximise the use of permeable natural surfaces 2. All development must comply with the requirements of Policy ER2 and submit detailed drainage arrangements at the application stage to enable the Local Planning Authority to undertake a Habitats Regulations Assessment screening and, where necessary, an Appropriate Assessment. Additional mitigation for surface water runoff will be provided through the implementation of Policy GIS 'Strategic Green infrastructure'. Lyme Bay and Torbay Marine SAC Is also sensitive to changes in water quality arising due to the construction/operation of development. This typically includes, but is not limited to, major development or demolition located within 250m of the designated site, or near a watercourse which provides a hydrological link to the Lyme Bay and Torbay SAC. Where there is a risk of adverse effects on the Lyme Bay and Torbay SAC due to water quality, development proposals must prepare and submit, as part of a planning application, Pollution Prevention Plans. Recreation: Individual planning applications that have a clear link to increased recreational use of the coast will be subject to project-level HRA, and a bespoke package of measures will need to be secured to address the specific impacts of the proposed project.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.44 As a Competent Authority, the planning authority must carry out Habitats Regulations Assessments (HRA) under the Conservation of Habitats and Species Regulations 2017. Torbay currently contains two habitats sites of international importance; the South Hams SAC and the Lyme Bay and Torbay Marine SAC.

9.45 All plans and projects not directly connected with the conservation management of a habitats site require an HRA Screening to assess potential significant effects. If significant effects cannot be excluded, an Appropriate Assessment must be conducted. Planning permission will only be granted if adverse effects on the site's integrity are ruled out or if there are imperative reasons of overriding public interest with adequate compensation.

9.46 Sites protected under the Conservation of Habitats and Species Regulations 2017 consist of:

- Special Areas of Conservation (SAC);
- Special Protection Areas (SPA);
- Proposed SACs;
- Potential SPAs;
- Ramsar sites;
- Areas secured as sites compensating for damage to a European site.

9.47 **South Hams SAC:**
The Berry Head to Sharkham Point component of the South Hams SAC forms part of the UK's national site network and is designated for its heathland, calcareous grassland, vegetated sea cliffs and caves. These habitats are of importance for conservation at a European level and are listed under Annex I of the Habitats Directive (Council Directive 92/43/EEC). Berry Head is also designated as a Site of Special Scientific Interest (SSSI), National Nature Reserve and Local Nature Reserve. The habitats at Berry Head are vulnerable to degradation through erosion by walkers and eutrophication through dog fouling, in addition to scrub encroachment.

9.48 The results of a visitor survey in 2023 showed that 75% of people who visited Berry Head directly from home lived within 8 km of the site, compared to 5km in 2016. This suggests that the primary ZoI for recreational impacts on Berry Head is 8km radius (Figure 5).

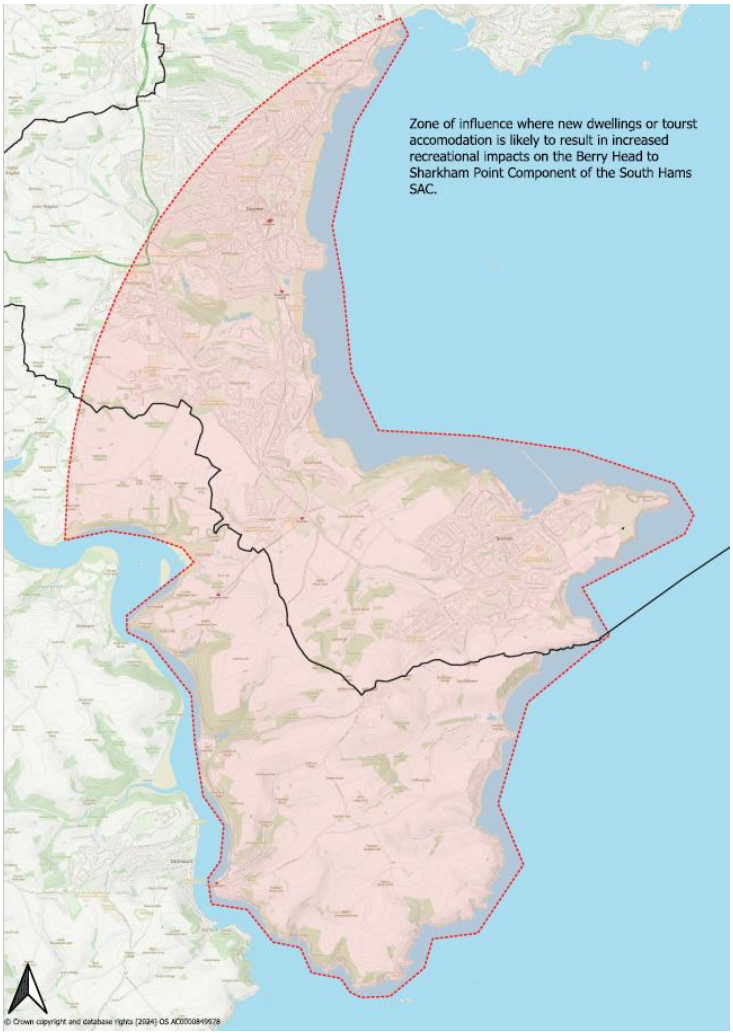

Figure 5 Berry Head to Sharkham Point Zone of Influence

9.49 The Local Plan will provide approximately 2850[18] new homes within the Zone Of Influence for recreation pressure on the Berry Head to Sharkham Point Component of the South Hams SAC. The possibility of significant effects due to recreation arising from the development of housing or tourist accommodation within this ZoI cannot be ruled out and mitigation measures will be necessary.

9.50 Further work will be undertaken by the council, and associated stakeholders, to further develop and provide estimated costs for the potential mitigation measures. The council will produce a Supplementary Planning Document to set out the mitigation costs and approach for securing developer contributions.

[18] Note this is a draft figure which may be subject to change

9.51 Suitable Alternative Natural Greenspace' (SANG) is green space of a type and quality suitable to be used as mitigation for applications likely to affect European and internationally protected sites. Its role is to provide alternative green space to divert visitors away from the protected site.

9.52 The South Hams Special Area of Conservation has also been designated for Greater Horseshoe Bats (GHB), one of Britain's rarest bat species. Greater Horseshoe Bats use hedgerows (including remnant hedges and veteran trees) as flyways.

9.53 Greater Horseshoe Bats have only short range echolocation, which means they must fly close to the ground and linear features, such as hedges, woodland edges, and vegetated watercourses. They also actively avoid light levels above moonlight. Therefore, development must ensure that it does not harm the natural features that provide connectivity through the landscape and does not include lighting that would deter bats. The bats use a variety of different roosts at different times of the year, including maternity and hibernation roosts. They feed in different habitats throughout the year, depending on seasonality of prey, typically foraging up to 4km from the roost as an adult. This 4km radius is used to determine the "Sustenance Zones" around roosts, although they will travel further when moving between different roosts. Juveniles typically only forage within 1 km of the roost in their first summer, so foraging habitat close to maternity roosts is particularly important. Hibernating bats are known to feed less frequently and within shorter distances during winter months.

9.54 The council has jointly adopted the South Hams SAC Habitats Regulations Assessment Guidance. The guidance assists those submitting planning applications for development that could have an adverse effect on the integrity of the South Hams SAC Greater Horseshoe Bat population. The document identifies a Consultation Zone which includes roosts, Sustenance Zones, and Landscape Connectivity Zone. It also identifies pinch points, where further development could restrict the movement of bats and existing mitigation features required for previous developments.

9.55 **The Lyme Bay and Torbay Marine SAC:**
Torbay has a rich marine environment and its coastal waters are designated as both a Marine SAC and a Marine Conservation Zone (MCZ). The SAC hosts reefs and sea caves, supporting a variety of marine life. The MCZ protects nine different marine habitats which include seagrass beds and the intertidal area.

9.56 The features of the Marine SAC and the MCZ are sensitive to changes in water quality. Sewer spills and sewer flooding must be avoided. Surface water run-off pollution (oil spills, chemicals etc.) during construction and operation phases is likely to have a cumulative negative impact on both water quality and species along Torbay's coast. Discharge of

pollution from the land could potentially impact on the interest features in the site by causing change in physicochemical conditions of the overlying water, such as change in temperature, turbidity, salinity, and increase in nutrient and organic matter.

9.57 There are a number of measures contained within the Local Plan Policies that would reduce the impact of development proposed by the Local Plan on coastal waters and minimise sewer outfalls, particularly at Hopes Nose, Torquay. Policies ER1, ER2, ER3, ER4, W5, GIS provide further detail.

9.58 The SAC Sea caves are unique within the UK and contain very sensitive fauna that are potentially vulnerable to damage. Risks for the caves relate to damage from people accessing for wild swimming, kayaks, paddleboards, personal watercraft, diving, coasteering and people accessing the shoreline on foot at low tide.

9.59 At present the SAC sea caves are recorded as being in Favourable condition. There is no evidence currently available to conclude that recreational activities are damaging the SAC features, or that recreational activities are attributable to the housing numbers identified in the Local Plan. Individual planning applications that have a clear link to increased recreational use of the coast will need to be subject to project-level HRA, and a bespoke package of measures will need to be secured to address the specific impacts of the proposed project.

Policy NC1: Biodiversity and ecology

Part 1: Protection of internationally and nationally important wildlife sites

Internationally and nationally important sites and species will be protected. Development proposals must undertake a thorough assessment of impacts on internationally and nationally important sites (both individually and in combination with other developments) and must avoid impacts in the first instance. Development that enhances internationally and nationally important sites will be supported.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless it is demonstrated that all the following criteria are met:

1. **Alternative sites have been considered, and the development cannot be located on an alternative site that would cause less or no harm.**

2. **The proposal cannot be achieved through an alternative, less harmful design or form.**

3. **Suitable avoidance and mitigation (and exceptionally compensation) measures are proposed, in accordance with the mitigation hierarchy.**

4. **In respect of European sites, the effects can be fully mitigated and the integrity of the site will be maintained.**

5. **The public benefits of the proposal clearly outweigh the harm.**

6. **Where permanent or long-term temporary habitat loss or direct reduction of habitat condition is identified, bespoke compensation measures will need to be agreed. This must be undertaken as early as possible and include utilisation of the Discretionary Advice Service from Natural England.**

Development likely to affect an international site will be subject to assessment under the Habitat Regulations. Currently there two European designated sites within the Torbay boundary, the South Hams SAC and the Lyme Bay and Torbay Marine SAC.

Internationally and nationally important designations are listed in detail in Appendix D.

Part 2: Protection of regionally and locally important wildlife sites and features

Development which conserves, restores or enhances regionally and locally important wildlife-rich sites, networks, priority habitats and geodiversity will be supported.

Development proposals that would cause a direct or indirect adverse effect upon the above will not be supported unless the following criteria are met:

1. **They cannot be located on alternative sites that would cause less or no harm. Every effort has been made to minimise any damage.**

2. **The public benefits of the proposal clearly outweigh the impacts on the features of the site and the wider network of natural habitats and designated sites.**

3. **Suitable avoidance, mitigation and compensation measures are proposed, in accordance with the mitigation hierarchy.**

Developments should provide an assessment of biodiversity value. This should particularly include any features that have previously been identified that would

support designation as a County Wildlife Site or Regionally Important Geological Site and measures to conserve and enhance them.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.60 Statutory designated wildlife sites benefit from substantial protection under national legislation. This policy does not duplicate these protections but provides additional detail on permissible impacts and biodiversity enhancement expectations.

9.61 International and nationally important sites falling under this policy include:

a. Special Areas of Conservation (SAC)

b. Special Protection Areas (SPA)

c. Proposed SACs

d. Potential SPAs

e. Ramsar sites

f. Areas secured as compensation for damage to an internationally or nationally designated site

g. Sites of Special Scientific Interest (SSSI)

h. Marine Conservation Zones (MCZ)

i. National Nature Reserves (NNR)

9.62 Regionally and locally important wildlife and geological sites include:

a. Local Nature Reserves (LNR)

b. County Wildlife Sites (CWS)

c. Other Sites of Wildlife Interest (OSWI)

d. Regionally Important Geological Sites (RIGS)

e. Special verges

f. Habitats of Principle Importance, as listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (identified through site survey work or as identified through existing mapped resources)

9.63 The NPPF requires local plans to identify and map sites of international, national and local importance and to avoid harm where possible, followed by mitigation of impacts, and then compensation for harm as a last resort. Where harm involves protected species of European significance, it must be noted that compensation can only be considered where it can be shown that the development proposal is in the national interest.

9.64 Torbay has both European and UK protected species and also UK priority habitats and species. Torbay has one of the largest populations of Cirl Buntings in the UK. They are one of Britain's most endangered song-birds. However, targeted protection and management has achieved increases in the numbers of Cirl Buntings. Guidance on this species has been produced by Devon County Council in collaboration with RSPB (November 2014). Development should safeguard Cirl Bunting habitats, either directly or by contributing to offsetting by provision of receptor habitats.

9.65 Torbay also has populations of bat species, reptiles, seabirds and seahorses. These are protected under non-planning legislation including the EU Habitats Regulations, the Wildlife and Countryside Act 1981 or local protection frameworks, such as County Wildlife Sites. Torbay also has several areas of ancient woodland that form an irreplaceable biodiversity resource both for its diversity of species and for its longevity as woodland. Veteran or aged trees outside ancient woodland are also particularly valuable. Irreplaceable habitats should be protected; to be acceptable, development would clearly need to outweigh any harm.

9.66 Torbay has a very rich marine environment and the coastal waters are designated as Lyme Bay and Torbay Marine Special Area of Conservation (SAC) and they are also designated as a Marine Conservation Zone (MCZ). They host a number of reefs and sea caves, supporting a variety of marine life. The Local Plan requires development to minimise the impact on sewer outfalls, particularly at Hopes Nose, Torquay. In particular the provision of sustainable urban drainage and water-sensitive urban design is promoted by Policies ER1, ER2, ER3 and W5.

9.67 The council will seek to improve the net biodiversity and geodiversity value of Torbay, including increasing the number and proportion of Local Wildlife Sites (CWS and RIGS) in 'positive management'. This could include enhancing the status of Proposed and Unconfirmed Wildlife Sites (UWS). Development should therefore be located to minimise its impact on biodiversity. There will be instances where development has a knock-on impact on habitats. Mitigation and/ or compensation will be necessary to ensure that a net gain in biodiversity is achieved. This may include offsetting unavoidable impacts as a last

resort of the mitigation hierarchy. Measures such as strengthening of flight paths, corridors, appropriate planting of biodiversity-rich species, the creation of habitats and biodiversity management programmes will be required through planning condition or s106 Planning Obligations. Biodiversity impact is an on-site acceptability matter and cannot be avoided to assist scheme viability.

9.68 New development should maximise opportunities to create features for wildlife through landscaping and design; this may include artificial bird nesting and bat roosting sites/boxes where appropriate.

9.69 A schedule of Torbay's SSSIs, National Nature Reserves and Local Sites of Wildlife and Geological Interest is set out in Appendix D. The council supports the RSPB's aspiration for an average provision of one new bird or bat box per new dwelling. Supplementary guidance will be produced on maximizing opportunities for wildlife features in design and landscaping.

Policy NC2: Species of principal importance

Development proposals that would have an adverse impact on European Protected Species (EPS), Nationally Protected Species, Section 41 Priority Species, or Devon Local Priority and Special Species will not be supported.

Particular regard must be given to potential impacts on Cirl Bunting habitats and territories. Development affecting Cirl Buntings will only be permitted where the benefits of the proposal clearly outweigh the impacts, including cumulative effects, and where those impacts can be fully mitigated.

Development must reflect species-specific guidance, including the Devon Local Nature Recovery Strategy and the most up-to-date Torbay Green Infrastructure Strategy.

All development should incorporate opportunities to enhance habitats for Protected and Priority Species within the built environment in addition to features required as part of biodiversity net gain, mitigation or compensation. This may include features such as bird, bat and invertebrate boxes, swift bricks, bee bricks, and hedgehog holes and permeable boundaries.

Enhancement provision should be proportionate to the scale of development. As a minimum guide, the following should be provided per dwelling or per 100 sqm of non-residential floorspace as a minimum, in suitable locations:

a. 2-4 integrated bird boxes such as swift bricks

b. 1-2 bat boxes

c. 1 bee brick

Where appropriate, a monitoring scheme must be agreed and secured prior to granting planning permission. This should ensure mitigation measures are implemented effectively and include any necessary remedial actions.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.70 A wide range of species are protected under international and national legislation both within and outside designated protected habitats. In Torbay, European Protected Species include bats, hazel dormouse, and great crested newt. UK Protected Species include cirl bunting, barn owl, and Deptford pink.

9.71 Species listed as of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006 are also protected through national planning policy. The list includes over 800 species such as hedgehog, skylark, and brown hairstreak butterfly.

9.72 The Devon Local Nature Partnership has identified approximately 1,600 species considered rare in Devon (Devon Priority Species), along with a list of 96 species known as Devon's Special Species, for which the county has a particular conservation responsibility, including the long-snouted sea horse, grey long eared bat and hazel dormouse.

9.73 Further species-specific guidance is available on the council's website and Devon County Council's website.

9.74 Development can positively or negatively affect biodiversity, depending on its location, design, and mitigation. This policy aims to ensure development delivers biodiversity benefits and supports the objectives of the Environment Act 2021.

9.75 NPPF paragraph 185b emphasizes enhancing ecological networks and recovering priority species. This policy supports those aims by requiring features that benefit priority species which can thrive in urban environments if provided with suitable habitats.

9.76 Guidance from organisations like the National House Building Council and UK Green Building Council highlights cost-effective, low-maintenance measures that integrate biodiversity into the built environment.

9.77 Additional features for wildlife enhancement:

- Reptile/amphibian hibernacula;
- Brash and log piles;
- Invertebrate bricks and bee hotels;
- Wildlife ponds;
- Sustainable urban drainage systems (e.g., swales and pools with native vegetation);
- Native hedge planting;
- Swift/wildlife towers and green roofs;
- Barn owl lofts;
- Bat, bird, and dormouse boxes in trees and hedges.

9.78 These features should be designed with input from qualified ecologists and integrated into development to ensure longevity and retention.

Policy NC3: Biodiversity Net Gain

On all development sites, a measurable 10% Biodiversity Net Gain (BNG) must be achieved, except that which is exempt as set out within The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The 10% BNG should be delivered on-site wherever possible. Where it is not possible to achieve this level of biodiversity net gain on site, or where onsite net gain would not generate the most benefits for nature conservation, off-site provision will be considered, in accordance with the Biodiversity Gain Hierarchy (avoid harm in the first instance).

When identifying opportunities for on- and offsite biodiversity net gain, the location, type and form of net gain should seek to support nature-based solutions to climate change, reduce flood risk, preserve best and most versatile agricultural land. Net gains should be located to help to deliver the most up to date Torbay Green Infrastructure Strategy and/or the Devon Local Nature Recovery Strategy by reflecting the strategic significance of sites (defined in glossary).

Where practicable, off-site provision should be directed towards areas within Torbay, unless an alternative location offers more appropriate biodiversity net gains and is agreed by the council.

Notwithstanding the Biodiversity Gain Requirements (Exemptions) Regulations 2024, all development proposals should incorporate biodiversity enhancements into designs. Development proposals where the main objective is to conserve or enhance biodiversity or geodiversity, or to create greater resilience of biodiversity or geodiversity to climate change, will be supported in principle.

Development that results in the loss or deterioration of 'irreplaceable habitats' will not be permitted.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.79 This policy seeks to achieve 10% BNG (as required by legislation) and provides additional guidance on how and where BNG should be delivered, with a preference for delivery locally within Torbay and reflecting the Devon, Plymouth and Torbay Local Nature Recovery Strategy.

Policy NC4: Light pollution

All development proposals will be designed to avoid, minimise, and mitigate, any harm arising from light pollution, lightspill or glare. Proposals for external lighting, new development/uses that will require external lighting, or designs that includes large areas of glazing or reflective materials will only be permitted where all the following apply:

1. **Any external lighting is demonstrated to be necessary for the development or use and the amount of lighting used is the minimum required for security/safety and/or operational purposes;**

2. **Light spillage or glare will be minimised to an acceptable level;**

3. **The character of the surrounding landscape and seascape, character and visual amenity of streetscape or townscape, and heritage significance is conserved or enhanced, taking account of existing light levels. Particular weight will be given to the conservation or enhancement of the South Devon National Landscape's dark skies and Greater Horseshoe Bat foraging and commuting habitats;**

4. **Ecological interests are conserved or enhanced, taking account of the level of protection of the species and habitats and the type, duration, and intensity of artificial light/light spill/glare;**

5. **There is no adverse effect on the integrity of a European Wildlife Site. Proposals likely to effect South Hams SAC bats through increased lighting will require a lighting assessment and design strategy prior to inform a project level HRA prior to permission being approved.**

Any harm that remains once a proposal has been mitigated will be balanced against the need for the development/use, along with any public benefits that would result.

Where new development will require artificial lighting to operate, e.g. for reasons of security or safety, or, where development would introduce a new use sensitive to light intrusion, particular consideration will be given to the suitability of the location for the development.

Proposals for lighting schemes that would improve the safety or visual amenity of areas within the public realm, historic townscapes or better reveal the significance of a heritage asset and its setting will be supported subject to the above.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment

Explanation

9.80 Some artificial lighting can benefit society, e.g. street lighting and providing sporting/recreation opportunities outside daylight hours. It can also help to enhance the public realm or heritage significance. However, there is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems through disrupting natural light-driven cycles that regulate marine life, migration, reproduction and feeding patterns.

9.81 Light pollution is a driver of insect decline and many night-flying species of insect that bats hunt are attracted to light, especially those light sources that emit an ultraviolet component or have a high blue spectral content. Broad winged bat species (including Greater Horseshoe Bats) have been shown to avoid illuminated commuting and foraging. Consequently, these bat species are put at a competitive disadvantage and are less able to forage successfully and efficiently in well-lit areas. Continuous lighting in the landscape, such as along roads or waterways, creates barriers which many bat species cannot cross, even at very low light levels.

9.82 In addition to the environmental impacts, ALAN can also affect human health and well-being, with links to cancer, diabetes and sleep disorders.

9.83 The proliferation of short-wavelength, blue-toned white lights since the advent of energy-efficient light-emitting diodes (LEDs) in the early 2000s has compounded this issue. This type of light is strong enough to penetrate deep into coastal waters, reaching more than 40 metres beneath the surface in areas with clear water and high intensity illumination.

9.84 Alongside our rare terrestrial and marine life, parts of Torbay are within the South Devon National Landscape. The impact of light pollution and skyglow can be seen across the National Landscape and can negatively impact landscape, seascape, townscape/streetscape character and heritage significance.

9.85 There are often technical and practical ways that the impacts of ALAN can be reduced or removed, e.g. through careful design, positioning and direction, sensors, or reduction in the intensity or hours of use. Impacts can also be reduced by avoiding short wavelength blue light and using longer-wavelength, redder bulbs or, at a minimum, lower colour temperature LEDs.

9.86 Proposals including significant external lighting will require a lighting impact assessment prepared by a lighting specialist. Where the council decides to grant planning permission, conditions may be used to mitigate any significant impact such as: hours of illumination; angle of lights; light levels; column heights; specification and colour; retention of screening vegetation; or use of planting and bunding.

Policy GE1: Geodiversity and English Riviera UNESCO Global Geopark

All development must conserve and enhance Torbay's terrestrial and marine geodiversity, particularly the geosites identified within the English Riviera UNESCO Global Geopark (ERUGGp).

Development must provide a level of protection to locally significant geological sites which are undesignated, commensurate with their importance.

Development proposals that would cause a direct or indirect adverse effect upon both of the above will not be supported unless the following criteria are met:

1. **They cannot be located on alternative sites that would cause less or no harm. Every effort has been made to minimise any damage.**

2. **The public benefits of the proposal clearly outweigh the impacts on the features of the site and the wider network of geosites.**

3. **Suitable avoidance, mitigation and compensation measures are proposed, in accordance with the mitigation hierarchy.**

Developments should provide an assessment of geological interest, including any features that would support designation as a Regionally Important Geological Site and measures to conserve and enhance them. The objectives of the most up to date ERUGGp Management Plan must also be taken into consideration.

The promotion, improvement and appropriate management of Torbay's special geological qualities will be supported and will be a key element in promoting sustainable tourism and fostering pride in the area's unique environment. The council will seek to promote public access to, appreciation and interpretation of geodiversity.

Link to the Community and Corporate Plan – Protecting and enhancing our natural environment and heritage

Explanation

9.87 Torbay's designation as a Global Geopark is based upon the outstanding international importance of 32 geosites (i.e. sites of significant geological interest within the Geopark) spanning a story of three geological time periods over 400 million years. In this context, Torbay has made a huge historical contribution in terms of the development of geological and archaeological sciences. The consideration of geology as part of the planning process alongside appropriate conservation, management, and enhancement of geology is fundamental to the retention of the status.

9.88 Within Torbay there are eleven geological Sites of Special Scientific Interest (SSSIs) and sixteen Regionally Important Geological Sites (RIGS). The designation integrates these sites, which are listed in Appendix D. Many of Torbay's geologically important sites are disused quarries that have exposed geological and fossilised features. Development affecting geological sites of interest should retain, protect and provide for the appropriate management of such features.

9.89 It is known that there are sites of geological significance in Torbay where the geological value is yet to be recognised/recorded because the sites have not yet been designated. As such, any new or temporary exposures may reveal new sites of value worth recording and/or protection. These sites could be in the form of an old quarry, cliff face or cutting, or sites subject to coastal erosion on the foreshore.

Strategic Policy GIS: Green and blue infrastructure

Development will be required to protect, enhance and integrate with the existing green and blue infrastructure (GBI) network and deliver new high quality GBI tailored for and accessible to local needs.

Development will support the strategic local needs for specific GBI as identified in relevant local strategies such as GBI Plans and Open Space Strategies, including appropriate standards and metrics. The Local Plan makes specific provision for:

1. **A new local burial facility**

2. **A Suitable Alternative Natural Greenspace (SANG)**

Site and context analysis must be used to determine the appropriateness of a development proposal in responding to its surroundings, in the context of GBI.

Developments should ensure that new and existing GBI forms a multifunctional network which maximises the full range of potential benefits as far as possible. In doing so, development will support the Local Plan's strategic aims by increasing the quantum, quality and capability of GBI to be a resource that underpins Torbay's environmental, social and economic success.

All development should be located and designed to avoid the loss and fragmentation of GBI. Developments will be required to make contributions proportionate to their scale for the management and improvement of GBI. The integration of new GBI with the active travel network (including South West Coast Path and existing foot/cycle paths) will be supported and secured as part of design where possible.

Development will be assessed against how it complies with the following criteria, proportionate to its scale:

a. **GBI is central to the design of new development at the outset. Development must respond to the site and its surroundings in terms of the landscape context and any existing GBI assets. GBI which addresses local issues (such as flood risk, health, biodiversity) and most effectively benefits the wider area should be incorporated.**

b. **Multifunctional spaces are provided which connect to the existing network of green infrastructure. The provision of new or improvement of existing GBI which contributes to multiple objectives including climate change mitigation/adaptation, flood risk mitigation, physical and mental health, nature recovery, the local economy, etc will be supported.**

c. **Public open space and public access are considered at an early stage and form a key driver for the layout of development schemes. The type of open space provided should respond to the needs of local communities. Proposals which undertake early practical engagement with communities and utilise evidence around green infrastructure needs will be considered favourably;**

d. **The safety, amenity and use of public open space, access routes and green corridors (including urban wildlife corridors) is considered. Schemes which are publicly accessible should be designed to encourage community integration, civic pride, healthy active lifestyles and safe access for all;**

e. **GBI has been designed to create and restore native wildlife rich habitats and to help deliver the most up-to-date local GBI objectives, such as those set out in the Local Nature Recovery Strategy, Tree Strategy, and local Green Infrastructure Strategies in Torbay;**

f. **Where necessary, GBI should be designed to mitigate for loss of foraging habitat and/or linear features used as flyways by Greater Horseshoe Bats where the features lost contribute to the integrity of the South Hams SAC; and**

g. **Long term stewardship of new and existing GBI will be provided, including effective management and maintenance covering the funding arrangements for the delivery and upkeep. Torbay Council will seek to adopt GBI provided as part of new development in the first instance.**

Link to the Community and Corporate Plan – Place and Community

Explanation

9.90 Green and blue infrastructure is a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

9.91 The Local Plan makes provision for a burial facility and a SANG, as key specific green infrastructure needs.

9.92 Analysis shows that burial facilities in Torbay are nearing capacity. Local evidence suggests that Torbay needs to provide up to 1,500 burial plots over the Plan period. This

equates to at least 1ha of burial land, which will be identified by the Local Plan in the Broadsands, Churston, Galmpton Neighbourhood Plan Area.

9.93 Visitor monitoring at Berry Head during the summer of 2023 showed that the total footfall of visitors per hour to Berry Head has increased by 16% compared to 2016. Vegetation monitoring carried out in the same year revealed changes in the character of the habitats for which Berry Head is designated, with a decline in the condition of sensitive areas compared to monitoring in 2016. Given the current condition of the site, the Local Authority considers that visitor numbers at Berry Head have exceeded capacity, and mitigation alone is unlikely to be sufficient to prevent degradation because of recreation arising from new housing/tourist developments in the zone of influence. A SANG will need to be provided for in the Local Plan update within the Broadsands Churston and Galmpton (BCG Villages) / Brixham area (see Policy NCS2).

9.94 Green infrastructure is a fundamental part of sustainable development and supports a wide range of activities and functions that are vital for society to function effectively. This includes benefits for health and wellbeing, the economy, air quality, nature recovery and delivering net zero targets, as well as adapting to climate change by providing urban cooling and flood risk management. As such the council will seek to ensure that the network of green infrastructure is protected and enhanced.

9.95 Green infrastructure can be viewed at a variety of scales, at the smallest scale elements such as trees, grass verges, green roofs, living walls through to larger landscape scale elements such as parks, wetlands, community gardens, etc. Green infrastructure elements at all scales are important and have their role to play in delivering Torbay's wider network and therefore development at all scales must consider opportunities to provide, safeguard and improve it. Green infrastructure provides an important element of sustainable drainage. Drainage and flood resilience measures should prioritise natural solutions and water sensitive urban design, rather than relying on engineering solutions. Refer to Policies ER1, ER2, ER3 and ER4 for detailed drainage requirements.

9.96 In assessing the needs and opportunities for green infrastructure, proportionate to its scale, development should be sensitive to its local context and make best use of local evidence to determine the strategy and design of green infrastructure elements. This may include utilising landscape assessments, ecological data, health and wellbeing data, local sources of information on communities, etc. Careful and targeted engagement as part of the development design process, with the local authority, stakeholders and the wider community also offers rich potential to understand local needs and design the best solutions. When considering access for all potentially disadvantaged groups of people based upon age, socio-economic status, sex and mobility should be taken into consideration.

9.97 Where green infrastructure is provided as part of a development proposal and this is supported by relevant assessments of quality according to industry standards (e.g. building for a healthy life, building for nature, etc.), this will be encouraged and adds weight to the justification of approach.

9.98 The council will work with key partners to improve Torbay's rich terrestrial and marine environments. This takes a network approach going beyond looking at individual sites to the bigger picture, including the links between spaces, the multiple purposes they can have and wider environmental benefits.

9.99 Country parks and other green infrastructure are often of historic importance, particularly Cockington (Torquay) and Berry Head (Brixham). Policies HES and HE1 are relevant to the consideration of these historic assets.

Chapter 10: Our Shared History - Protecting and enhancing Torbay's heritage and identity

Introduction

10.1 Torbay has a rich and varied history, which has helped create a high-quality built environment in which to live, work and visit. The Community and Corporate Plan aims to maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors.

10.2 The current Torbay Heritage Strategy was adopted in November 2020. Torbay Heritage Strategy - Torbay Council which describes Torbay's rich heritage and sets out objectives to conserve, manage and enhance Proposals should have regard to this document or any replacement.

10.3 Torbay's relationship with the sea has helped shape Torbay's built form. Its history is evidenced by a wide range of historic features, including Palaeolithic sites and finds of international importance (e.g. Kents Cavern), Bronze and Iron Age field systems in St. Marychurch, mediaeval manors that remain the basis of settlement patterns, the best preserved monastic remains in Devon, and Napoleonic and Second World War fortifications in Brixham. Paignton boasts one of the oldest purpose built cinemas in Europe. During the 19th Century, the main settlements in Torbay expanded in a very different way from previously. The arrival of the railway and development of tourism, combined with the close relationship with the coastal strip, the sea and buildings, resulted in the creation of the English Riviera. This was and remains strongly influenced by an Italianate aesthetic, especially characterised by large ornamented villas set in landscaped grounds:

10.4 The integration of Torbay's heritage assets with modern development forms an important part of the conservation and development of Torbay's unique character.

10.5 The Local Plan places great emphasis in regenerating urban areas, many of which contain both designated and un-designated heritage assets. Regenerating urban areas, particularly in town centres and harbourside and Waterfront Areas is one of the few options Torbay has to provide high quality homes, and the public benefit that development achieves must be recognised in the planning balance. Urban renewal, regeneration, and preservation of the historic environment can give rise to competing pressures. Careful development management is essential to ensure heritage assets and key features are

conserved or enhanced through heritage-led regeneration while ensuring good quality development which contributes to the community good.

10.6 The historic environment adds value to regeneration and has been a major draw in attracting visitors to the Bay and acting as a stimulus to economic and tourist activities. It is also a source of demonstrable local pride as well as a valuable educational and aesthetic resource.

Policy HES: Historic environment strategy

Development will be required to sustain and enhance monuments, buildings, areas, street furniture, walls and other features which make an important contribution to Torbay's built and natural setting and heritage, for their own merits and their wider role in the character and setting of the Bay. This includes all designated and undesignated heritage assets, including scheduled monuments, historic buildings (both nationally listed and of local importance), registered historic parks and gardens, conservation areas, and archaeological remains; and their settings.

All heritage assets and their settings will be conserved, proportionate to their significance.

Proposals which affect heritage assets will be assessed on the following criteria:

1. **The impact on the significance heritage assets, and their settings;**
2. **The need to encourage appropriate adaptations and new uses and to support appropriate urban regeneration;**
3. **The importance of protecting and promoting the assessment and evaluation of Torbay's scheduled monuments and archaeological remains and their settings, including the interpretation and publication of archaeological investigations within the Historic Environment Record;**
4. **The impact on vistas and views of Torbay's historic built environment.**
5. **Whether the impact of development, alteration or loss is necessary in order to deliver demonstrable public benefits taking into account the significance of the heritage asset; and**
6. **Whether new development contributes to the local character and distinctiveness of the area, particularly through a high quality of design, use of appropriate materials, or removal of deleterious features.**

7. **Proposals that enhance heritage assets or their setting will be supported, subject to other Local Plan policies.**

Link to the Community and Corporate Plan – Conserving and Enhancing our Shared Heritage

Explanation

10.7 Policy HES seeks to ensure that heritage assets are safeguarded for the future, and where possible enhanced both for their own merits and as part of regeneration projects. It is also sufficiently flexible to ensure that any harm to the significance of a historic asset can be weighed against the wider benefits of an application, eg. Social, economic and environmental enhancement. An Independent Statement of Heritage Significance will be required in support of an application that has a potential impact on heritage assets**,** and their settings. This should be proportionate to the scale of the proposal, but is particularly relevant to applications affecting listed buildings and key buildings within conservation areas.

10.8 Once heritage assets have been lost, they cannot be replaced, while their significance can be eroded through unsympathetic alteration or development within their setting. The council will expect all reasonable efforts to be made to find a viable use for a heritage asset in order to conserve its significance. Where there is evidence of deliberate neglect or damage to a heritage asset, the deteriorated state of the asset will not be taken into account in decision making.

10.9 Historic Landscape Characterisation, Conservation Area Appraisals and Management Plans Conservation Area Appraisals - Torbay Council and the Historic Environment Record (HER), Historic Environment Record (HER) - Devon County Council and the Torbay Heritage StrategyTorbay Heritage Strategy - Torbay Council will be used to further inform and understand the contribution that designated and undesignated heritage assets make to Torbay's history, character and communities.

10.10 Adapting historic buildings to improve energy efficiency and resilience to climate change is an important consideration. Historic England provides guidance on improving energy efficiency https://historicengland.org.uk/images-books/publications/eehb-how-to-improve-energy-efficiency/ as well as installing heat pumps. **https://historicengland.org.uk/advice/technical-advice/retrofit-and-energy-efficiency-in-historic-buildings/low-and-zero-carbon-technologies/installing-heat-pumps-in-historic-buildings/** Where adaptations are carried out, they should be reversable wherever possible.

10.11 Torbay also has a rich cultural, geological and social heritage, and is a global Geopark. Policies SS8 and C3 which are relevant to natural features and naturalised manmade features (such as hedgerows or historic ruins) of historic and landscape significance.

10.12 In determining planning proposals, the council will seek to achieve improvements to the built and historic environment, and will seek to support proposals that enhance these. Regard will be had to the need to find uses for historic buildings that may now be less suitable for their current purpose. The use of traditional local materials will be sought where it is appropriate to do so.

10.13 The removal of unsightly later additions to historic buildings will be sought when negotiating the change of use of buildings**.** Policy TO2 sets out criteria for considering proposed change of use of holiday accommodation, and seeks the removal of unsightly later C20th additions to historic buildings, which were only deemed acceptable to support tourism.

10.14 The council has a rolling programme to prepare and update Conservation Area Appraisals, which are available at Conservation Area Appraisals – Torbay Council .

Policy HE1: Designated Heritage Assets (CAs Listed Buildings Structures and Gardens, Scheduled Monuments)

Development proposals should have special regard to the desirability of preserving any designated heritage asset including listed buildings, parks and gardens and scheduled monuments, and their setting. Special regard should be had to features of special architectural or historic interest which they possess.

In particular, proposals causing substantial harm to, or loss of, a Grade 2 listed building, park or garden will be refused other than exceptional circumstances. Proposals involving substantial harm to or loss of designated assets of the highest significance, notably scheduled monuments, Grade 1 and 2* listed buildings and Grade 1 and 2* registered parks and garden will be refused other than in wholly exceptional circumstances.

Where a proposal results in less than substantial harm to the significance of a designated heritage asset, permission will only be granted where both of the following are met:

1. **The harm is outweighed by the wider public benefit, and where appropriate securing a viable long term use for the asset; and**

2. **It is robustly demonstrated that other options avoiding or minimising harm to the asset have been explored and are not reasonably viable.**

Suitable uses for listed buildings will be supported where this would help to preserve or enhance their significance, with historic features being restored and deleterious additions being removed wherever possible. New development should respect the scale, form, orientation, purpose and architectural detailing of any designated heritage asset it affects.

Link to the Community and Corporate Plan – Pride in Place

Explanation

10.15 Policy HE2 deals with designated heritage assets, including listed buildings, Historic Parks and Gardens and scheduled monuments. Conservation areas are also designated heritage assets, Policy HE3 is also relevant to these.

10.16 Torbay has over 866 entries in the English Heritage National Heritage List, including 29 of Grade II*. Many are also within conservation areas. Historic buildings are an important part of the character and urban form of Torbay and as such it is important that they are maintained. Conservation is the positive management of change rather than simply preserving a heritage asset. This approach allows historic building to change and adapt to new uses and circumstances in a way that keeps their heritage value intact and ensures their long term maintenance and viability.

10.17 The Planning (Listed Buildings and Conservation Areas) Act 1990 also provides special protection to listed buildings, and consent is required to make alterations or demolitions to the building, including internal features and features within the curtilage built before 1948.

10.18 Torbay also has six parks and gardens which are listed in the National Register of Parks and Gardens of Historic Interest. The Register is intended to ensure that their historic value is taken into account when considering development proposals. Torbay's parks and gardens listed in the national register are listed below. All are Grade II apart from Lupton, which is Grade II*.

- Watcombe (Brunel) Park, Torquay
- Barton Road Cemetery, Torquay
- Castle Tor, Torquay
- Princess Gardens and Royal Terrace Gardens, Torquay

- Oldway Mansion, Paignton
- Lupton Park, Brixham

10.19 A small number of historic buildings or sites have special protection as Scheduled Monuments, which are of national importance. They are protected under the Ancient Monuments and Archaeological Areas Act 1979. Historic England considers applications to schedule or de-schedule monuments on behalf of the Department for Culture, Media and Sport (DCMS). Torbay contains 13 Scheduled Monuments:

- Ashole Cavern, Brixham
- Berry Head Fort and Battery, Brixham
- Hardy's Head Battery, Brixham
- Chambered tomb, 630m north west of Elberry Farm Churston-with-Galmpton
- Kent's Cavern, Wellswood, Torquay
- Prehistoric field system, Walls Hill, Babbacombe
- St Michael's Chapel, Chapel Hill, Torre
- The Bishop's Palace, Tower Road, Paignton
- The Old Redoubt and later Victorian Rifle Range Target, 540m south west of Berry Head Fort, Brixham
- Torre Abbey, Torquay
- Two prehistoric hilltop enclosures, a ditch system and four bowl barrows, 300m north of Barton Pines, Blatchcombe, Paignton
- Windmill Hill Cave, Brixham
- World War II Emergency Coastal Battery and remains of a Victorian practice battery, at Battery Gardens, Brixham.

Policy HE2: Conservation Area protection and enhancement

Proposals within or affecting a Conservation Area should pay special attention to the desirability to preserve or enhance the character and appearance of Conservation Areas.

Proposals affecting Conservation Areas will be assessed on the basis of

1. **Significance of the asset;**

2. **Level of harm;**

3. **The public benefits arising from the proposal;**

4. **The necessity of carrying out works to adapt or create resilience to climate change, providing the least intrusive method or technology has been adopted;**

5. **The desirabity of retaining key buildings and features within Conservation Areas.**

6. **The benefits of identifying a long-term viable use of a heritage asset, particularly those identified as being at risk**

Proposals involving demolition of buildings or structures of demonstrable significance within Conservation Areas or their setting must show that all options for retention have been assessed, including all possible funding sources and other feasible options that would be less harmful have been explored.

Link to the Community and Corporate Plan – Pride in Place

Explanation

10.20 Conservation Areas are designated under conservation legislation, currently the Planning (Listed Buildings and Conservation Areas) Act 1990. Torbay has 24 Conservation Areas as set out, for information, in Appendix F and indicated on the Policies Map. Section 72 of this legislation sets out a duty in conservation areas to pay *"special attention to the desirability of preserving or enhancing the character or appearance of the area".*

10.21 Key buildings and features within conservation areas are identified within the council's Conservation Area Appraisals. Conservation Area Appraisals and associated Management Plans for each conservation area will be prepared and periodically reviewed.

Demolition within Conservation Areas

10.22 Conservation Areas (and listed buildings) are protected by the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires consent to be obtained for the demolition of buildings in Conservation Areas, in addition to planning permission for development. The demolition of buildings or boundary features within Conservation Areas can seriously harm the character and appearance of areas. Many buildings of quite modest architectural

merit can still be of importance in Conservation Areas where they form part of a street façade or maintain a pattern of building and open space, or have historic significance.

10.23 Many Conservation Areas owe their character to a significant extent to the presence of boundary walls of local stone, which may also serve as retaining walls. Some are listed in their own right but others are protected by the fact that they form part of the curtilage of a listed building or because they are in Conservation Areas. The council aims to ensure that these walls are retained and that, where repair or reconstruction are required, this is carried out sympathetically.

Alterations in Conservation Areas

10.24 Roof materials and coverings, chimneys, cornices and mouldings, original windows and shopfronts, railings and boundary walls all make an important contribution to the character of a Conservation Area. Alterations and extensions of buildings in Conservation Areas can easily lead to their visual character being harmed by alterations or extensions which on houses (but not flats or commercial properties) can often be carried out as permitted development. Examples are porches, stone cladding, PVCu windows, dormer windows and satellite dish aerials. In appropriate situations the council will introduce Article 4(2) Directions to bring such items under normal development control

10.25 Policy HE2 seeks to balance the need to conserve the character and appearance of conservation areas, with the need to provide resilience to climate change and for buildings to remain suitable for modern occupation. However, proposals should utilise the least intrusive method, such as the use of traditional materials (e.g. wood rather than PVC-u) and locating equipment such as solar PVC-U out of public view where possible. They should take a whole house approach to consider improving energy efficiency of the entire building, rather than focussing just on individual features.

10.26 The council's officers will advise applicants and, officers will encourage any alterations or adaptations to be carried out sensitively to the character and appearance of the host building. Additional guidance on adapting heritage assets in the face of the Climate Emergency will be published.

Development proposals in Conservation Areas

10.27 It is recommended that when submitting outline planning applications for development within Conservation Areas, details relating to elevations, height, massing and scale are considered. Inappropriate development just outside the boundary can be as damaging to the character of the area as if it were sited within the Conservation Area. Therefore, development on the fringes of Conservation Areas must be considered as carefully as that within the boundary

Conserving and enhancing Conservation Areas

10.28 Many of the proposed urban regeneration areas are within conservation areas. These offer opportunities for conservation area enhancement, for example through traffic management, street furniture and the promotion of enhancement schemes. The aim will be to ensure that changes are sympathetic and features that make a positive contribution to the character of the Conservation Area are not lost. The council will seek to ensure that paving, landscaping, road design and street furniture are appropriate and well designed.

10.29 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to determine which parts of their areas should be designated as Conservation Areas and to review their boundaries "from time to time". The council will consider designating conservation areas where locales have significant architectural or historic value. Similarly, where areas are not of significant historical or architectural value, a conservation area designation can devalue the concept, and the council will consider removing such areas once appropriately reviewed.

Policy HE3: Non-designated heritage assets

Proposals involving the substantial or complete demolition of a designated or non-designated heritage asset, and those within conservation areas will only be permitted where they minimise the loss or harm to the asset, proportionate to its significance. Proposals should seek to conserve or enhance the architectural or historic value of non-designated assets and where possible provide a long-term viable use of a heritage asset.

Energy efficiency or climate resilience measures will be supported where possible and appropriate.

Link to the Community and Corporate Plan – Pride in Place

Explanation

10.30 Non-designated heritage assets do not enjoy specific planning protection (note that all buildings and structures within conservation areas are designated in relation to its contribution to the significance of the conservation area as a whole). Nevertheless, non-designated assets may be of individual architectural or historic value, and should be conserved where possible, taking into account the need to find viable uses for the assets, and having regard to the wider public value of development.

10.31 The council will consider seeking emergency listing of significant heritage assets that are at risk.

Policy HE4: Schedules of redevelopment of heritage assets

Where Proposals involving demolition of all or part of designated heritage assets and within conservation areas, will only be permitted subject to an agreed schedule of redevelopment, and it is demonstrated to the Local Planning Authority's reasonable satisfaction that redevelopment will proceed.

Where proposals include the demolition of period features or materials, they shall be salvaged and reused as far as practicable.

Link to the Community and Corporate Plan – Pride in Place

Explanation

10.32 The starting point in planning is that buildings of significance to designated heritage assets should be retained, as noted in the above policies and Paragraphs 212-217 of the NPPF. Designated heritage assets should be retained and retrofitted to adapt to modern use, where possible.

10.33 Where key or significant buildings are demolished, the result can be an unsightly gap which may remain undeveloped for years or decades if developments stall. Therefore, where redevelopment or demolition are granted it will be subject to an appropriate condition ensuring that demolition only takes place in conjunction with the redevelopment. Only in instances where the existing building is structurally unsafe, has no architectural, historic or townscape merit, where archaeological investigation of the site is required, will the council consider an earlier demolition, without a schedule for replacement.

Policy HE5: Investigation and preservation of archaeology and historic artefacts

Archaeological and palaeontological remains and their settings should be preserved where the intrinsic and historic importance of these remains outweighs the need for the proposed development. There is a presumption that Scheduled Monuments will be preserved.

Where development proposals affect a site of archaeological potential, the applicant will be required to commission an archaeological assessment or field evaluation and submit the results of any assessment or evaluation to the local planning authority before the application is determined.

Where development has an effect on artefacts, but is assessed to be acceptable, the developer will be required to make provision for appropriate and proportionate archaeological recording, preservation, storage, publication and public curation.

Link to the Community and Corporate Plan – Pride in Place

Explanation

10.34 Policy HE5 requires that the impact of development on archaeological or palaeontological remainsis taken into account in the development process. In most instances, artefacts will be the remains of human activity ("archaeological"). However, the policy also covers pre-human evidence (palaeontological).

10.35 Important archaeological remains and their settings should be preserved in situ as a first option, although each case must be taken on its merits. Where development may affect remains, developers should contact the DCC Council's Archaeology Team before submitting a planning application in order to find out at an early stage whether there are likely to be archaeological constraints. Archaeological appraisals (desk-top studies) and field evaluations may be required for applications where archaeological remains are thought to be present.

10.36 Building and landscape proposals should be designed to minimise the disturbance of archaeological remains as far as practicable. The council will encourage the sympathetic management of sites by planning conditions and legal agreements where appropriate.

10.37 In most cases archaeological remains will not require withholding planning permission. However, where appropriate the council will use planning conditions or obligations to ensure that the archaeological remains are adequately recorded. This will include analysis, interpretation, preservation and curation of the findings and the presentation of results to the public.

Chapter 11: Designed with quality - Taking pride in Torbay's place-making

Strategic Policy DES: Design and placemaking

Development should be well designed to make best use of land and maximise the density of development, whilst protecting living conditions and amenity, respecting and enhancing Torbay's special qualities, including the natural and built environment including areas and buildings of historic interest.

Proposals that achieve a positive contribution to regenerating waterfront and harbourside areas will be supported subject to other planning considerations.

All development should design out opportunities for crime and disorder.

Link to the Community and Corporate Plan – Pride in Place

Explanation

11.1 The Local Plan seeks to maximise opportunities for urban development, especially through town centre regeneration. However, we need to create places that are a good living environment where people want to live, work and play. A high quality of design, that respects living conditions, scale, density, massing, height, material, landscaping, layout, accessibility, safety and security is key to this. Particular attention must be given to conserving or enhancing the character and appearance of conservation areas and other designated heritage assets.

Policy DE1: Design quality and assessment

All development should be well designed, respecting and enhancing Torbay's special qualities, including the waterfront and natural setting of the Bay, and the character of the natural and built environment including areas and buildings of historic interest and the settlement pattern of the three towns, whilst designing out opportunities for crime and disorder.

Major development should be informed by a townscape and/or landscape assessment, including historical context of the site, existing and previous land uses (including agricultural land quality where appropriate) as well as movement patterns through and/or around the site.

All development proposals will be assessed against their ability to meet the design considerations set out below.

DESIGN CONSIDERATIONS FOR DEVELOPMENT	
FUNCTION	
1.	Be adaptable to future change and needs, including that of occupiers;
2.	Promote diversity through a balanced mix of uses that work together and encourage sustainable living; Resist low rise development and promote living accommodation above commercial uses where possible.
3.	Make the best use of space in terms of ground coverage and height, and achieve maximum density consistent with good design principles;
4.	Be designed to reduce crime and the fear of crime by the promotion of safety and security in the design of buildings and surrounding space whilst ensuring that amenities are not unduly affected. Design should also minimise opportunities for community conflict, anti-social behavior and maximise safety for all;
5.	Be economically and socially viable in terms of density, mix, function and location;
6.	Where appropriate ensure equality of access and use for all sectors of the community;
7.	Integration of the development and surrounding green infrastructure, including sustainable drainage and water sensitive urban design;
8.	Achieve a net gain in biodiversity, including tree and hedgerow planting and habitat creation;
9.	Avoid noise and light pollution; and
10.	Promote tenure neutral design, materials and location of affordable housing;

VISUAL APPEAL	
11.	Be uncluttered and attractive; including, where appropriate the removal of unsightly additions when considering the conversion of existing buildings.
12.	Acknowledge local character and develop distinctive character in townscape and landscape terms, using existing landform, features;
13.	Have a clear urban structure and grain that integrates with the surrounding context;
14.	Relate to the surrounding built environment in terms of scale, height and massing;
15.	Make the most of opportunities to restore/ improve key gateways into the Bay and create a focal point
16.	Evolve high quality architectural detail with a distinctive and sensitive palette of materials;
17.	Protect important local and longer-distance views and impact on the skyline, especially from public vantage points; having regard to the location and prominence of the site, and
18.	Integrate with the existing street scene and features (such as trees)
QUALITY OF PUBLIC SPACE	
19.	Positively address the street with active frontages;
20.	Respect existing street frontages and built form;
21.	Ensure definition of space that clearly and coherently defines private and public areas;
22.	Be legible, permeable and accessible to all users;
23.	Provide opportunities for active lifestyles including walking and cycling (“Active Design”)
24.	Provide public space and routes that are attractive, safe, uncluttered and work effectively, including a means of storing waste which minimises impact on the street scene;
25.	Positively enhance the built environment;
26.	Avoid creating gated communities;

27.	Incorporation of existing trees and native species, and
28.	Provision of high quality hard and soft landscaping.

Link to the Community and Corporate Plan – Pride in Place

Explanation

11.2 The design of development has a vital role in the development of place and the evolution of the Bay. Torbay is blessed with a diverse range of historic architectural styles within its towns and some outstanding countryside. Some post-war development has nevertheless diluted the quality and character of their surroundings. Government guidance requires new development to be of a high standard of design The council will prepare an Urban Design Guide setting out local design codes Supplementary Plan and have regard to the National Design Guide

11.3 Good design is not just about the architecture of a building. It is also about the spaces within which the development sits, and the quality of the relationships between the development and surrounding areas. Design and layout should take account of neighbouring buildings, uses and the wider area. The council considers that good design is about making places that are functional, visually appealing, with a high quality public realm.

11.4 The Torbay Design Review Panel (DRP) assesses draft proposals to improve the quality of urban design and architecture through the planning process. The DRP acts as an advisory body, providing professional design advice on key development proposals. While it does not have statutory decision making powers, its guidance reports will be used as a material planning consideration when applications are taken to the council's Development Management Committee.

11.5 Section 17 of the Crime and Disorder Act makes a legal duty for planning to consider crime prevention. Consideration should be given in the location, design, and management of development to preventing crime, disorder, community conflict and antisocial behavior. Such matters should be addressed in design and access statements. The council will work with the Police Architectural Liaison Officer (ALO) to minimise crime, disorder antisocial behaviour and conflict. Design should seek to promote healthy and active lifestyles . Guidance and a developer checklist on "Active Design" is available from Sport England and the Healthy Torbay SPD.

11.6 To ensure that development proposals meet the requirements of this Policy, a Design and Access Statement should accompany planning applications proportionate to the scale of the proposal. Such statements should provide a site analysis describing how the proposal has evolved, the philosophy behind the proposal, how the proposal responds to its context and how it connects with surrounding areas. They should be updated as the design process evolves.

11.7 Development likely to harm (directly or indirectly) existing trees or woodlands will only be permitted where appropriate measures are in place for the retention and management of existing trees and landscape features. The council will seek advance planting where practicable. Appropriate protection measures will include approved management programmes, planning conditions or s106 Planning Obligations, conservation area legislation or tree preservation orders (see also Policy C4).

Policy DE2: Building for a Healthy Life

To demonstrate the delivery of high quality urban design, major development proposals with a residential component will be assessed against 'Building for a Healthy Life' (BHL) criteria (or equivalent methodology).

Under the BHL12 'traffic light' system, a development proposal will be supported by the council when it secures as many 'green lights' as possible. When a development proposal does not reduce the number of 'amber' and 'red lights' scored in the BHL assessment, where reduction is considered possible and such reduction would improve the quality of development, this will be treated as a significant and demonstrable disbenefit of the proposal.. Site and scheme specific constraints will be taken into account.

Link to the Community and Corporate Plan – Place and Community

Explanation

11.8 Torbay Council is committed to the principles of Building for a Healthy Life. It is a standard that can be used by local authorities to assess the design quality of new homes and neighbourhoods. . The current version, Building for a Healthy Life 12 (BHL12), Building for a Healthy Life | Other Manuals and Briefings | Urban Design Group , comprises 12 criteria, prompted by questions, which help achieve the delivery of functional, attractive and sustainable places. A well designed scheme will perform well against all 12 criteria and the performance is determined using a traffic light system of green, amber and red. The

assessment supports the delivery of the aspirations of this Local Plan as well as government policy and guidance promoted through the National Planning Policy Framework.

11.9 Building for a Healthy Life provides a useful guide for developers on the standards that are now expected and what factors are considered when assessing design.

11.10 The BHL12 framework aims to form a collaborative dialogue with the 12 criteria being used at the start of and throughout the development and consultation process. It is important that BHL 12 is considered at the outset of design proposals and should therefore form an integral part of pre-application discussions. The purpose of BHL 12 is to enable a conversation about design in new schemes between local authority and applicant, thereby arriving at a mutually supported result. A properly evidenced, self-assessment of BfL 12 by the applicant will be required alongside a planning application, proportionate to the nature and scale of a proposal. The local authority may also choose to carry out its own assessment of a scheme using BfL 12 criteria, and will also take the Design Review Panel's views into account.

Policy DE3: Development amenity and living standards

All development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses, or place unreasonable restrictions on existing businesses and community facilities. This will be assessed using the following criteria:

1. **The impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution;**
2. **Satisfactory provision for off-road motor vehicle parking, secure covered and safe parking for bicycles and electric-bicycles, and storage of containers for waste and recycling;**
3. **Scale and nature of the use, specifically where this would be overbearing, or lead to an over-concentration of similar uses which would harm the amenity of the area;**
4. **Impacts on existing living conditions and standards of accommodation of other uses;**
5. **New dwellings should comprise self-contained accommodation with separate access;**

6. **New residential development will need to have particular regard to outlook and light;**

7. **Provision for useable amenity space, including gardens and outdoor amenity areas. Where possible a minimum of 10 sq m for apartments and 55 sq m for houses will be sought. Where individual provision is not possible, communal provision will be sought;**

8. **New homes should be developed at a density which makes good use of land, whilst avoiding town cramming and the loss of open space;**

9. **Adequate floorspace should be provided in residential development to achieve a pleasant and healthy living environment. Regard will be had to the Nationally Described Space Standards; and**

10. **Where historic buildings are converted, incongruous later additions should be removed or replaced by more sympathetic additions, and attempts be made to restore the building's original character.**

Where necessary, in order to limit the impact of new development, the council may seek to restrict the use of hours of operation, time and volume of deliveries, vehicular access, operation of machinery as well as other measures necessary to preserve amenity.

Link to the Community and Corporate Plan – Place and Community

Explanation

11.11 The council wishes to ensure that all new homes meet high standards of residential accommodation, both in terms of quality of life for residents, and the creation of liveable, safe neighbourhoods. All applications will be expected to contribute towards making Torbay a better place in which to live.

11.12 The council will consider the impact of the development in terms of the noise and disturbance it may generate or be subject to. Developments likely to affect amenity by virtue of noise or disturbance, traffic movements, fumes, dust, vibrations, light, heat and littering on a regular basis or into the evening and night-time will not be considered favourably, unless impacts can be mitigated and will be encouraged to locate away from residential areas to avoid harm.

11.13 The Local Plan seeks to achieve a significant increase in town centre living and therefore some homes will be located close to existing business, tourism and commercial uses. Care should be taken to provide users with reasonable level of privacy. The council's starting assumption is that tourism, leisure uses and residential accommodation can coexist Harbourside and Waterfront,and Core Tourism Investment areas and other key tourism areas. Residents in these areas must expect that there will be a level of bustle and activity including late at night.

11.14 Residential developments should be designed to protect privacy in proposed and existing dwellings so that the outlook and quality of space provided will not be compromised. Window alignments should be designed to minimise overlooking other windows or garden areas as far as possible. As a guideline, layouts should seek to avoid directly facing windows less than 21m apart unless obscured, and as far as consistent with other design principles and the need to make best use of land.

11.15 New dwellings should make provision for external amenity/garden space where possible. As well as providing amenity space, gardens can act as a sustainable urban drainage measure, assisting flood risk management and promote biodiversity. The council's greenspace requirements are set out in the Planning Contributions and Affordable Housing Supplementary Planning Document (2022) and will be updated through the healthy Torbay SPD and Local Design Codes. All dwellings should make provision for the storage of recycling bins/boxes and secure cycle parking.

11.16 New dwellings should be self-contained as far as possible and of a reasonable size. All new homes, whether created by sub-division, redevelopment or new build should therefore provide a good standard of accommodation, having regard to safety, space, amenity, parking and design. Development should meet the government's Nationally Described Space Standard Technical housing standards – nationally described space standard - GOV.UK as far as possible. The standards are intended to be operated flexibly, especially when converting historic buildings. However, the creation of small apartments by subdivision/ conversion will be resisted where this would result in an unpleasant or unhealthy living environment or exacerbate concentrations of deprivation (see also Policy SS10).

Table 6.1 Dwelling Space Standards.

This table reflects the Nationally Described Space Standard.

		Minimum GIA (square metres)	

Number of bed-rooms	Number of bed spaces	1 storey dwelling	2 storey dwelling	3 storey dwelling	Built in storage (sq metres)
1b	1p	39 (37*)			1
	2p	50	58		1.5
2b	3p	61	70		2
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4
	8p	125	132	138	

*Where a studio has a shower room instead of a bathroom, the floor area may be reduced from 39 sq metres to 37 sq metres, as shown bracketed.

The Gross Internal Area of a dwelling is defined as the total floorspace measured between the internal faces of perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts,

flights of stairs and voids above stairs. GIA should be measured and denoted in square metres.

The above also applies to shared housing (HMOs) which are also covered by Policy H4. In the case of shared housing, some allowance may be made for communal areas that are available for residents. Regard will be had to creating a mix of accommodation types and sizes. Proposals that result in an over-emphasis of one accommodation type, such as such as small one-bedroom apartments, are likely to harm the living environment and intensify concentrations of deprivation, and will be resisted (See Policy xxx).

Support will be given to the provision of accessible and adaptable homes that are capable of adaptation to meet the changing needs of residents.

New homes often result from the conversion of existing buildings, many of which are in conservation areas. In such instances the council will seek the removal of incongruous features and, where feasible the restoration of a buildings' original character. Where the removal of incongruous features is argued to make development unviable, the council will require an independent viability assessment and will require appropriate aesthetic improvements to render the development acceptable in design terms (see also Policy TO2 and supporting Explanation).

New dwellings will be expected to strike an appropriate balance between making good use of land, whilst avoiding town cramming or harm to neighbours' amenities. As a general guideline, a minimum density of 40 dwellings per hectare will be sought on greenfield sites. However, in some instances landscape or ecology considerations may dictate lower densities.

Policy DE4: Building heights and urban form

The height of new buildings should be appropriate to the location, historic character and the setting of the development, whilst having regard to the need to make best use of urban sites.

New development should have regard to the prevailing height (the most commonly occurring height) within the character area in which it is located, unless there are sound urban design or socio-economic benefits to deviate from this approach.

The introduction of new tall buildings above the prevailing height will be supported where they:

1. **Achieve town centre regeneration or other socio-economic benefits. There is an expectation that tall buildings will be acceptable in town centre and harbourside/waterfront regeneration proposals, subject to historic environment and other considerations.**
2. **Enhance the vitality of an area;**
3. **Contribute to the regeneration of Torbay;**
4. **Strengthen the character of the area;**
5. **Are appropriate in terms of their visual impact;**
6. **Provide wider urban design benefits;**
7. **Make a positive addition to the built form, townscape and surrounding landscape; and**
8. **Do not seriously harm long-distance views and key vistas.**

Link to the Community and Corporate Plan – Pride in Place

Explanation

11.17 Tall buildings will not in themselves achieve Torbay's housing need targets. Regard needs to be had to the historic environment, street widths and creating liveable spaces. In practice, higher densities can often be achieved through terraced housing and residential blocks that avoid the need for excessive highway dominated schemes. Nevertheless, Torbay's built form is largely established and constrained by existing built form and topography. A great deal of Torbay's built-up area is conservation area or contains listed buildings or other designated heritage assets. The Building Safety Act 2022 introduces additional fire and safety requirements for buildings taller than 18m or 7 storeys (in practice 18m usually equates to buildings of 4-5 storeys), including requiring an additional stairwell for residential buildings. Even before these regulations came into force, there had been concerns raised by the development industry about the viability of taller residential buildings in Torbay. Other than in key waterfront locations.

11.18 However, the Local Plan places a great emphasis on urban regeneration, especially in town centres, harbourside and waterfront areas. Given Torbay's shortage of developable land, taller buildings may play a role in helping boost numbers and achieving regeneration. There are areas of the Bay that may be suitable for tall buildings, such as town centres,

regeneration areas and transport interchanges where they can support the vitality of these places and emphasise the importance of their role in the character and function of Torbay.

11.19 Torbay Council's Building Heights Strategy in 2010 provides guidance on the the most appropriate locations for tall buildings and also the appropriate height for building throughout the Bay. This will be updated in the light of new guidance, including the NPPF, Historic England's Tall Buildings Advice Note: Tall Buildings: Historic England Advice Note 4 and findings of studies such as the Town Centre Regeneration Visions.

11.20 The term 'tall buildings' in the Torbay context is defined as buildings that are significantly higher than the prevailing height and/or have a considerable impact on the skyline.

11.21 Tall buildings can deliver regenerative benefits, contribute to the reuse of brownfield land and reduce development pressure on greenfield sites. If well designed and built in suitable locations, tall buildings can form architectural and visual landmarks, create visually dynamic skylines and help define the area.

11.22 The 2010 Strategy identified that Torbay has a number of sensitivities to tall buildings, including conservation areas, special landscape character and prospect views which are important in defining the

11.23 The Strategy defines the following broad character areas that cover the Bay:

Coastal Zone	Terraces	Stations
Town Centres	Suburbia	Corridors
Villas	Business and Retail Parks	Landscape dominated

11.24 In considering building heights, they should balance the need to respect the character and urban form of the surroundings for new development, with the importance of urban regeneration.

11.25 Where tall buildings are proposed, supporting evidence should be provided as part of a Design and Access Statement. For tall buildings, additional graphical illustration, and additional material such as 3D modelling and 'fly-throughs' should be provided to help assess their impact.

Policy DE5: Extensions and standalone additions to buildings

Extensions, and standalone additions to buildings will be supported where:

1. **the plot is large enough to accommodate the proposed extension or addition without resulting in a cramped or over-developed site, or the loss of important trees or hedgerows;**

2. **the extension or addition would not dominate or have other adverse effects on the character or appearance of the original property or any neighbouring properties, or on the street scene in general;**

3. **the extension or addition would not cause harm to the amenity of nearby properties, e.g. through overlooking, overbearing impact, loss of light or privacy or water run-off;**

4. **the extension would not result in the loss of parking, including garage space, where no suitable alternative exists to serve the property; and**

5. **highway safety would not be impaired.**

6. **All proposals should achieve a net reduction in water run-off to impermeable surfaces and shared sewers**

Link to the Community and Corporate Plan – Pride in Place

Explanation

11.26 The majority of extensions and additions are relatively small in scale, and many do not require planning permission. However, they can cause problems for adjoining properties due to loss of privacy or overbearing impact.

11.27 It is also important that extensions respect the character of the original building and the surrounding area and should therefore be of an appropriate scale or design. Resultant loss of off-street parking provision can also lead to loss of residential amenities for neighbouring properties.

11.28 Torbay is a Critical Drainage Area. The effect of urban creed is a major source of run-off into shared sewers and cause of Combined Sewer Outfalls. Cumulative increases in water run-off should be minimised as far as possible, for example by draining storm water into soakaways. The impact of “urban creep” (i.e. building over gardens etc) ois identified by the Torbay Hydraulic Modelling of Sewer Capacity in Torbay study (AECOM 2014) and Water Cycle Study (2025 forthcoming) is identified as having a greater impact on sewer capacity than the effect of new greenfield development. Accordingly measures to minimise

surface water running into shared sewers will be sought. This could include permeable surfaces, increased planting, water butts, as well as promoting water efficiency measures in the home. See also Policy ER2 Water Management.

11.29 Many house extensions or additions do not require planning permission; in many situations they may be permitted development under the Town and Country Planning General Development Order. However, permitted development rights are complicated and affected by many factors. In some cases normal permitted development rights have been taken away by planning condition or legal agreement. Permitted development rights relate largely to dwelling houses and therefore other types of property, such as flats and commercial properties, require planning permission for many alterations and extensions.

11.30 For the above reasons, it is usually advisable to contact the council before any work is undertaken.

Policy DE6: Advertisements

Advertisements will not be permitted where:-

1. **they would harm visual or aural amenity; or**
2. **they would undermine highway or public safety.**

Link to the Community and Corporate Plan – Pride in Place

Explanation

11.31 Properly managed and well-designed advertising can add enormously to the colour and vitality of commercial areas, but in the wrong place it can appear out of place and distasteful or even offensive. The land use and visual character of an area are crucial in determining the appropriate level of advertising. Most advertisements appear in the context of buildings and it is important that they fit in with the character of any buildings to which they relate.

11.32 Large advertisement hoardings can have a powerful impact on the street scene. The council is concerned to control them carefully to ensure their effect is minimal and not detrimental to the surrounding area. In sensitive situations, hoardings may need to incorporate other design features to soften their impact. Smaller advertisement signs may be acceptable in appropriate situations subject to the criteria set out in this Policy.

11.33 Proposals for hoardings which contribute to the environmental improvement of unsightly sites will be supported in principle on a temporary basis, subject to the criteria set out above and to their removal when the site has been developed.

11.34 Applicants should have regard to the location of Areas of Special Control of Advertisements in Torbay.

Chapter 12: Responsible resource use - Waste and Minerals

Policy WS: Waste spatial strategy

Development should minimise the production of waste and increase its reuse and promote the movement of waste up the Waste Hierarchy.

Waste management facilities that can provide an increase recycling, treatment and reprocessing of waste to ensure sufficient capacity exists for the sustainable management of Torbay's waste will be supported.

Waste management sites should be restored at the earliest opportunity to the highest possible standard to sustainable after-uses that benefit the community economically, socially and environmentally.

Where possible, after-uses should conserve and improve local landscape character and provide opportunities for biodiversity.

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.1 As a Waste Planning Authority (WPA) and Waste Collection Authority (WCA) the council needs to maximise the 'value' of resources that we manage from households, in terms of realising the social, environmental and economic opportunities. As a Waste Disposal Authority (WDA) we also need to assess current and future infrastructure operational requirements which will also help to meet the Waste Hierarchy and government targets.

Policy W1: Waste hierarchy and sustainable waste management

All development should seek to minimise the generation of waste, having regard to the waste hierarchy[1]:

1. **Prevention: Using less material in design, manufacture and re-use. Using less hazardous material and other measures to minimise waste generation.**

2. **Preparing for Reuse: Checking, cleaning, repairing, refurbishing, whole items or spare parts**

3. **Recycling Increase recycling and composting through the kerbside collection regime and ensuring adequate existing recycling facilities in Torbay as well as the improvement or development of new facilities where appropriate. Explore opportunities for storage, re-use and collection facilities. Provision of waste audit statements demonstrating accordance with the waste hierarchy for major developments.**

4. **Recovery: Maximise the recovery of residual waste, through a partnership approach with other Devon Authorities for the use of the site in Plymouth for 'energy from waste recovery'.**

5. **Disposal: Minimise the amount of residual waste which is disposed of and minimise the exporting of waste for disposal to Devon.**

Development proposals will be expected to provide a scheme of sustainable waste management, proportionate to the scale and nature of the proposal. As a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated. As a minimum, residential units should provide adequate space within the curtilage for waste and accessible kerbside recycling bins and boxes as a site acceptability matter. Planning contributions may be required to enable the provision of additional waste management facilities or equipment where these are needed to support development.

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.2 The government has introduced legal requirements to drive waste up the hierarchy including the following:

- plans must be in place detailing measures to ensure 65 per cent of municipal waste, including household waste and household like waste from commercial and industrial sources, is recycled by 2035.

- the volume of residual waste per person which is not reused or recycled must be halved by 2042 from 2019 levels.
- by 2050, avoidable waste must be eliminated by recycling or reusing any waste which possibly can be reused or recycled.

12.3 The Local Plan therefore seeks to influence/reduce waste arising from all forms of development. In accordance with the Waste Hierarchy, the Plan gives priority to planning for waste management developments that prepare waste for re-use or recycling.

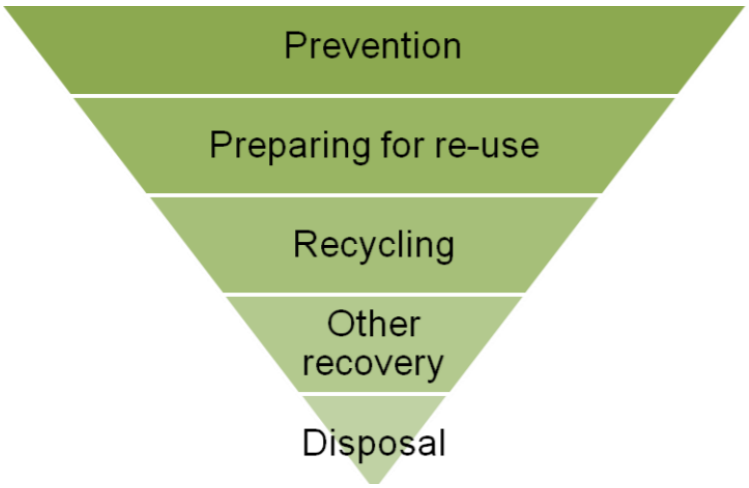

Figure 6 The Waste Hierarchy

[1] The Waste Hierarchy diagram is a copy of the version in Appendix A National Planning Policy for Waste (2014). The full definition of each level of the waste hierarchy is set out in Article 3 of the revised Waste Framework Directive (2008/98/EC); see also the Waste Management Plan for England.

Policy W2: Waste reduction and waste audit for major and significant waste generating developments

All new development must be designed in accordance with circular economy principles to minimise the production of construction, demolition and excavation waste and manage any such waste arising during the development in accordance with Policy W1 and accord with the Principles of the Circular Economy to:

- **retain and repurpose existing structures where possible retain and repurpose existing structures where possible;**
- **allow for ease of redevelopment and refurbishment; and,**

- **maxmise sustainable construction methods which include the use of recycled and recyclable materials and techniques which minimise waste and allow for ease of deconstruction and reuse of building components.**

Major Development proposals which are likely to generate significant volumes of waste must include a Waste Audit and Five Year Waste Management Plan setting out how waste generation will be reduced during the construction and operation of the development. This will include provision of appropriate on-site facilities for storage, re-use, recycling (composting where appropriate) and collection of waste. Schemes should include measures to:

1. **Prevent and minimise, re-use and recycle waste (including composting where appropriate);**
2. **Minimise the use of raw materials;**
3. **Minimise the pollution potential of unavoidable waste;**
4. **Seek alternative modes of transport (to the use of roads) to move waste;**
5. **Make provision for the storage and collection of recyclables and waste. Planning contributions for off-site waste management facilities may also be required; and**
6. **Dispose of unavoidable waste in an environmentally acceptable manner;**

The audit should be proportionate to the scale of the proposal, number of visitors and likely waste (including operational waste) generation.

Proposals for waste disposal must incorporate a satisfactory scheme for the reclamation of the site to an appropriate after-use, progressively wherever possible, and at the earliest possible opportunity, and progressively during site operation where possible. Adequate contingency measures should be included to manage any systems failures.

All relevant proposals should be accompanied by a recycling and waste management strategy which considers the above matters and demonstrates the ability to meet local authority waste management targets where applicable.

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.4 Policy W2 requires a Waste Audit to be carried out to assess and manage the impact of major development and uses that can be reasonably expected to generate significant levels of waste.

12.5 The Waste Audit should demonstrate that waste will be minimised as far as possible in both construction and operational phases and managed in an appropriate manner in accordance with the waste hierarchy. The Waste Audit and Five Year Waste Management Plan should include details relating to the minimisation of the use of raw materials, the nature and volumes of waste generated and how waste has been minimised and segregated (i.e. sorting, storage, recovery and recycling facilities). Other measures should also be included to manage waste that cannot be incorporated within the new development, or that arises once it is operational. For residential and commercial development the provision of reduction and/or recycling infrastructure should be identified and support for community composting schemes demonstrated where appropriate. Before granting planning permission, additional waste management measures may also be required to ensure movement up the waste hierarchy.

Policy W3: Safeguarding waste management facilities

Existing, allocated or consented waste management sites (for the re-use, recycling and composting, transfer, treatment, recovery or disposal of waste) will be protected unless no longer required or alternative provision can be made. Development proposals at, or within 250m of, waste management sites that would prevent or prejudice the use of such sites for those purposes will not be permitted unless conflicts can be satisfactorily mitigated.

The continued enhancement and improvement of the Torbay Household Waste Recycling Centre (HWRC) and Waste Transfer Station at Yalberton, Paignton will be supported. Use of Yalberton Tor Quarry for Construction, Demolition and Engineering Waste will be protected unless alternative waste uses can be justified.

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.6 The Waste Planning Authority must demonstrate sufficient waste management capacity and allocate sufficient provision of waste management sites to meet Torbay's need. A Waste Site Assessment was carried out in 2013, which identified very limited scope for deliverable major new waste management facilities in Torbay.

12.7 The continued enhancement of existing waste management sites including the Torbay HWRC and Waste Transfer Station at Yalberton to accommodate additional facilities will be supported, to ensure sufficient capacity to serve Torbay to 2031. The need for additional local Household Waste Recycling Centres elsewhere in Torbay during the Plan period will be kept under review. The impact of all operations must be minimised and sites restored where appropriate in accordance with Policy W4. Yalberton Tor Quarry has previously operated as a Construction, Demolition and Engineering Waste (CDEW) facility in Torbay. It's future use will need to be assessed against the need for continuing as a CDEW facility or as another waste management faciity.

12.8 It is essential that waste management facilities (whether proposed or existing) are safeguarded from any development proposals in close proximity to them which may prevent or prejudice their operation. This Policy should also be applied to waste management sites with planning consent.

Policy W4: Proposals for new waste management facilities

Preference will be given to proposals for (non-hazardous) waste management facilities that are in accordance with the waste hierarchy and located on previously developed land. Individual sites should be well-related to the transport network (including rail and water), to centres of population and sources of waste, and be compatible with neighbouring land uses.

Waste management development will be supported where they would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) upon human health, amenity, (including noise levels, odour, air quality, dust, litter, light pollution and vibration) land stability, the quality and quantity of surface waterbodies, groundwater, capacity of existing drainage systems, hydrogeological) and flood risk and features of, environmental (including landscape, historic and geological environment) and biodiversity importance. Policies for the protection of these features are set out elsewhere in the Plan.

Development of facilities for the management of special types of waste (including clinical or hazardous waste) should serve a defined local need and particular consideration will be given to any health, environmental and amenity impacts.

The immediate and wider impact of facilities on the surrounding environment should be minimised through high quality design solutions, with the use of sympathetic materials and colour schemes, and effective methods of landscaping and screening. Specific site management issues should be carefully addressed including amenity, litter, vermin and birds, the impact of odours, lighting, noise, vibration, hours of operation, access and transport movements.

All proposals for waste management facilities must assess the potential for non-HGV transportation of materials to and from the facilities, principally by rail (or water) and take up these sustainable transport opportunities where available. Proposals to be satisfactory in terms of access where anticipated HGV movements, taking into account cumulative impacts and any mitigation measures proposed (including safety, highway network, air quality). Supporting Transport Statements/Assessments should demonstrate sufficient Parking, access, routes, safeguarding of other road users and Sustainable transport measures in accordance with Tax.

Where appropriate, provision for restoration and after use will be required.

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.9 Policy W4 sets out criteria for new waste management facilities. Such proposals must safeguard residential and other amenity and minimise impact on the road network.

12.10 The Local Plan continues to identify Yalberton and Yalberton Tor Quarry for Waste Management purposes. Most waste management facilities are expected to be in this area. It allows consideration of proposals to support the existing material recycling facility (MRF) including provision for waste and recycling collection vehicles. The Plan also seeks to ensure that Yalberton Road is not sterilised from waste related activities by allowing residential development to encroach too close to it e.g. at Berry Acres.

Policy W5: Waste water disposal and infrastructure capacity

New, enhanced or extended waste water treatment facilities will be supported where such proposals aim to improve the quality of discharged water or reduce the environmental impact of the operation of the waste water treatment facility.

Development proposals will be required to demonstrate that the proposal can be delivered and operated without giving rise to unacceptable impacts on water treatment and disposal, or deterioration in the service received by residents and businesses. In considering minor development proposals, the council will have regard to the in-combination impact of such developments and their effect on local capacity or flows.

Proposals for housing developments, particularly in allocations relating to Policies SDT1, SDP1, SDB1 and related Future Growth Areas, will not be permitted if South West Water, Natural England or the Environment Agency confirm that:

1. **Waste water treatment works or other sewerage infrastructure serving these developments have insufficient capacity to accommodate the additional development, without increasing the risk of overflows of untreated sewage into the environment; or**

2. **There would be an increase in the levels of pollutants or spills (see definition below) likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine Special Area of Conservation, due to insufficient capacity within the combined sewer system and/or of treatment works; or**

3. **The proposal would otherwise increase the risk of overflows of untreated sewage into the environment.**

Appropriate measures to reduce the impact of development on the sewerage system, such as natural or sustainable drainage and water conservation measures, will be required, proportionate to the scale and nature of development.

In addition, development of previously developed land must be in accordance with the hierarchy set out in Policy ER2 to ensure that development schemes do not exacerbate sewer flooding and Combined Sewer Outfall (CSO) spills. This will apply in particular, to development that discharges into Hope's Nose CSO in Torquay.

A Health Impact Assessment will be required for new or extended waste water treatment facilities.

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.11 Waste water treatment facilities are essential infrastructure, necessary to protect human health and water quality.

12.12 For appropriate new developments, the council will consider the use of natural sewage treatment methods (including reedbeds) and sustainable drainage measures. This will help meet Water Framework Directive objectives, which the council will ensure are not undermined by development.

Policy MS: Sustainable minerals strategy

Mineral development should contribute to the progression towards a low carbon economy, facilitate the processing and use of secondary and recycled aggregates to become less reliant on land-won construction aggregates and include appropriate adaptation to the effects of climate change. Economic mineral resources will be protected for future generations this including building stone minerals for heritage building products, alongside associated or potential mineral transportation and processing infrastructure.

Mineral sites should be restored to a high standard and the natural and historically sensitive features are conserved and enhanced including features of geodiversity / geological interest in the context of the UNESCO Geopark.

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.13 The spatial vision outlines an ambition for sustainable resource management for minerals development in the plan area. It seeks to manage mineral safeguarding, extraction and possessing according to the principles of sustainable development.

Policy M1: Minerals extraction and environmental safeguards

The process of identifying, appraising, designing and implementing proposals for new or disused sites for minerals extraction will be subject to the following criteria:

1. **The need for the mineral, taking account of aggregate landbanks for Devon;**
2. **Likely effects on designated sites of environmental and historic importance, geodiversity or biodiversity;**
3. **Impact on the surface water flow regime and groundwater sources;**
4. **Compatibility with surrounding land uses, including historic character and landscapes, and in particular protected landscapes such as AONB;**
5. **Proximity to local communities and the need to maintain and enhance the local landscape character and setting of settlements;**
6. **Proximity to primary end use markets and ease of access by road or alternative transport modes;**
7. **The ability for a site or sites to deliver significant contributions to habitat creation and priority species as well as geodiversity gains where applicable;**
8. **The provision of Pollution Prevention Plans, including a method statement for management of all potentially polluting activities; and**
9. **There are no unacceptable impacts on human health, noise-sensitive properties and aviation safety; unavoidable noise, dust and particle emissions or vibrations should be controlled, mitigated or removed at source.**

Extensions to existing/disused sites will be given priority over new sites, subject to environmental acceptability. The cumulative effects of activities and sites will also be considered. Proposals for the extraction of building stone that demonstrate a local need for the mineral (such as the repair of heritage assets) will be supported, subject to the above criteria and other relevant Policy requirements of this Plan. An acceptable programme of progressive working throughout its life, early restoration and after-use should be submitted.

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.14 The NPPF requires Mineral Planning Authorities (MPAs) to plan for a steady and adequate supply of aggregates. Torbay Council is meeting this requirement by cooperating in the preparation of a Devon Local Aggregate Assessment with the other

Mineral Planning Authorities in the County and Region. As part of this work, it has been established that the potential aggregate resources within Torbay are limited to limestone, for which Devon has a landbank equivalent to 50 years.

12.15 Torbay is adequately served by two existing limestone quarries in South Devon (Stoneycombe at Kingskerswell and Linhay Hill at Ashburton), each of which has sufficient reserves to last beyond the Plan period. Consequently, it is not considered necessary for Torbay to make provision for further land-won aggregate resources in the Plan period.

12.16 Limestone aggregate was available from Yalberton Tor Quarry (previously the only active quarry in Torbay) but this site now has planning approval for the operation of recycling aggregates, at which point its extraction permission was revoked. The site will still contribute to the sustainable supply of recycled aggregates.

12.17 The extraction of building stone within the Devon area is very limited and non-existent in Torbay. Previous quarrying at Berry Head in Brixham has had a large impact on the Head's appearance, and significant quarrying here would be likely to conflict with the area's landscape and biodiversity designations. However, the Strategic Stone Study (a Devon-wide study identifying the significant stone types used in the past and their potential current sources) indicates that there is a need for a range of building stone which is not available at present. The protection of locally important building stone is addressed in Policy M2 below. Proposals for extraction would be considered in the context of Policy M1.

Policy M2: Maximising the Use of secondary and recycled aggregates

The council will support developments that promote and maximise the use of secondary and recycled aggregates. Sites for the reception, processing and distribution of secondary and recycled aggregates will be supported, subject to meeting other Policy requirements of this Plan, near to the source of raw materials in the following locations:

1. **Industrial areas and previously developed land;**
2. **Within existing, proposed or suitable former minerals developments; and**
3. **Co-located with existing or proposed waste management facilities.**

Proposals should satisfy criteria 2 to 9 in Policy M1. Any new development that might constrain the effective operation of existing facilities will be resisted.

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.18 In order to secure their long-term conservation and make best use of mineral resources, the NPPF states that MPAs should safeguard the potential for the production of secondary and recycled minerals. Producing recycled aggregate helps to reduce demand for primary aggregates. The council will seek to safeguard existing and any proposed minerals recycling facilities, for the reception and processing of construction and demolition wastes. The main source of alternative aggregates arises from construction, demolition and excavated waste (often referred to as CDE waste). Policies W1, W4 also seek to reduce the amount of raw materials in construction, minimise waste production and to maximise the use of secondary and recycled aggregates.

12.19 Yalberton Tor Quarry has planning approval for the operation of recycling aggregates. Policy TA1 encourages the consideration of alternative modes of transport to move aggregates. The jointly prepared annual Devon-wide Local Aggregate Assessment includes an assessment of all aggregate supply including secondary and recycled sources. Although secondary aggregates (which in Devon are derived from china clay waste and ball clay waste, or potentially incinerator bottom ash) are unlikely to be generated in Torbay, any facility for their processing would be considered in the context of this Policy.

Policy M3: Preserving and safeguarding of limestone resources and key local building stone

The council will seek to safeguard important mineral resources and sites. The use of local building stone in new development and for restoration purposes (particularly of heritage assets) will be encouraged. The redevelopment of buildings constructed in local stone should ensure the re-use or salvage of such material. Any proposal on or in the vicinity of an important mineral resource, including a Mineral Safeguarding Area, should demonstrate that it will not cause unnecessary sterilisation or prejudice the future extraction of important minerals or building stone on these sites.

Link to the Community and Corporate Plan – Creating a Sustainable Future

Explanation

12.20 Minerals are a finite resource. The NPPF requires that proven mineral resources should be protected by designation as Mineral Safeguarding and Mineral Consultation Areas to avoid being needlessly sterilised by non-mineral development.

12.21 In order to allow flexibility in demand and ensure long-term supply, Devon County Council (Torbay's neighbouring MPA) has identified the need for safeguarding of aggregate and mineral resources for future generations, some of which lie adjacent to Torbay's boundary. In consultation with Devon County Council and consistent with this approach, Torbay has identified an area of Devonian Limestone as a resource which lies largely in the south of Torbay from the River Dart valley at Galmpton across the northern part of the Brixham Peninsula from Churston to Berry Head.

12.22 A Mineral Safeguarding Area (MSA) is shown on the Policies Map. Its identification has been based on the known location of the resource (British Geological Survey records) but aligned to field boundaries predominantly in the undeveloped area to prevent unnecessary sterilisation of the mineral resource. The MSA does not state the quality of the resource or presume that the resource will be worked, nor does it preclude all development. However, dependent on the scale and location of any proposed development, an assessment may be required of the likely effect on the mineral resource beneath or adjacent to the development site.

12.23 Traditional stone forms a strong element underpinning the character of many of Torbay's individual buildings and conservation areas. The use of local materials, building methods and details helps to enhance local distinctiveness. Imported stone does not often reflect this local distinctiveness and can detract from the stone in older buildings, harming the character of the area. It is therefore necessary to protect key local stone types both now and in the future, for the ongoing maintenance and restoration of some of our most important historic buildings, the preservation and enhancement of conservation areas and the maintenance of local distinctiveness. It is envisaged that access for small-scale, limited extraction for key local stone (to meet a specific need) may be required, subject to environmental and amenity impact.

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TORBAY COUNCIL

Meeting: Cabinet/Council **Date:** 18 November/11 December 2025

Wards affected: All

Report Title: Streetlighting Central Management System and Light Emitting Diode (LED) Upgrade Project

When does the decision need to be implemented? ASAP

Cabinet Member Contact Details: Councillor Adam Billings, Cabinet Member Pride in Place, Transport and Parking; adam.billings@torbay.gov.uk

Director Contact Details: Alan Denby, Director of Pride in Place, alan.denby@torbay.gov.uk

1. Purpose of Report

1.1. Torbay Council have 14,794 individual streetlights on the public highway, they are currently managed as individual assets which is expensive and time consuming and an outdated practice in comparison to other local authorities. This project seeks approval to proceed with the procurement and installation of Telensa's Central Management System (CMS) and install 3,431 Holophane LED lanterns for our streetlighting inventory. The cost to deliver this project is £2,261,870 of borrowing to fund the delivery of the scheme. Based on the savings from the solution and the repayment of the loan, the estimated payback for the project is 12 years.

1.2. Technology and innovation now provide the ability to manage, monitor and control all the streetlights from a single laptop.

1.3. Telensa allows a degree of control over energy costs and in particular energy cost spikes that we currently do not have.

2. Reason for Proposal and its benefits

2.1. The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by reducing the carbon emissions of the Council's largest carbon emitter by nearly half, from 504 tonnes to 230 tonnes a year, also reducing the energy costs by £292,291.00 a year and allowing the authority to be able to manage lighting levels to suit all the demands and needs on the service.

2.2. The reasons for the proposal, and need for the decision are, we can be at the forefront of innovation and technology to assist us to manage and meet our carbon zero goals by 2030.

2.3. The roll out will benefit equally all three towns that make up Torbay and allow the innovation to be utilised in every lit street in the bay. The proposal includes the removal of dated lanterns to be replaced with new LED Holophane Lanterns that are more energy efficient and reduce the carbon footprint of our streetlights.

2.4. The proposal allows to fully maximise the potential of our streetlight assets and to use the asset in a different way. Currently they would be viewed as either on or off, the computer management system of Telensa allows us to set lighting levels and roll out dimming regimes that will help people sleep better at night. Lighting levels close to our coastline can be reduced to prevent light pollution which affect marine biodiversity.

2.5. The proposal importantly allows a degree of managing energy cost spikes that currently we have no control over, lights can be dimmed or switched off depending on the necessity of the situation to reduce energy costs in times of need which keeps a strong grip on finances.

2.6. During summer events like the firework displays which attract large crowds onto our seafront areas, the lights can be switched off to enhance the visual experience, alternatively lighting levels can be increased around Torquay United homes games for people to get away safely. Public realm areas at the weekends can have an increase in lighting to assist CCTV and anti-social behaviour.

3. Recommendation(s) / Proposed Decision

3.1. That subject to 3.2 below, Cabinet approve Option 3 as set out in Section 7 of the submitted report, with borrowing for the sum of £2,261.870, including 5% contingency for the purchase and hosted service of Telensa Computer Management System, and 3,431 new LED lanterns to upgrade streetlighting in Torbay; and

3.2. That Council be recommended to approve prudential borrowing of £2,261.870 including 5% contingency for the purchase and hosted service of Telensa Computer Management System, and 3,431 new LED lanterns to upgrade streetlighting in Torbay.

4. Appendices

Appendix 1: Streetlighting CMS and LED Upgrade Full Business Case

Appendix 2: Climate Impact Assessment Report - Streetlighting LED & CMS upgrade project

5. Background Documents

Not Applicable.

Supporting Information

6. Introduction

6.1. The Council's total spend on electricity and gas between April 2024 to March 2025 was £3,304,966. The energy consumption of our streetlighting made up £777,683 of this total,

making it the highest energy consuming asset on our Council asset list, and therefore key to explore solutions to reduce the energy consumption and make financial savings. In the 2024/25 financial year, our streetlighting accounted for 504 tonnes of carbon emissions, which makes up 11% of our Council's carbon footprint.

6.2. The current service model is the traditional method of lighting which is now very dated. Each existing light is an individual piece of lighting infrastructure fed by a low voltage cable. Each light has a preset lighting output which can be adjusted, which is known as dimming, but it requires the contractor to visit each light and replace the driver. The cost of this attendance and driver replacement is upwards of £120 per unit. Each light fitting has a sensor that detects light changes (dawn/dusk) and switches the light on or off. Maintenance of our lighting is both hands on and very time consuming which carries costs with it. Currently, SWISCo employ contractors to carryout night scouts on twelve preset routes in the bay to see if there are any lights out at night that may need fixing, whilst also relying on members of the public to report faults with specific streetlights, including lights that are on during the daylight hours or day 'burners'.

6.3. Our lighting inventory is currently controlled by photoelectric cells that bring the lights on when dusk falls and turn them off at dawn. The current issue for the streetlighting team is when these cells fail, the team experience "day burners", which is where a light doesn't switch off and stays on 24 hours a day, until an issue is raised and a contractor is sent to replace the cell. Depending on access to the column (often on busy main roads) and the current work stack, it can take several weeks for an operative to be able to repair the light. This leads to wasted energy and associated carbon emissions. In 2024, there were 91 day burners raised on the streetlighting system, with the average attendance time to repair these faulty streetlights being 17 days, which leads to a waste of 21.7kwh of electricity and 8.7kg of carbon emissions for one lantern.

6.4. As seen in recent years, global events such as the Ukraine war have led to often erratic and fluctuating energy prices in the UK. It has become vital to be able to quickly adapt to these price rises, particularly for our key and high energy consuming assets in order to be more resilient to these external impacts. It is also vital the Council implements innovative solutions that allow them to limit the financial impacts from these events.

6.5. Based on the current streetlighting capabilities, to change our streetlighting dimming regimes would mean an operative attending every one of our 14,794 streetlights at a cost of approximately £20 per unit. This would take 147 days to make the desired changes (based on the assumption that one operative could attend 50 units a day) and importantly, would cost the Council £295,880.

6.6. As this example highlights, our current system is too slow and costly to make changes to our streetlights. Therefore, as a forward-thinking Council, we need to introduce innovative technologies that gives the Council the capacity to react to future events and that permit the Council to implement changes that deliver energy savings through proactive actions.

7. Options under consideration

7.1. Option 1: A business as usual (BAU) approach for our streetlighting inventory. Under this option, the Council continues with the current streetlighting system and processes which are to manually manage our streetlighting assets. This current system is outdated and limited in its capabilities, particularly in being able to implement energy efficient dimming regimes in both a cost effective and timely manner.

7.2. Option 2: To procure and install 3,431 Holophane LED lanterns for the remaining streetlight inventory that have not been upgraded as part of the current streetlighting LED replacement programme. This option would bring the remaining streetlighting inventory up to modern standards in terms of their energy efficiency and can deliver an estimated £151,473 of annual energy savings and 127 tonnes of carbon emissions savings, for a cost of £896,968.

7.3. Option 3: Added to all the benefits of option 2, the implementation of the CMS solution will provide our streetlighting team with the ability to make real time changes to our streetlights and importantly implement a more energy efficient dimming regime in a timely and cost-effective manner. This option will deliver £292,291 of energy savings and save 230 tonnes of carbon emissions, operational savings, create an adaptable system and deliver a range of co-benefits including environmental and health and wellbeing.

8. Financial Opportunities and Implications

8.1. This is additional borrowing of £2,261,870.00 that is being requested in order to make energy savings of £292,291.00 per annum, based on the estimated savings the payback has been forecasted at 12 years. Full explanation in the business case.

9. Legal Implications

9.1. Not Applicable

10. Engagement and Consultation

10.1 The current 10-year Streetlighting Contract is a joint contract between Torbay Council and Devon County Council. After a trial area in Devon with Telensa over the last 2 years, they have had cabinet approval to roll out across Devon, this has been well supported and evidenced by the approval for Devon wide rollout.

10.2 Communications & Stakeholder engagement

Communications plan

Given the nature of this project and impact on a public service, an extensive communications package will be delivered to ensure that all members of the public are aware and given full details of the CMS and the estimated energy and carbon savings. This includes highlighting the numerous co-benefits that CMS provides such as;

- Reduction in energy bills and carbon emissions
- Reduce the impact of ALAN on our unique biodiversity and landscapes

- Reduced impact on public health
- Reassurance on safety considerations

Key messages:

- Torbay will soon benefit from completing the changeover to state-of-the-art new LED street lighting which will not only lower carbon emissions across the Bay but also save money in the long term, saving thousands of pounds over its lifetime.
- The lighting will be centrally controlled and upgrade our remaining streetlights to LED Holophane Lanterns and to procure Telensa' s Control Management System (CMS). The benefit of the lighting being centrally controlled via a laptop is that the brightness can be adapted at the touch of a button.
- Better, more modern streetlighting will also help address anti-social behaviour and reduce the impact on biodiversity from artificial streetlighting.
- A key outcome from the project is that the estimated energy savings from the project can be reinvested into our Council budgets to deliver further improvements to our Council infrastructure and services.
- The new lighting innovation is one of several key infrastructure projects to help reduce the Council's carbon emissions as part of our Climate Change Action Plan.

Audience: Councillors, residents in Torbay, Climate Partnership partners (Member organisations including private, public and voluntary and community sector), community partnerships, Brixham Town Council, SWISCo, Devon and Cornwall Police, Devon and Cornwall Police and Crime Commissioner.

Communications timeline:

- 5 November - Business case goes to CAD – Cabinet and Directors will receive information about the project.
- 18 November – Cabinet – this is the point where the project will become public knowledge so we will coincide the main initial publicity at this point. There will be a Members Briefing to all Councillors (email newsletter update), press release sent out to local media, included on the News page on our website, article in One Torbay and Staff News, social media posts across our channels including Facebook, LinkedIn, Next door and Instagram.
- 16 March 2026 – Installation of the new lighting – follow up opportunity for 'work in progress' photos, video etc for use on social media and in our newsletters.
- 16 November 2026 – Go live date – Press release, photo opportunity with Councillors and staff/contractors, article in One Torbay, social media posts, Members Briefing to update Councillors that the project is now live.

11. Procurement Implications

11.1. A joint-contract procurement was undertaken between Devon County Council (DCC) & Torbay Council in May of 2020. The purpose of this joint-contract was to appoint a supplier to undertake the supply, installation and maintenance of streetlighting apparatus located

within the county of Devon, including the Torbay area. The procurement was undertaken as an Open Procedure due to the value of the nature of the works, and a successful contractor was appointed on 1st July 2020. The current contract expiry date is 30th September 2030.

11.2. The joint contract included a provision for the replacement of the Central Management System (CMS) via the use of a Contract Option located under Section 16 of the contract. Devon County Council have since used this option to undertake CMS replacements across Devon on multiple occasions.

11.3. Torbay Council intend to exercise the same Contract Option to replace the CMS solution currently in place within Devon County Council. This change falls within the scope of PCR 72.(1)(b)(i) where a contract can be modified for additional works, services or supplies, to be carried out by the original contractor, in order to prevent issues arising with regard to interchangeability or interoperability.

11.4. Upon exercising the Section 16 Contract Option, Torbay Council will appoint Telensa Central Management System (CMS) to undertake the works as required.

12. Protecting our naturally inspiring Bay and tackling Climate Change

12.1. This project will provide a significant annual reduction in the Council's energy consumption through the upgrade of our remaining streetlights to more energy efficient LED Holophane lanterns but through the CMS, we can deliver proactive energy efficiency dimming regimes. Through these two solutions, we can make significant annual carbon emissions savings which will support Torbay Councils 2030 Net Zero target.

12.2. There is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems. The adaptable programming and control provided by CMS has the potential to allow Torbay to manage our street lighting more sensitively in order to protect our habitats and species. Torbay has the evidence to identify where its most sensitive and important habitats are located. This could be used in conjunction with the CMS solution to allow Torbay Council to adapt the way in which the bay is lit up, whilst being able to respond to its sensitivities and protecting our unique biodiversity, marine ecosystems and landscapes.

12.3. Overall, this project will deliver significant benefits in terms of it tackling climate change based on reducing the Council's energy consumption and carbon emissions whilst also supporting our local terrestrial and marine biodiversity from the effects of ALAN.

13. Associated Risks

13.1. Any delays in getting approval to proceed/fund this project in the 2025/26 financial year will likely cause an increase in costs due to the RPIX price index changing after 1st April 2026, therefore, approval is sought to fund this solution before the start of the 2026/27 financial year.

14. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	Younger and older people may feel less safe at night. The Office for National Statistics (ONS) found in the Crime Survey for England and Wales 2016, that perceived perception of victimisation varies by age. They found that: • Those aged 16-24 years tended to underestimate victimisation amongst their age group • Those ages 25-34 years produced a better estimate of their likelihood of experiencing victimisation • Individuals 35 years and older tended to overestimate their likelihood of victimisation, when compared to victimisation rate Public perceptions of crime in England and Wales - GOV.UK For the calendar year 2023, the total number of collisions within Torbay in 2024 were 150 for all types, which was down from 191 for 2023 - Road Casualty Reduction Reports - Torbay Council. Older people may feel less safe walking in dimly lit areas, particularly in the evenings	Any negative impacts can be quickly remedied through the capabilities of the CMS system. During the early evening and to support the nighttime economy, bespoke lighting regimes can be implemented for town centre areas in particular taxi areas, road crossings and any other areas that require additional lighting. In addition, higher lighting levels can be put in place in areas with high footfall or near care homes, schools and youth centres.	Highways team – SWISCo

		during the winter months. Young people may be more active at night and affected by reduced visibility. However, there is no evidence that the proposed changes would lead to an increase in actual crime, however they may result in an increased fear of crime - Switching off street lights at night does not increase car crashes and crime | UCL News - UCL – University College London		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	No effect anticipated. Should there be any issues raised around equality once the lighting regime is in place, can be quickly remedied through the capabilities of the CMS system.	n/a	
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	This group could be potentially negatively impacted in terms of sensory implications with reduced lighting. This could affect people with sensory processing disorder, autism, those that are partially sighted, or blind. Mitigation for these needs include that lighting can be adjusted at short notice to improve the experience of people with disabilities, and feedback from members of the public will be responded to as appropriately. For vulnerable road users, such as pedestrians, cyclists, motorcyclists, Horse riders, Users of mobility devices, there may an impact in terms of risk from reduced	Any negative impacts or disruptions for those with disabilities within specific streets can be reported to SWISCo who can adjust the streetlighting on a street-by-street basis to accommodate any specific lighting needs. Added to this, the lighting for road crossings, ramps, bus stops and other key accessible routes can have additional lighting to ensure safety of all users	Highways team – SWISCo

		lighting on roads. In terms of road accidents in Torbay, the number of collisions have dropped from 191 in 2023 to 150 in 2024 - Road Casualty Reduction Reports - Torbay Council. This group may have concerns that this will increase their risk of road accidents and collisions from a reduction in lighting particularly on road crossing, ramps and other accessibility routes. However, the proposal to retain lighting, albeit at a reduced level, should help reduce the adverse impacts to some extent.	but can be adapted for those with disabilities to ensure they meet minimum standards for accessibility. To monitor the impacts, complaints and feedback can be monitored to adapt any lighting requirements within specific areas.	
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	Trans individuals may be disproportionately impacted by this decision as due to their risk of hate crime. They may feel more vulnerable in poorly lit areas due to risk of harassment. There were 151 incidents of hate crime that were gender reassignment orientated in Devon in 2024. Hate Crime | Annual Equality Report 2024 | Devon & Cornwall Police	Any negative impacts can be quickly remedied through the capabilities of the CMS system. As part of the proposed dimming regime, the prioritisation of lighting in known safe spaces and community hubs can be implemented, with community feedback being used to refine lighting where required.	Highways team – SWISCo
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	No adverse impacts are anticipated. Should there be any issues raised around equality once the lighting regime is in place, can be	N/a	

		quickly remedied through the capabilities of the CMS system.		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	No adverse impacts anticipated. Should there be any issues raised around equality once the lighting regime is in place, can be quickly remedied through the capabilities of the CMS system.	N/a	
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	People from minoritised ethnic groups may feel less safe at night or fear incidents of discrimination particularly with rising cases of hate crime for refugees and asylum seekers. Hate crime, England and Wales, year ending March 2024 - GOV.UK In Torbay in 2024/25, there were 39 reports of hate crime that were race oriented, up 9 from 2023/24. However, from Devon and Cornwall police figures for 2023, of the 2,100 hate crimes reported, over 48% were motivated by race highlighting that this a major issue for the area. Hate crimes motivated by hostility towards race	Any negative impacts from the proposed dimming regime can be quickly remedied through the capabilities of the CMS system. The lighting around places of worship or cultural centres can be provided with bespoke lighting without compromising safety and equality.	Highways team – SWISCo

		accounted for the largest proportion, with 1,246 crimes — a 26% increase from the previous year - Hate Crime | Annual Equality Report 2024 | Devon & Cornwall Police		
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	In 2024/25, there were 2 reports of religion-oriented hate crimes reported in Torbay. However, from Devon and Cornwall Police figures for 2023, of the 2,100 hate crimes reported, 128 were religion or belief motivated. Some religious groups may be disproportionately affected by the change in lighting due to cultural practices (e.g., late-night worship). Added to this, some minoritised ethnic communities may fear increased discrimination which has a detrimental impact to their ability to go to places of worship.	Any negative impacts from the proposed dimming regime can be quickly remedied through the capabilities of the CMS system. The lighting around places of worship or cultural centres can be provided with bespoke lighting without compromising safety and equality.	Highways team – SWISCo
Sex	51.3% of Torbay's population are female and 48.7% are male	All groups could potentially be negatively impacted by the dimming of streetlighting due to risk of violence and harassment in particular for women. In the UK, 74% of all victims of domestic abuse and sexual violence crimes recorded by police in the year ending March 2020 were female. This national picture roughly	There is an unequal chance of impact on women suffering increased harassment and violence as a result of this project. To reduce the potential impact, the streetlighting can be maintained on key	Highways team – SWISCo

		aligns with the figures in Torbay between 2018-21, with 72% of victims being female. - final-post-consultation-version-with-foreword-210223.pdf	pedestrian routes to provide additional lighting. Gender-based safety audits can be undertaken to get views on where additional lighting is required. In conjunction with this, working with community safety teams and consider lighting near transport hubs such as train stations, bus stops and taxi ranks.	
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	Potential impact of increased hate crime / violence towards the LGBT+ community In 2024, 17% of reported hate crime in Devon was sexual orientation motivated, with 9 hate crime reports in Torbay during the same period. Hate Crime | Annual Equality Report 2024 | Devon & Cornwall Police / Torbay Hate Crimes and Incidents – Q4 2024-25	Any negative impacts can be quickly remedied through the capabilities of the CMS system. As part of the proposed dimming regime, the prioritisation of lighting in known safe spaces and community hubs can be implemented, with community feedback being used to refine lighting where required.	Highways team – SWISCo

Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	There may be an impact on those in the Armed forces community who have disabilities and require additional support.	Any negative impacts can be quickly remedied through the capabilities of the CMS system. Any negative impacts or disruptions within specific streets can be reported to SWISCo who can adjust the streetlighting on a street-by-street basis to accommodate the needs of those with disabilities. Added to this, the lighting for road crossings, bus stops and other key areas will have additional lighting to ensure safety of all users but can be adapted for those with disabilities.	Highways team – SWISCo
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		No effect anticipated.	n/a	
Public Health impacts (Including impacts on		Positive Impact – The reduction in lighting pollution has been shown to reduce the	n/a	

the general health of the population of Torbay)		impact on public health and wellbeing - Light at Night and Disrupted Circadian Rhythms Alter Physiology and Behavior | Integrative and Comparative Biology | Oxford Academic		
Human Rights impacts		No effect anticipated. We need to ensure that human rights are protected. In particular, that people have: • A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life'). • An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act • A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).	n/a	
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is a potential impact of reduced lighting on young people's journeys to school and could impact on their choices about evening activities, which may mean an increase in social isolation for some. Whilst the streetlights will be dimmed, albeit at a reduced level, should help reduce the adverse impacts to some extent.	Any negative impacts can be quickly remedied through the capabilities of the CMS system. The retention of lighting around schools and public spaces, albeit at reduced levels, will mitigate the impact on making these spaces available to young people to access.	Highways team – SWISCo

15. Cumulative Council Impact

15.1. There will be no service impact to the current streetlighting maintenance carried out by the contractor as additional resources will be brought in to deliver Telensa alongside normal routine works.

16. Cumulative Community Impacts

16.1. There will be minimal impact on the community as the works are delivered via mobile works that have minimal disruption to residents or road users.

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Streetlighting CMS and LED Upgrade Project

Tier 3 Full Business Case

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TORBAY COUNCIL

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1 Introduction

1.1 Purpose of this report

This report outlines the proposed project to procure and install Telensa's Central Management System (CMS) and install 3,431 Holophane LED lanterns for our streetlighting inventory.

This business case is seeking

- Approval to proceed with the project using £2,261,870 of borrowing to fund the delivery of the scheme. Based on the savings from the solution and the repayment of the loan, the estimated payback for the project is 12 years.
- Direction on which of the options should be taken in regards to the circa £34k annual costs savings.

1.2 Executive Summary

The preferred option is to procure and install Telensa's CMS and 3,431 LED lanterns for our streetlighting inventory. This option will provide the council with an innovative control management system to enable the council to implement energy saving dimming regimes from a laptop. The upgrade of our remaining streetlights to LED will enable the effective rollout of the CMS solution and replace the remaining photoelectric cells that are no longer available on the market.

The CMS will be implemented on all our residential and main road lights across Torbay to enable a more energy efficient dimming regime to be introduced and to deliver a more capable operational system. This system can deliver significant annual energy and carbon emissions savings, whilst also delivering numerous co-benefits in terms of public health, supports tackling anti-social behaviour and local nature and biodiversity. It will also ensure that the authority has the ability to react to energy price increases. Currently we are unable to reduce our energy consumption without physically attending each lantern and replacing every driver, which is currently inefficient from a cost and time perspective

This business case seeks approval to borrow £2,261,870 (5% contingency included) to fund the delivery of the scheme. Based on the savings from the solution and the repayment of the loan, the estimated payback for the project is 12 years. A 4.5% interest rate has been assumed for the borrowing costs for the project.

Total Cost	Payback	Annual Energy Savings	Annual Repayment Costs	Annual Maintenance Costs	Remaining savings after loan repayments
£2,261,870	12 years (Q3 2038)	£292,291	£233,307	£24,467	Annual remaining Savings: £34,516

Table 1: Estimated annual savings

This business case also seeks a decision on how the financial savings made be used. 3 options are presented:

1. The £34,516 savings are reinvested into the SWISCo streetlighting teams budgets to enable them to replace streetlighting columns that are structurally unsound and in need of urgent replacement.
2. The estimated energy savings are kept within the councils budgets, this could include establishing a ring fenced fund for other future energy and carbon saving projects/intiatives.
3. The entire estimated energy savings (£292,291) are used to repay the loan to reduce the payback period, resulting in a 10-year payback period instead. This option will mean that the loan for the project is repaid at a slightly faster rate and enable the full energy savings to be achieved earlier that currently forecasted.

A joint-contract procurement was undertaken between Devon County Council (DCC) & Torbay Council in May of 2020 to appoint a supplier to undertake the supply, installation and maintenance of streetlighting apparatus located within the county of Devon, including the Torbay area. The successful contractor was appointed on 1st July 2020. The current contract expiry date is 30th September 2030.

The joint contract included a provision for the replacement of the Central Management System (CMS) via the use of a Contract Option located under Section 16 of the contract. Devon County Council have since used this option to undertake CMS replacements across Devon on multiple occasions.

Torbay Council intend to exercise the same Contract Option to replace the CMS solution currently in place within Devon County Council. Upon exercising the Section 16 Contract Option, Torbay Council will appoint Telensa Central Management System (CMS) to undertake the works as required.

Telensa are the market leaders in the UK for street lighting central management systems and are an established supplier. Devon County Council (DCC) have implemented the Telensa CMS on 80,000 streetlights, with remarkable success and have highlighted how the system helps to manage their inventory and achieve savings through dimming[1][2]. Our current contractor Enerveo has previous experience of implementing the Telensa equipment and systems, therefore it is a product they have practical experience of installing and managing.

Any delays in getting approval to proceed/fund this project in the 2025/26 financial year will likely cause an increase in costs due to the RPIX price index changing after 1st April 2026, therefore, approval is sought to fund this solution before the start of the 2026/27 financial year.

[1] Devon street lights to be dimmed to save millions - BBC News
[2] Streetlight dimming trial will cut carbon and costs - News

2 Strategic Case

2.1 The case for change

2.1.1 Existing arrangement

The councils total spend on electricity and gas between April 2024 to March 2025 was £3,304,966. The energy consumption of our streetlighting made up £777,683 of this total, making it the highest consumption of electricity on our council asset list, and therefore a key asset to explore solutions to reduce the energy consumption and make financial savings. In the 2024/25 financial year, our streetlighting accounted for 504 tonnes of carbon emissions, which makes up 11% of our councils carbon footprint.

The current service model is the traditional method of lighting which is now very dated. Each existing light is an individual piece of lighting infrastructure fed by a low voltage cable. Each light has a preset lighting output which can be adjusted, which is known as dimming, but it requires the contractor to visit each light and replace the driver. The cost of this attendance and driver replacement is upwards of £120 per unit. Each light fitting has a sensor that detects light changes (dawn/dusk) and switches the light on or off. Maintenance of our lighting is both hands on and very time consuming which carries costs with it. Currently, SWISCo employ contractors to carryout night scouts on twelve preset routes in the bay to see if there are any lights out at night that may need fixing, whilst also relying on members of the public to report faults with specific streetlights, including lights that are on during the daylight hours or day 'burners'.

Our lighting inventory is currently controlled by photoelectric cells that bring the lights on when dusk falls and turn them off at dawn. The current issue for the streetlighting team is when these cells fail, the team experience "day burners", which is where a light doesn't switch off and stays on 24 hours a day, until an issue is raised and a contractor is sent to replace the cell. Depending on access to the column (often on busy main roads) and the current work stack, it can take several weeks for an operative to be able to repair the light. This leads to wasted energy and associated carbon emissions. In 2024, there were 91 day burners raised on the streetlighting system, with the average attendance time to repair these faulty streetlights being 17 days, which leads to a waste of 21.7kwh of electricity and 8.7kg of carbon emissions for one lantern.

The streetlighting team have made significant progress in updating the current inventory with LED bulbs. Over 65% of lanterns have been replaced. Since 2017/18, 1,899,561 kwh of energy and 1,203 tonnes of carbon emissions savings have been made. This is a significant reduction. There remain 3,431 that require Holophane LED lantern upgrades to bring the entire streetlighting inventory up to modern standards. However, past these lantern upgrades, the capabilities of our streetlights are limited in their ability to implement more energy efficient dimming regimes and make significant financial savings for the council.

2.1.2 Business needs – current and future

As seen in recent years, global events such as the Ukraine war have led to often erratic and fluctuating energy prices in the UK. It has become vital to be able to quickly adapt to these price rises, particularly for our key and high energy consuming assets in order to be more resilient to these external impacts.

It is also vital the Council implements innovative solutions that allow them to limit the financial impacts from these events.

Based on the current streetlighting capabilities, to change our streetlighting dimming regimes would mean an operative attending every one of our 14,794 streetlights at a cost of approximately £20 per unit. This would take 147 days to make the desired changes (based on the assumption that one operative could attend 50 units a day) and importantly, would cost the council £295,880.

As this example highlights, our current system is too slow and costly to make changes to our streetlights. Therefore, as a forward-thinking council, we need to introduce innovative technologies that gives the council the capacity to react to future events and that permit the council to implement changes that deliver energy savings through proactive actions.

As seen with other highway authorities such as Devon County Council, Somerset Council, Hampshire County Council are reducing their street lighting costs through extending the time that streetlights are turned off at night and reducing their brightness at certain times. Devon County Council began a 12-month countywide trial to amend the dimming of streetlighting in Devon, utilising Telensa's Computer Management System. Their pilot scheme will apply a dimming regime in residential areas and will run until April 2026. It is estimated to save £300,000 and 225 tonnes of carbon emission savings per annum.

2.1.3 Strategic need

2.1.3.1 Corporate & Community Plan alignment

As outlined in Community and Corporate Plan, Torbay Council's vision and mission is to make the most of our assets in Torbay whilst ensuring that we are an efficient council taking a proactive approach in innovative technology to transform our services. By delivering projects that save on our expenditure to operate our assets, we can reinvest these savings into providing more funding for our core services.

Part of our mission statement is to have a strong grip on finance and reducing the costs of our high-cost services and to deliver efficiencies, for which our streetlighting is our highest energy consuming asset within the council estate. As a council, we have also committed to protecting and enhancing our natural environment within the plan.

Added to this, the priorities in the Community and Corporate Plan commit to continue to tackle Climate Change, and in line with the Council's Environment and Net Zero Policy and Climate Change Net Zero 2030 target, there is a need to bring forward projects that support a reduction in our council carbon emissions. As part of our 2030 Net Zero target, any carbon emissions that we have not reduced in our scopes 1 and 2 (carbon emissions from our streetlighting are in our scope 2), willl need to be offset these emissions which are currently estimated at £75 per tonnes of carbon emissions. However this cost is likely to increase based on the availability of accredited offsetting schemes but also crucially as other local authorities and businesses also seek to offset their residual emissions to reach their Net Zero targets.

The Council has committed to exploring the opportunity to upgrade our streetlighting to deliver more energy efficient assets and to capture the potential carbon savings outlined within the Council's Climate Change Action Plan 2024-26. The energy consumed by our streetlighting makes up 11% of our

current Council carbon footprint in 2024/25 (504 tC02e), which makes it a significant area to focus on to enable the council to achieve its Net Zero 2030 target.

2.2 Objectives

The key objectives of this project are outlined below;

- The installation of 14,794 CMS telecells for each streetlight in Torbay
- Installation of 3,431 Holophane LED lanterns
- Installation of 14 Telensa base stations across Torbay
- Deliver a control management system that improves the operation and maintenance of our streetlighting assets across Torbay whilst enabling the council to implement for energy efficient dimming regimes
- Deliver £292,291 per annum of energy cost savings on the council's energy bill
- Save £14,435 per annum from no longer requiring a night scouting car
- Acheive an annual 230 tonnes reduction of carbon emissions from the reduction in energy usage and from the upgrade to LED lanterns

3 Economic Case

3.1 Options for consideration

3.1.1 Option 1 – Business as usual

3.1.1.1 Description

Option 1 is a business as usual (BAU) approach for our streetlighting inventory. Under this option, the council continues with the current streetlighting system and processes which are to manually manage our streetlighting assets. This current system is outdated and limited in its capabilities, particularly in being able to implement energy efficient dimming regimes in both a cost effective and timely manner.

3.1.1.2 Advantages

- No borrowing requirements
- No resource requirement to implement the project
- No disruption to install the new systems.

3.1.1.3 Disadvantages

By taking no action to improve the operations of our streetlighting assets, the council will be continue to be at risk to future energy price rises and unable to implement energy efficient dimming regime in a speedy manner, meaning the council will be financially imapcted by any increase in prices.

This option would aslo mean we miss our council 2030 Net Zero target and have to finance the offsetting costs for any residual emissions from our streetlighting, which if based on the current estimated costs of offsetting per tonnes of carbon, will cost the council £37,800 per annum to offset just our streetlighting carbon emissions.

Alongisde missing the potential to make £292,291 energy savings, the ability to make changes to the current dimming regime are limited and require TC current contractors Enerveo to visit each individual streetlight and make manual changes. This process must be done at cost and is often more costly than the savings made from introducing the dimming regime.

Will have to continue with the current inefficient and costly process of sending out contractors to respond to ‘day burners’ or other faults with individual streetlights whilst also having to contine with the night time scouting process.

3.1.1.4 Conclusion

A BAU approach won’t meet the objectives of this project to deliver significant energy and carbon savings whilst also increasing the resilience of the council to future energy prices rises. It will also maintain the costly process of sending out contractors to undertake night time scouting and having to respond to day burners and other faults that are reported.

3.1.2 Option 2 – Installation of only the Holophane LED Lanterns

3.1.2.1 Description

Option 2 is to procure and install 3,431 Holophane LED lanterns for the remaining streetlight inventory that have not been upgraded as part of the current streetlighting LED replacement programme. This option would bring the remaining streetlighting inventory up to modern standards in terms of their

energy efficiency and can deliver an estimated £151,473 of annual energy savings and 127 tonnes of carbon emissions savings, for a cost of £896,968.

3.1.2.2 Advantages

This option will bring the remaining streetlights in our inventory up to modern standards and complete the upgrade of all our streetlights to Holophane LED Lanterns. This will increase the overall efficiency of our streetlights and provide £151,473 of annual energy and 127 tonnes of carbon emissions savings per annum.

3.1.2.3 Disadvantages

Whilst this option will increase the overall energy efficiency of our streetlighting, it will not provide an innovative solution to enable the council to actively manage our streetlighting assets and implement more energy efficent dimming regimes. As highlighted in the strategic case, the council needs to explore solutions that improve the resilience of our streetlighting assets to energy price rises but also enable a more efficient system that can implement changes at pace. Importantly, this option will only deliver £151,473 of annual savings compared with the potential £292,291 of annual energy savings and other co-benefits as outlined in option 3.

Added to this, the process of sending out contractors to undertake night time scouting will have to continue and over the payback period for this option, would cost us £170,332 in total to maintain this process.

This option will also miss the oppurtunity to maximise the savings from introducing a innovative management system that can implement a more energy efficient dimming regime remotely.

3.1.2.4 Conclusion

Whilst upgrading our remaining streetlights with LED lanterns will deliver good energy and carbon savings but crucially it will not provide our streetlighting team with a system that is able to quikcly adapt our energy consumption or implement more energy efficient dimming regimes, where more significant energy savings can be made. Added to this, the current inefficient process of relying on night scouting and contractors to respond to day burners and other faults will have to continue at cost to the council.

3.1.3 Option 3 – Installation of the Holophane LED lanterns, Central Management System and a new energy efficient dimming regime

3.1.3.1 Description

Option 3 is the procurement and delivery of:

1) Telensa's Central Management System,
2) Upgrade of 3,431 streetlights to Holophane LED lanterns &
3) The implementation of a new dimming regime (see table 1 below).

This option can deliver £292,291 of annual energy savings and 230 tonnes of carbon emissions savings.

As outlined in option 2, currently there are 3,431 streetlights that have photoelectric cells, which are now out of date and can not be replaced unless they are upgraded with LED lanterns. In order to enable the rollout of the CMS, these streetlights will need to be upgrade to LED's. In combination with

the CMS and a new proposed dimming regime (see table 1 below), this will bring our entire streetlighting inventory up to modern standards of energy efficiency.

The Telensa CMS would be implemented through 14,794 Nodes being installed on our streetlights, which will replace the photoelectronic cell on the top of the lantern. These nodes will be linked to and communicate with 14 base stations that will be strategically installed to allow for maximum coverage across Torbay. The Nodes will then feedback into the CMS which will be accessible from a laptop and the inventory can be monitored in real time through remote access.

Through the CMS, each streetlight can be managed collectively or individually, but importantly, a dimming regime can be implemented from a laptop rather than through a manual visit, saving on time and costs. Therefore, this option also includes a new dimming regime (see table 1 below). It is proposed that the council increases dimming on main roads from 20:00 – 00:00 to 50% (from 77%) from 00:00 – 05:00. Increased dimming is also proposed in residential areas from 00:00- 5:00am to 30% (from 50%). It is through the proposed changes to our dimming regime that the significant energy savings (and carbon emissions) can be made. This gives the council the ability to make these changes remotely and in real time. Please note – The proposed dimming regime is based on a conservative approach and additional energy savings can be found through making adjustments that can be trialled once the system is implemented.

Table 2: Current and proposed dimming regime;

Current Dimming Regime					
Residential	Dusk – 22:00 = 100%	22:00 – 00:30 = Dim to 70%	00:30 – 06:00 = Dim to 50%	N/a	06:00 – Dawn = 100%
Main Road	Dusk – 00:30 = 100%	N/a	00:30 – 06:00 = Dim to 77%	N/a	06:00 – Dawn = 100%
Proposed Dimming Regime					
Residential	Dusk – 19:00 = 100%	19:00 – 20:00 = Dim to 70%	20:00 – 00:00 = Dim to 50%	00:00 – 05:00 = Dim to 30%	05:00 – Dawn = 100%
Main Road	Dusk – 20:00 = 100%	20:00 – 00:00 = Dim to 70%	00:00 – 05:00 = Dim to 50%	N/a	05:00 – Dawn = 100%

(*Note – 100% means no dimming*)

3.1.3.2 Advantages

This option has all the advantages of option 2. In addition, through the CMS and dimming regime, in total, this option will deliver annually £292,291 of energy savings and save 230 tonnes of carbon emissions.

Resilience to energy price rises

In addtion, the CMS can provide the council with the ability to react to unexpected energy price rises or other external events in a timely and efficient manner. The council can reduce energy consumption to almost zero at the click of a button from a laptop, rather than having to send contractors to manually dim every streetlight. Added to the value of CMS, smart metering capabilities within the system can be used to move away from estimated bills, to check their accuracy and to measure the impact of energy saving initiatives.

Operational Flexibility

The CMS solution, gives the council the ability to raise or lower the lighting levels to meet the bespoke requirements of events such as the Air Show, The Electric Bay Festival, The Bay of Lights. The added value of the CMS gives the council the ability to deliver bespoke lighting requirements depending on the event, an example of this is on match days for Torquay United which has an attendance of up to 5,000 fans. The lighting levels around the ground can be raised at full time to support safe travel away from the ground and the surrounding areas.

This capability also enables us to be able to react to unplanned events, such as for police emergencies, neighbourhood evacuation, missing persons and route diversion to an accident. Emergency services will have the ability to request lighting levels be raised through contacting our streetlighting team. CMS can also deliver granular level changes to the lighting levels in neighbourhoods that are crime hotspots or in areas where residents have complaints on the current light levels within their streets.

Remote performance management and fault detection

The CMS will provide real-time data on the health and performance of individual lanterns, with faults such as lamp or driver failures being detected automatically. This also means that there is no “down time” between the light becoming faulty and for a repair job being raised on the streetlighting system or waiting for a member of the public to notify SWISCo.

Removal of nighttime scouting services

Added to the financial case for the CMS and LED upgrades, is the removal of the current night scouting car patrolling around the bay to identify faults. Currently, a scout car goes out on average six nights a month. By installing the CMS there is no longer the need for this process. The council will annually save £14,435 and approximately 2 tonnes of carbon emissions.

Ecological and Public Health benefits

There is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems3. The adaptable programming and control provided by the Telensa System has the potential to allow Torbay to manage street lighting more sensitively in order to protect our habitats and species.

ALAN, produced by any human-made source, can propagate into the marine environment causing light pollution – an excess of light that disrupts the natural patterns of wildlife, contributes to rising carbon dioxide levels, harms human health, and obscures the stars. Light pollution threatens ocean ecosystems by disrupting natural light-driven cycles that regulate marine life.

[3] https://pml.ac.uk/sciencetopics/cleaner-seas/light-and-sound-pollution/

The proliferation of short-wavelength, blue-toned white lights since the advent of energy-efficient light-emitting diodes (LEDs) in the early 2000s has compounded this issue. This type of light is strong enough to penetrate deep into coastal waters, reaching more than 40 metres beneath the surface in areas with clear water and high intensity illumination. As well as impacting the marine environment, ALAN can harm human health (with links to cancer, diabetes and sleep disorders), interfere with bird migration and lead to the death of night flying birds, as well as being a key driver of insect decline.

Alongside our rare terrestrial and marine life, parts of Torbay are within the South Devon National Landscape. The impact of light pollution and skyglow can be seen across the National Landscape. Devon County Council have taken a pro-active approach to managing street lighting within the National Landscape.

There is an increasing urgency for better management of ALAN globally. Torbay has the evidence to identify where its most sensitive and important habitats are located. This could be used in conjunction with the Telensa system to allow Torbay Council to adapt the way in which the bay is lit up, whilst being able to respond to its sensitivities and protecting our unique biodiversity and landscapes. For example, where there is a particular area of importance to the bats at Berry Head, the lighting regime nearby could be adapted to attempt to reduce its disruptive impacts. Currently this is not possible due to the limiations of our streetlightings capbilities and the dimming regime it can implement.

Timescales to deliver

The CMS and LED upgrades can be installed within six to eight months (a conservative estimate currently) which provides the ability begin making the repayments of the proposed borrowing costs.

Experienced Contractor

Torbay Councils contractor Enerveo has gained practical experience in the installation of the CMS Nodes through the installation of the Telensa CMS solution for Devon County Councils streetlights with over 80,000 units installed across their inventory.

Future proofing the system

To future proof this solution, an Escrow clause has been negotiated with Telensa for a fixed fee of £2,000 per annum, the council would secure the intellectual rights to the Telensa CMS network, which is stored on the cloud and will be available to Torbay Council if Telensa were to cease operating. This clause provides a safeguard to our investment into this solution and in maintaining the potential energy and carbon savings available from this technology.

Guarantee on the CMS nodes and Base Stations

The guarantee on the 8 base station and the 14,794 CMS nodes is 10 years, which futeur proof any nodes that fail and need replacing during this time. The life cycle for the CMS nodes is estimated between 15 - 20 years, which provides future proofs the proposal.

Additional streetlight innovations post-CMS implementation

This business case is outlining the justification for the implementation of CMS, however due to the capabilities of CMS, there are follow up systems the council can implement to make additional energy and carbon savings. Traffic adaptive lighting can be implemented to dim the lighting on highways and main roads based on low traffic levels. Utilising real time traffic data and through a radar-based sensor

to detect the level of traffic, lighting will adjust to changes in the level of traffic. Following the successful implementation of the CMS solution, the viability of this option can be assessed.

3.1.3.3 Disadvantages

Whilst the option makes significant energy and carbon savings, further actions will be required to make our streetlighting assets completely net zero carbon emissions. The decarbonisation of the national energy system will support a gradual reduction in the carbon emissions of the electricity the council uses within both our streetlighting and council estate. However, this will be staggered as more renewable and low carbon energy sources enter the energy systems portfolio. New technologies and solution can be explored to further reduce the cost and carbon emissions of our streetlighting inventory such as solar and wind powered electrical generation on streetlights. This technology utilises renewable energy generation to power individual streetlights, reducing the capital costs to install and revenue maintenance and operating costs whilst reducing carbon emissions from onsite generation.

3.1.3.4 Conclusion

Added to all the benefits of option 2, the implementation of the CMS solution will provide our streetlighting team with the ability to make real time changes to our streetlights and importantly implement a more energy efficient dimming regime in a timely and cost effective manner. This option will deliver greater annual energy and carbon savings through the proposed dimming regime that the CMS can implement quickly once installed. Added to energy and carbon savings are the co-benefits of public health and safety and reducing the impact on our local nature and biodiversity.

The capabilities of the CMS system will also provide the streetlighting team with the ability to make granular changes from a laptop rather than the current process of contractors visiting individual streetlights, which is costly and takes time. This eliminates the current inefficiencies of the current streetlight operations whilst accelerating the cost, carbon and sustainability benefits. Added to this, through fault alerts being raised on the system, a more cost effective maintenace and repair programme will be possible and reduce the downtime of faulty lights.

3.2 Preferred option

The preferred option is Option 3 the CMS solution with LED upgrades and dimming regime. This option has all the advantages of option 2. In addition, through the CMS and dimming regime, it will deliver annually £292,291 of energy savings and save 230 tonnes of carbon emissions, operational savings, create an adaptable system and deliver a range of co-benefits including environmental and health and wellbeing.

This option costs £2,154,162 but will deliver a return on investment within 12 years (See appendix A for additional breakdown of the cash flow and cost savings) and make significant savings on the council's highest energy consuming asset.

There is an argument for funding Option 2 to install only the LED upgrades and then explore the delivery of the CMS solution later. However, this would be a missed opportunity to make more significant energy savings now for only an additional year in ROI (see payback in options table appendices 1), whilst also not providing a management system that will give us flexibility to operate

these assets on a granular scale. Added to drawbacks, are the potential added cost of retrospectively returning to the 3,431 streetlights that had been upgraded with LED lanterns.

4 Commercial Case

4.1 Procurement overview

4.1.1 Procurement undertaken

A joint-contract procurement was undertaken between Devon County Council (DCC) & Torbay Council in May of 2020. The purpose of this joint-contract was to appoint a supplier to undertake the supply, installation and maintenance of streetlighting apparatus located within the county of Devon, including the Torbay area. The procurement was undertaken as an Open Procedure due to the value of the nature of the works, and a successful contractor was appointed on 1st July 2020. The current contract expiry date is 30th September 2030.

The joint contract included a provision for the replacement of the Central Management System (CMS) via the use of a Contract Option located under Section 16 of the contract. Devon County Council have since used this option to undertake CMS replacements across Devon on multiple occasions.

Torbay Council intend to exercise the same Contract Option to replace the CMS solution currently in place within Devon County Council. This change falls within the scope of PCR 72.(1)(b)(i) where a contract can be modified for additional works, services or supplies, to be carried out by the original contractor, in order to prevent issues arising with regard to interchangeability or interoperability.

4.1.2 Preferred contractor / supplier

Upon exercising the Section 16 Contract Option, Torbay Council will appoint Telensa Central Management System (CMS) to undertake the works as required.

Telensa are the market leaders in the UK for street lighting central management systems and are an established supplier. Devon County Council (DCC) have implemented the Telensa CMS on 80,000 streetlights, with remarkable success and have highlighted how the system helps to manage their inventory and achieve savings through dimming[4][5]. Our current contractor Enerveo has previous experience of implementing the Telensa equipment and systems, therefore it is a product they have practical experience of installing and managing. As mentioned earlier, Devon County Council have already rolled out a CMS across the county, therefore by aligning our systems with those operated by DCC will future proof Torbay if future restructures or amalgamations materialise. Added to this, DCC have also agreed to run a trial on our lanterns to assess their compatibility with the Telensa Nodes and communication with their system.

4.2 Contract value

Contract value (with ESCROW) = £18,901 per annum (subject to RPIX).

Inclusions;

- Ongoing Support Services & Training, CMS Software Maintenance, CMS Software Operation, CMS Software Hosting, Network Maintenance, Network Operation Support, Network Operation Support.

[4] Devon street lights to be dimmed to save millions - BBC News
[5] Streetlight dimming trial will cut carbon and costs - News

Exclusions;

- Incorrectly configured or operated hardware or software, overload of system capacities, any failure by the Customer to comply with any of its duties or obligations set out in the agreement, maintenance which makes any of the core services of the PLANet application inoperable, unusable or cause any outages.
- Direct or indirect interactions with systems that are not part of the core services of the Solution and for which the Customer is responsible. Changes to the Solution by the Customer that have not been undertaken or authorised by the Supplier.
- Governmental or regulatory restrictions; exchange rulings, court or tribunal orders or other human intervention. Any other circumstances or matters other than matters for which the Supplier is responsible pursuant to this Agreement.

4.3 Contract Overview

A contract change notice will be completed in order to make the changes mentioned above to the joint-contract.
As the project implementation developes, a change request to our Laser Energy contract will be made to ensure that the energy savings from this project are communicated and materialise as we scale up the implementation of the CMS.

4.4 Contract management

From the point of approval, Enerveo will manage the call off of stock and installation programme of the Nodes and Basestations. This will be closely monitored by the streetlighting team who will liaise regularly with Enerveo to ensure that targets are being met. Future maintenance and related works will be issued to Enerveo by the SWISCo streetlighting team. SWISCo will manage the contract with both Telensa and Enerveo on behalf of Torbay Council.

5 Financial case

5.1 Introduction

The financial case for this project is outlined in this section and the request for approval to borrow the funding needed to deliver the preferred option. Included within the total borrowing costs is a 5% contingency (£107,708) to cover any increase in costs, however given the Telensa CMS is an off the shelf package and the prices to install the LED and CMS nodes have been fixed with the contractor Enerveo, these costs are not expected to change. A 4.5% interest rate has been assumed for the cost of borrowing and to estimate the payback period.

5.2 Funding

Funding Stream	Amount	Budget Holder	Spent /Committed	Remaining
Prudential Borrowing	£2,261,870	Malcolm Coe	£0.00	£0.00
Totals	£2,261,870		£0.00	£0.00

Table 3 – Funding streams

5.3 Capital Costs (Non-Recurrent)

Description	% Fee	Value	Comments
Holophane LED lantern upgrades	40%	£896,968	Cost of purchasing and installing 3,431 Holophane LED lanterns. Installation undertaken by Enerveo.
Telensa CMS Solution	55%	£1,257,194	Cost to purchase and deliver the Telensa CMS solution. Enerveo will manage the call off of stock and installation of the CMS nodes.
Main Contract (Enerveo)		£2,154,162	Expected overall contract costs.
Contingency	5%	£107,708	A 5% contingency has been put based on the costs to deliver the solution. The Telensa CMS is an off the shelf package and therefore a set cost. However, the costs to install the CMS nodes and the LED bulbs have been costed by Enerveo based on 2025/26 RIPX figures and would change if approval is delayed until the 2026/27 financial year.
Risk budget	0%	£0	No budget has been put in place for any risks for this project.
Total	**100%**	**£2,261,870**	

Table 4 – Capital Costs

5.4 Ongoing costs (Recurring commitment)

Description	Value	Comments
Telensa Operating Cost (Annual)	- £16,901	The ongoing operating cost for access to the Telensa management system.
Cost of Power Telecells (Annual)	- £5,095	Annual energy costs of Telensa telecells.
Cost of Power Base stations (Annual)	- £471	Annual energy costs of the Telensa Base stations.
ESCROW clause (Annual)	- £2,000	Annual cost to maintain the contract clause for Torbay Council to have access to the technology and systems that supports Telensa's CMS network, which is stored on the cloud and will be available to Torbay Council if Telensa were to cease operating.
Maintenance	- £20 per faulty unit.	Any Nodes or base stations that may become inoperable will be send back to Telensa and replaced free of charge under the warranty. There would be a minimal cost of approx. £20 for the contractor to attend site.
Resource costs	- £0	All management of the CMS will be carried out "in-house" by Tom Pennicott (Street Lighting Engineer) and the Street Lighting Technician. Any updating of the system by the Contractor will be covered as part of the contract and no extra cost will be incurred.
Borrowing / Repayment	- £233,307	The borrowing costs and payback period have been based on an assumed 4.5% interest rate.
Income / Savings	£292,291 Savings	Subject to approval, any savings that may come back into the street lighting budget will be added to the major works budget and will facilitate the replacement of columns that are structurally unsound or End of Life.
Removal of contractor nighttime scouting	£14,435 savings	The removal of the current night scouting car patrolling around the bay to identify faults. By installing the CMS there is no longer the need for this process. This a saving from a current contract and
Total balance	**£48,951**	

Table 5 – Ongoing Costs

5.5 Tax considerations

The project has been reviewed against any tax considerations that may be

- This is a Torbay Council (TC) initiative and there is no involvement with the Devon and Torbay Combined County Authority.
- The streetlight works only relate to Torbay Council streetlighting infrastructure on TC highways.
- The works will be fully funded by borrowing – there is no expectation of grant funding.
- TC will procure the works and can reclaim VAT charged on the works to the extent that usual VAT rules apply, which includes the requirement for a valid VAT invoice addressed to TC.

5.6 Financial summary

Approved Budget (£)	Expenditure to date	Forecast to complete	Total	Remaining (Contingency)
Funding subject to approval of the business case.	£0.00	£2,154,162	£2,154,162	£107,708

Table 6 – Overall project Budget

5.7 Reinvestment of Energy Savings

Based on the proposed payback period of 12 years for the project and the annual repayment costs of £233,307 during this period, an estimated figure of £34,516 annually left over from the proposed energy savings (see table 7 below for reference). This section outlines two options for how these savings can be reinvested.

Options	Total Cost	Payback	Annual Energy Savings (Pre-Borrowing repayments)	Annual Repayment Costs	Annual Maintenance Costs	Remaining savings after loan repayments
CMS, LED Upgrade & Dimming regime	£2,154,162	12 years (Q3 2038)	£292,291	£233,307	£24,467	Annual remaining Savings: £34,516

Table 7: Estimated annual savings after the cost of annual loan repayments and maintenance costs

5.7.1 Option 1: The energy savings are invested into the streetlighting budgets to fund the replacement of columns that are structurally unsound.

Torbay's street lighting inventory is deteriorating each year due to the budget not being able to support enough column replacements. As of last year, it was calculated that it would cost over £4m to bring our inventory stock up to standard and replace all our units that are beyond their design life of 25 years, with some columns being up to 60 years old. Additional funds to support our annual budget would allow for much needed investment in our lighting infrastructure. SWISCo are beginning to implement much needed structural testing in Torbay to identify columns that are in the worst condition. KIWA have been tasked with testing all of our 8m and 10m columns that are over 10 years old. They have recently finished the Torquay route which consisted of 1,079 columns in total, with the results from these surveys outlined below;

- 677 - class 1 = Re-test within 5 years
- 309 - class 2 = Re-test within 3 years
- 57 - class 3 = Re-test within 2 years
- 14 - class 4 = Schedule for removal/replacement.
- 22 - class 5 = Immediate removal or make safe the unit.

Following these surveys, the 22 units that were identified as class 5 have been removed whilst those identified as class 4 have been flagged as scheduled for urgent replacement. To complete the replacement of these 36 columns will cost upwards of £60,000. This is before the streetlight columns in Paignton and Brixham have been tested and before surveys begin to structurally test the remaining 12,500 residential units in Torbay that require maintenance. An extra £34,516 per year coming into the street lighting budget would allow us to replace an extra 20 columns a year, which is a significant figure given the current and growing constraints that the department faces.

5.7.2 Option 2: The energy savings are kept by the Council

The council keeps the estimated energy savings to invest into other services as it sees fit. For example, the Council could choose to use the annual £34,516 savings to create a recycling fund. This would invest in financially attractive energy and carbon saving projects. The financial savings made would then be recycled back into this fund to invest in new financially attractive energy and carbon saving projects. This would create an annual budget for energy and carbon saving projects. Currently any energy / carbon projects have been reliant on one-off budgets.

5.7.3 Option 3: The energy savings repay the loan and reduce the payback period

The entire estimated energy savings (£292,291) are used to repay the loan to reduce the payback period, resulting in a 10-year payback period instead. This option will mean that the loan for the project is repaid at a slightly faster rate and enable the full energy savings to be achieved earlier that currently forecasted.

6 Management case

6.1 Governance

6.1.1 Governance arrangements

As this project is seeking endorsement from the Capital Growth Board to borrow the required funding to deliver this project and will therefore have oversight to the project's successful delivery. The project board outlined below will project manage and oversee the delivery of the project. For reporting, the SWISCo streetlighting team will report and escalate any issues to the climate initiative board.

The SWISCo streetlighting team will manage the day-to-day implementation of the project through managing Enerveo as the contractors to deliver the LED and Telensa Nodes installation.

6.1.2 Project Board

The following people have been identified who will be critical to ensuring the delivery of the project:

Table 8 – Project Board

Name	Title	Project Role / Area of Expertise
Matt Reeks	SWISCo – Managing Director	Project Sponsor
Ian Jones	Head of Highways	Senior Responsible Officer
Guy Redfern	Service Manager – Highways	Project Management
Tom Pennicott	Streetlighting Engineer	Operational Delivery
Alex Carter	Climate Strategy and Project Officer	Strategic oversight
Andrew Sherry	Principal Accountant	Financial oversight and scrutiny
Ryan Guy	Procurement & Contracts Officer	Procurement
Chris Gomm	Streetlighting Engineer & Comms/Engagement Officer	Communications
Tom Pennicott	Streetlighting Engineer	Contract manager

6.2 Key milestones

Below are the indicative key milestones for the project;

Activity	Start	End	Comments
Climate CGB approval	21/08/25	21/08/25	Climate CGB gives approval of the business case and to take forward to CGB.
CGB Approval	01/10/25	01/10/25	The CGB gives approval of the business case and to take forward to full council for the approval to borrow the required funding to deliver the project.
CAD	05/11/25	05/11/25	CAD approval to take the business case forward to Cabinet.
Cabinet approval	18/11/25	18/11/25	Cabinet approval of the business case and to borrow the required funding.
Full Council Approval	11/12/25	11/12/25	Full council approval of the business case and to borrow the required funding.
Contract Instruction	15/12/25	15/12/25	Upon exercising the Section 16 Contract Option, Torbay Council will appoint Telensa Central Management System (CMS) to undertake the works as required.
Project preparation and setup	15/12/25	13/03/26	Enerveo begin project preparation for getting additional onsite gangs ready, office resources in place and update systems. Whilst also ordering the Telensa nodes and LED lanterns in tranches ready for installation,
Installation of Telensa base stations.	16/03/26	27/04/26	Installation of 14 base station in pre-designated areas within the bay prior to the rollout of the CMS nodes and lantern replacement.
Installation of Telensa nodes for all streetlights.	16/03/26	09/11/26	Between 6-8 months to install the Telensa nodes (This is a conservative timescale currently and the expectation is that this could be delivered at an accelerated rate).
Installation of Holophane LED Lanterns to 3,431 streetlights.	16/03/26	09/11/26	As part of the rollout of the CMS nodes, for the 3,431 streetlights will have Holophane LED lanterns fitted.
Go Live Date	16/11/26	16/11/26	The installation of all LED's and CMS nodes are complete and the Telensa network is available to begin implementing the proposed dimming regimes.
Project Delivered	27/11/26	27/11/26	Project is complete.

Table 9 - Key Milestones

6.3 Benefits delivery

Benefits for this scheme will be measured via the below key performance indicators:

1. Achieve the estimated £292,291 annual energy savings. Upon completion of the project, this will be measured every six months through the streetlighting energy data and the councils Laser Energy data by the streetlighting team.

2. Achieve the Estimated annual carbon savings of 230 tCO2e. Upon completion of the project, this will be measured every six months through the councils Laser Energy data by the climate Change team.
3. Operational cost savings from a reduction in night scout patrols and fault call outs by contractors. Upon completion of the project, this contractor service will cease, and the savings will be guaranteed.
4. Enables the flexible and remote management of our entire streetlighting inventory from one laptop.
5. Provides the opportunity for supplementary dimming regimes to be piloted that can deliver additional energy and carbon savings.
6. Provides the opportunities to implement supplementary streetlighting technologies that provide additional operational capabilities and energy savings.
7. Reduced impact on marine biodiversity and nature from artificial streetlighting.
8. Reduce the number of public complaints about the brightness of streetlights in residential areas. The streetlighting team currently receive complaints data monthly. Upon completion of the project, this data can be reviewed by the streetlighting team to assess the number and frequency of complaints monthly.
9. Future proofs our streetlighting assets pending local government restructure.

6.4 Risk management

Risks will be reviewed and managed using a standard risk matrix. The initial risks identified and their mitigations at this stage have been provided in E.

6.5 Communications & Stakeholder engagement

6.5.1 Communications plan.

Given the nature of this project and impact on a public service, an extensive communications package will need to be delivered to ensure that all members of the public are aware and given full details of the CMS and the estimated energy and carbon savings. This includes highlighting the numerous co-benefits that CMS provides such as;

- Annual reductions in energy consumption and carbon emissions
- Reduce the impact of ALAN on our unique biodiversity and landscapes in the Bay
- Reduce the impact on public health
- Reassurance on safety considerations

6.5.2 Objectives

The aim of this campaign is:

- to inform residents, councillors and wider stakeholders in Torbay to ensure they are aware of the new street lighting scheme and know the benefits of the new system.
- To promote Torbay's wider work to improve energy and cost efficiency and support the councils targets to tackle Climate Change.
- Maximise positive publicity opportunities throughout the process from decision making to implementation of the new lighting system.

6.5.3 Audience

We will target the following groups to provide feedback:

- Deputy Leader Councillor Chris Lewis (Cabinet lead for Climate Change)
- Councillors
- local residents in Torbay
- Climate Partnership partners (Member organisations including private, public and voluntary and community sector)
- community partnerships
- Brixham Town Council
- SWISCo
- Devon and Cornwall Police
- Devon and Cornwall Police and Crime Commissioner.

6.5.4 Strategy

6.5.5 What is the messaging?

- Torbay will benefit from its entire street lighting inventory being upgraded to state-of-the-art LED which will significantly improve the energy efficiency of our streetlights and lower our council carbon emissions but, importantly also save money in the long term, saving thousands of pounds over its lifetime.
- Our entire street lighting inventory will be centrally controlled by Telensa's Control Management System (CMS). This system will enable the council to control the brightness of individual streetlights via a laptop and be able to adapt the brightness at the touch of a button.
- Better, more modern streetlighting will also help address anti-social behaviour and reduce the impact on our biodiversity across the Bay from artificial streetlighting.
- A key outcome from the project is that the estimated energy savings from the project can be reinvested into our council budgets to deliver further improvements to our council infrastructure and services.
- The new lighting is one of a number of key infrastructure projects to help reduce the Council's carbon emissions as part of our Climate Change Action Plan.

Note: these are all the proactive key messages to promote the positive benefits of the scheme; we will also need 'reactive' lines to take if asked by media/public etc about things like brightness / dimming of the lights, e.g:
The new scheme allows us to vary the brightness of the lights across the Bay at the touch of a laptop button, whereas before we have always had to change the brightness of individual lights. Therefore, if a resident or other stakeholder contacts us with any concerns about a light being dim or needing adjusting, we can do this very quickly and easily.

6.5.6 What are we going to do?

- 5 November - Business case goes to CAD – Cabinet and Directors will receive information about the project.

- 18 November – Cabinet – this is the point where the project will become public knowledge so we will coincide the main initial publicity at this point. There will be a Members Briefing to all Councillors (email newsletter update), press release sent out to local media, included on the News page on our website, article in One Torbay and Staff News, social media posts across our channels including Facebook, LinkedIn, Nextdoor and Instagram.
- 16 March 2026 – Installation of the new lighting – follow up opportunity for 'work in progress' photos, video etc for use on social media and in our newsletters.
- 16 November 2026 – Go live date – Press release, photo opportunity with councillors and staff/contractors, article in One Torbay, social media posts, Members Briefing to update councillors that the project is now live.

6.5.7 What channels will we use?

- Initial decision: Members Briefing to all Councillors (email newsletter update)
- press release sent out to local media, included on the News page on our website
- article in One Torbay and Staff News
- social media posts across our channels including Facebook, LinkedIn, Nextdoor and Instagram.
- Later milestones: Installation of the new lighting – follow up opportunity for 'work in progress' photos, video etc for use on social media and in our newsletters.
- Go live date – Press release, photo opportunity with councillors and staff/contractors, article in One Torbay, social media posts, Members Briefing to update councillors that the project is now live.

6.5.8 Implementation

When	What	Who
13 Oct	Draft comms plan and business case goes to CAD? (check)	**Chris Gomm**
5 November	Business case goes to CAD – Cabinet and Directors will receive information about the project.	Chris Gomm
18 November	Cabinet – this is the point where the project will become public knowledge so we will coincide the main initial publicity at this point.	Chris Gomm
18 November	Members Briefing to all Councillors (email newsletter update),	Chris Gomm
18 November	press release sent out to local media, included on the News page on our website	Chris Gomm
18 November	article in One Torbay and Staff News	Chris Gomm
18 November	social media posts across our channels including Facebook, LinkedIn, Nextdoor and Instagram.	Chris Gomm
16 March 2026	Installation of the new lighting – follow up opportunity for 'work in progress' photos, video etc for use on social media and in our newsletters.	Chris Gomm
16 November 2026	Project go live date – Press release, photo opportunity with councillors and staff/contractors, article in One Torbay, social media posts, Members Briefing to update councillors that the project is now live.	Chris Gomm

6.5.9 Scoring/Evaluation

INPUTS (This is the work you do before or during the	OUTPUTS (What is delivered and audience reached)	OUTTAKES (responses to content – what qualitatives can be measured i.e.	OUTCOMES (What is the result you want? How will you

campaign planning).		no. of consultations completed, no. of webpage hits, press coverage)	know the campaign has been a success?)
Communications planning **Insight** **Audience segmentation** **Researching channels and opportunities** **Liaising with communications leads in partner organisations.** **Graphic design for social media posts and other channels** **Drafting content**	Facebook and Twitter posts Press releases Internal communications messages GovDelivery bulletins – One Torbay, Staff News etc Partner organisations sharing our messages and engaging with the Review via their own channels.	Reach on our corporate social media channels including Facebook and Twitter (shares, likes, retweets). Conversion rate / click-throughs from our social media channels through to corporate website. Feedback and sentiment from followers on our Facebook and Twitter channels. Press coverage Increase in subscribers to e.g. One Torbay etc Increase in the number of people doing what? e.g enquiring about becoming a foster carer	Supporting Torbay Council's Climate Change Action Plan Energy efficiency, cost savings in long term Public awareness of new lighting scheme Enhancing the council's reputation and credentials as energy efficient and using state of the art technology

6.6 Equality Impact Assessment

The Council has a public sector duty under the Equality Act 2010 to have 'due regard' to advancing equality of opportunity between those persons who share a relevant protected characteristic and persons who do not share it. The Act also seeks to eliminate discrimination, harassment and victimisation. It is important that you carefully and thoroughly consider the different potential impacts that the decision being taken may have on people who share protected characteristics. The dimming regime aligns with Torbay Council's sustainability goals but must be implemented with care to avoid exacerbating inequalities. Through inclusive engagement, smart technology, and targeted mitigation, the Council can ensure the project supports both environmental and community wellbeing.

An Equality Impact Assessment (EIA) has been carried out and can be found in Appendix F. A summary of the equality impact assessment for the project;

- Age – Older people may feel less safe walking in dimly lit areas, particularly in the evenings during the winter months. Young people may be more active at night and affected by reduced

visibility. However, there is no evidence that the proposed changes would lead to an increase in actual crime, however they may result in an increased fear of crime.

- Disability - This group could be potentially negatively impacted in terms of sensory implications with reduced or no lighting. This could affect people with sensory processing disorder, autism, those that are partially sighted, or blind. Mitigation for these needs include that lighting can be adjusted at short notice to improve the experience of disabled people, and feedback from members of the public will be responded to as appropriately.
- Gender Reassignment - LGBTQ+ individuals may feel more vulnerable in poorly lit areas due to risk of harassment. As part of the proposed dimming regime, the prioritisation of lighting in known safe spaces and community hubs can be implemented, with community feedback being used to refine lighting where required.
- Religion - Some religious groups may be disproportionately affected due to cultural practices (e.g., late-night worship). Added to this, some minorities may fear increased discrimination which has a detrimental impact to their ability to go to places of worship. The lighting around places of worship or cultural centres can be provided with bespoke lighting without compromising safety and equality.
- Race - People from minoritise ethnic groups may feel less safe at night or fear incidents of discrimination particularly with rising cases of hate crime for refugees and asylum seekers. The lighting around places of worship or cultural centres can be provided with bespoke lighting without compromising safety and equality.
- Sex – All groups could potentially be negatively impacted by the dimming of streetlighting due to risk of violence and harassment in particular on women. To reduce the potential impact, the streetlighting can be maintained on key pedestrian routes and transport hubs such as train stations, bus stops and taxi ranks.
- Sexual Orientation - Potential impact of increased hate crime / violence towards those who identified their sexuality as either lesbian, gay, bisexual or other terms. As part of the proposed dimming regime, the prioritisation of lighting in known safe spaces and community hubs can be implemented, with community feedback being used to refine lighting where required.

As part of the ongoing mitigation activities, the following actions will be undertaken following the implementation of the CMS;

- Regular review of complaints and feedback;
- Adjust lighting schedules based on seasonal changes; &
- Ongoing engagement with affected communities

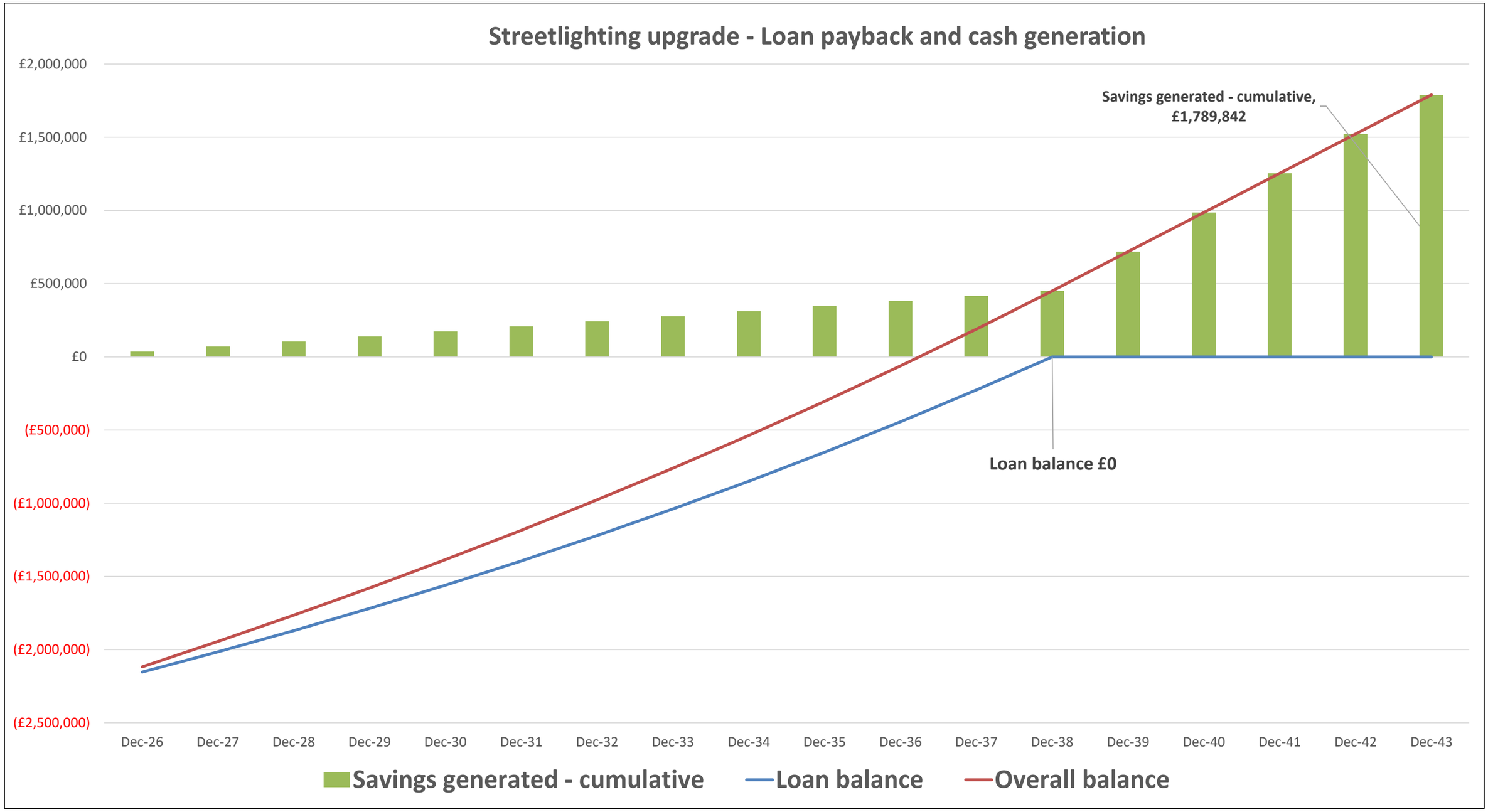
Appendix A. Options cost summary

The below table outlines the options being assessed and their indicative costs, however it's a key point to note that the payback in years is without the cost to borrow the required funding and the interest rates which are applied therefore impacting on the payback of this project based on the potential financial savings.

Table 10 – Option Cost Summary

Options	Description of option	Total costs install	Annual maintenance p/annum	Energy Savings (£) p/annum	Energy Savings (Kwh) p/ annum	Carbon Saving (tCO2e) p/ annum	Co-benefits
Option 1	Business As Usual (BAU)	£0	£0	£0	0	0	N/A
Option 2	Installation of only the LED lanterns.	LED Lanterns = £896,968 **Total Cost = £896,968**	£0 (10 Year warranty on the LED bulbs) Scout Car investigations = £14,435 **Total annual costs = £14,435**	LED Lanterns = £165,908 **Total energy savings (minus annual maintenance costs) = £151,473**	LED Lanterns = 572,098 kwh per annum **Total Kwh savings = 572,098 kwh per annum**	LED Lanterns = 127 tCO2e **Total carbon savings = 127 tCO2e per annum**	Significant energy and tCO2e savings.
Option 3	Installation of the LED lanterns and the CMS solution which will enable a more energy efficient dimming programme to be implemented. Also allows for further dimming regimes to be trialled and deliver further energy savings.	CMS Nodes = £1,210,726 LED Lanterns = £896,968 **Total Cost = £2,154,162**	Telensa Operating Cost = £16,901 Escrow = £2,000 Cost of Power Telecells = £5,095 Cost of Power Base Stations = £471 **Total annual costs = £24,467**	LED Lanterns = £165,908 Dimming = £150,850 Savings from scout car investigations = £14,435 **Total energy savings (minus annual maintenance costs) = £292,291**	LED Lanterns = 572,098 kwh per annum Dimming = 460,035 kwh per annum **Total Kwh savings = 1,032,133 kwh per annum**	LED Lanterns = 127 tCO2e Dimming =103 tCO2e **Total carbon savings = 230 tCO2e per annum**	Significantly improved streetlighting system, which enables flexible dimming regimes to be implemented whilst delivering energy savings. Operational cost savings from a reduction in scout car investigating faults. Significant tCO2e savings. Biodiversity and nature benefits. Public Health benefits.

Appendix B. Return on Investment for CMS and LED upgrade solution



Appendix C. Costs breakdown - Telensa Central Management System (CMS)

Item;	Cost;
Supply of 14 x Telensa Base stations @ £5676 each =	£79,464
Supply of 6830 x Telensa Node (Conduit) @ £72 each =	£491,760
Supply of 4241 x Telensa Node (NEMA) @ £68.40 each =	£330,030
Telensa Operating Cost x 1 @ £16,901 per annum (subject to RPIX)	£22,497
Installation of 14 x Telensa Basetations @ £106.54 =	£1,493
Installation of 4767 x Telensa Node (Conduit) @ £35.04 (5m & 6m columns) =	£167,036
Installation of 4463 x Telensa Node (NEMA) @ £15.57 (5m & 6m columns) =	£69,489
Installation of 2133 x Telensa Node (Conduit) @£43.80 (8m & 10m columns) =	£93,425
ESCROW =	£2,000
Total Cost:	**£1,257,194**

Appendix D. Costs Breakdown for Holophane LED Lantern Upgrades

Item;	Cost;
3,431 Holophane LED Lanterns to install on; • Main Road units: 742 • Residential units: 2,689	£896,968
Total Cost:	**£896,968**

Appendix E. Project Risks

Risk ID	Risk Description	Impact Description	Likelihood	Impact	Level of Risk Scoring	Type of Risk	Risk Owner	How will the risk be managed and/or mitigated?
1	Project doesn't receive approval to borrow the required amount of funding to deliver the project.	The FBC and the approval to borrow the funding isn't received which means that the project can't be take forward to deliver.	2	4	8	Funding	AC/GR/TP	Development of the business case to highlight the significant energy & carbon savings plus = the operational, public health & nature/biodiversity benefits.
2	Installation of the CMS/ new lanterns impacts the day-to-day operations of the streetlighting	There is a disruption or impact on the residential and main roads as a result of the installation of the CMS nodes and LED lanterns.	1	4	4	Physical installation of the CMS nodes and LED lanterns	TP / GR	The works will be conducted in the day to avoid disruption to streetlighting operations. Installation of the solution will look to avoid busy periods on main roads to limit the impact to traffic. The Enerveo teams have experience in installation of the CMS Nodes and LED bulbs.
3	Any detrimental impact to public health and safety from the proposed dimming regime that is implemented for our streetlights.	Members of the public are adversely impacted by the dimming of streetlights on main roads and in residential areas.	2	3	6	Public Health and Safety	TP/GR	Where there are areas of public disorder or anti-social behaviour, the streetlights in these areas can raise their illumination to help support police, security and emergency services.
4	Any delays in getting approval to proceed/fund this project in the 2025/26 financial year will likely cause an increase in costs due to the RPIX price index changing after April 2026.	The costs of delivering and installing the solution will likely increase due to the RPIX price index change that will occur from April 1st 2026.	3	4	12	Costs / Delays	IJ / GR	Aim to present the business case and receive approval to borrow he necessary funding prior to the end of the 25/26 financial year.
5	The public aren't communicated with extensively about the project and the proposed dimming regime that is proposed to be implemented on residential and main roads. .	Members of the public aren't made aware of the proposed dimming of streetlights and there is confusion or concern when they notice a change in the brightness of streetlights.	2	3	6	Public Awareness	GR/ TP / CG	Once the CMS nodes are installed, a trial pilot can be undertaken to assess if the public notices any changes to the lighting levels in residential or main road areas.

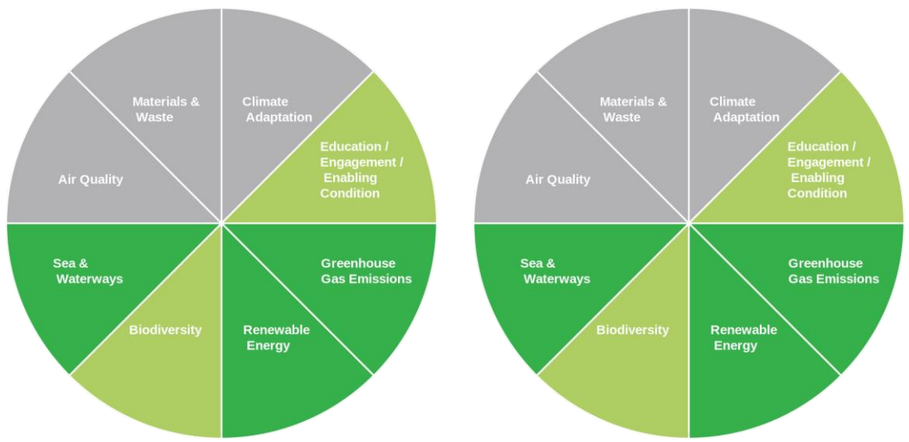
Appendix F. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	Younger and older people may feel less safe at night. The Office for National Statistics (ONS) found in the Crime Survey for England and Wales 2016, that perceived perception of victimisation varies by age. They found that: • Those aged 16-24 years tended to underestimate victimisation amongst their age group • Those ages 25-34 years produced a better estimate of their likelihood of experiencing victimisation • Individuals 35 years and older tended to overestimate their likelihood of victimisation, when compared to victimisation rate Public perceptions of crime in England and Wales - GOV.UK For the calendar year 2023, the total number of collisions within Torbay in 2024 were 150 for all types, which was down from 191 for 2023 - Road Casualty Reduction Reports - Torbay Council. Older people may feel less safe walking in dimly lit areas, particularly in the evenings during the winter months. Young people may be more active at night and affected by reduced visibility. However, there is no evidence that the proposed changes would lead to an increase in actual crime, however they may result in an increased fear of crime - Switching off street lights at night does not increase car crashes and crime | UCL News - UCL – University College London	Any negative impacts can be quickly remedied through the capabilities of the CMS system. During the early evening and to support the nighttime economy, bespoke lighting regimes can be implemented for town centre areas in particular taxi areas, road crossings and any other areas that require additional lighting. In addition, higher lighting levels can be put in place in areas with high footfall or near care homes, schools and youth centres.	Highways team – SWISCo
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	No effect anticipated. Should there be any issues raised around equality once the lighting regime is in place, can be quickly remedied through the capabilities of the CMS system.	n/a	
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	This group could be potentially negatively impacted in terms of sensory implications with reduced lighting. This could affect people with sensory processing disorder, autism, those that are partially sighted, or blind. Mitigation for these needs include that lighting can be adjusted at short notice to improve the experience of people with disabilities, and feedback from members of the public will be responded to as appropriately. For vulnerable road users, such as pedestrians, cyclists, motorcyclists, Horse riders, Users of mobility devices, there may an impact in terms of risk from reduced lighting on roads. In terms of road accidents in Torbay, the number of collisions have dropped from 191 in 2023 to 150 in 2024 - Road Casualty Reduction Reports - Torbay Council. This group may have concerns that this will increase their risk of road accidents and collisions from a reduction in lighting particularly on road crossing, ramps and other accessibility routes. However, the proposal to retain lighting, albeit at a reduced level, should help	Any negative impacts or disruptions for those with disabilities within specific streets can be reported to SWISCo who can adjust the streetlighting on a street-by-street basis to accommodate any specific lighting needs. Added to this, the lighting for road crossings, ramps, bus stops and other key accessible routes can have additional lighting to ensure safety of all users but can be adapted for those with disabilities to ensure they meet minimum standards for accessibility. To monitor the impacts, complaints and feedback can be monitored to adapt any lighting requirements within specific areas.	Highways team – SWISCo

		reduce the adverse impacts to some extent.		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	Trans individuals may be disproportionately impacted by this decision as due to their risk of hate crime. They may feel more vulnerable in poorly lit areas due to risk of harassment. There were 151 incidents of hate crime that were gender reassignment orientated in Devon in 2024. Hate Crime | Annual Equality Report 2024 | Devon & Cornwall Police	Any negative impacts can be quickly remedied through the capabilities of the CMS system. As part of the proposed dimming regime, the prioritisation of lighting in known safe spaces and community hubs can be implemented, with community feedback being used to refine lighting where required.	Highways team – SWISCo
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	No adverse impacts are anticipated. Should there be any issues raised around equality once the lighting regime is in place, can be quickly remedied through the capabilities of the CMS system.	N/a	
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	No adverse impacts anticipated. Should there be any issues raised around equality once the lighting regime is in place, can be quickly remedied through the capabilities of the CMS system.	N/a	
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	People from minoritised ethnic groups may feel less safe at night or fear incidents of discrimination particularly with rising cases of hate crime for refugees and asylum seekers. Hate crime, England and Wales, year ending March 2024 - GOV.UK In Torbay in 2024/25, there were 39 reports of hate crime that were race oriented, up 9 from 2023/24. However, from Devon and Cornwall police figures for 2023, of the 2,100 hate crimes reported, over 48% were motivated by race highlighting that this a major issue for the area. Hate crimes motivated by hostility towards race accounted for the largest proportion, with 1,246 crimes — a 26% increase from the previous year - Hate Crime | Annual Equality Report 2024 | Devon & Cornwall Police	Any negative impacts from the proposed dimming regime can be quickly remedied through the capabilities of the CMS system. The lighting around places of worship or cultural centres can be provided with bespoke lighting without compromising safety and equality.	Highways team – SWISCo
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	In 2024/25, there were 2 reports of religion-oriented hate crimes reported in Torbay. However, from Devon and Cornwall Police figures for 2023, of the 2,100 hate crimes reported, 128 were religion or belief motivated. Some religious groups may be disproportionately affected by the change in lighting due to cultural practices (e.g., late-night worship). Added to this, some minoritised ethnic communities may fear increased discrimination which has a detrimental impact to their ability to go to places of worship.	Any negative impacts from the proposed dimming regime can be quickly remedied through the capabilities of the CMS system. The lighting around places of worship or cultural centres can be provided with bespoke lighting without compromising safety and equality.	Highways team – SWISCo
Sex	51.3% of Torbay's population are female and 48.7% are male	All groups could potentially be negatively impacted by the dimming of streetlighting due to risk of violence and harassment in particular for women.	There is an unequal chance of impact on women suffering increased harassment and violence as a result of this project. To reduce the potential impact, the streetlighting can be	Highways team – SWISCo

		In the UK, 74% of all victims of domestic abuse and sexual violence crimes recorded by police in the year ending March 2020 were female. This national picture roughly aligns with the figures in Torbay between 2018-21, with 72% of victims being female. - final-post-consultation-version-with-foreword-210223.pdf	maintained on key pedestrian routes to provide additional lighting. Gender-based safety audits can be undertaken to get views on where additional lighting is required. In conjunction with this, working with community safety teams and consider lighting near transport hubs such as train stations, bus stops and taxi ranks.	
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	Potential impact of increased hate crime / violence towards the LGBT+ community In 2024, 17% of reported hate crime in Devon was sexual orientation motivated, with 9 hate crime reports in Torbay during the same period. Hate Crime | Annual Equality Report 2024 | Devon & Cornwall Police / Torbay Hate Crimes and Incidents – Q4 2024-25	Any negative impacts can be quickly remedied through the capabilities of the CMS system. As part of the proposed dimming regime, the prioritisation of lighting in known safe spaces and community hubs can be implemented, with community feedback being used to refine lighting where required.	Highways team – SWISCo
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	There may be an impact on those in the Armed forces community who have disabilities and require additional support.	Any negative impacts can be quickly remedied through the capabilities of the CMS system. Any negative impacts or disruptions within specific streets can be reported to SWISCo who can adjust the streetlighting on a street-by-street basis to accommodate the needs of those with disabilities. Added to this, the lighting for road crossings, bus stops and other key areas will have additional lighting to ensure safety of all users but can be adapted for those with disabilities.	Highways team – SWISCo
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		No effect anticipated.	n/a	
Public Health impacts (Including impacts on the general health of the population of Torbay)		Positive Impact – The reduction in lighting pollution has been shown to reduce the impact on public health and wellbeing - Light at Night and Disrupted Circadian Rhythms Alter Physiology and Behavior | Integrative and Comparative Biology | Oxford Academic	n/a	
Human Rights impacts		No effect anticipated. We need to ensure that human rights are protected. In particular, that people have: • A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life'). • An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act	n/a	

		• A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).		
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is a potential impact of reduced lighting on young people's journeys to school and could impact on their choices about evening activities, which may mean an increase in social isolation for some. Whilst the streetlights will be dimmed, albeit at a reduced level, should help reduce the adverse impacts to some extent.	Any negative impacts can be quickly remedied through the capabilities of the CMS system. The retention of lighting around schools and public spaces, albeit at reduced levels, will mitigate the impact on making these spaces available to young people to access.	Highways team – SWISCo



Appendix G. Climate Impact Assessment

Streetlighting LED & CMS upgrade project Climate Impact Assessment

Before Mitigations *After Mitigations*

Section 1 – Assessment Summary

Project Summary:

This project seeks to upgrade our remaining streetlights to LED Holopahane
Lanterns and to procure Telensa's Control Management Sytem (CMS). The CMS will be implemented through 14,794 Nodes being installed on our streetlights, which will replace the photoelectronic cell on the top of the lantern. The CMS will be implemented on all our residential and main road lights across Torbay to enable a more energy efficient dimming regime to be introduced and to deliver a more capable operational system. This system can deliver significant annual energy and carbon emissions savings, whilst also delivering numerous co-benefits in terms of public health, supports tackling anti-social behaviour and local nature and biodiversity.

Assessment Final Summary:

Overall, this project will have a positive impact due to the focus of this project to make annual energy and carbon savings through improving the energy efficiency of our street lights. Added to this are the benefits to the reduced impact on our local biodiversity, nature and marine life from a reduction in ALAN lighting.

Total Score Before Mitigations: -8

Total Score After Mitigations: -8

Estimate Scheme Cost: £2,261,870

Overall Mitigation Budget: £

Section 2 – Assessment Overview

Assessment ID: CIA162

Assessment Author: Alex Carter

Is this a Capital Project: False **Project Category:** Other; Streetlighting **Project Subcategory:**

Project Directorate / Service Area: Transport & highways

Section 3 – Greenhouse Gas Emissions Details

Greenhouse Gas Emissions Score: -2

Greenhouse Gas Emissions Score Justification: Through the upgrade of the old lanterns to to LED Holophane Lanterns, an estimated annual carbon emission saving of 127 tonnes can be made. Whilst through the implementation of the proposed dimming regime that the CMS can provide, an additional 103 tonnes of carbon emission savings per annum can be saved. Additional carbon emission savings can be explored through additional dimming regimes once the CMS is implemented.

Greenhouse Gas Emissions Score Mitigated: False **Greenhouse Gas Emissions Constraints:**

Greenhouse Gas Emissions Revised Score:

Greenhouse Gas Emissions Revised Score Justification:

Greenhouse Gas Emissions Mitigation Budget:

Section 4 – Renewable Energy Details

Renewable Energy Score: -2

Renewable Energy Score Justification: The implementation of this project will lead to significant energy reductions from the energy efficiency of the LED lanterns and from the capability of the CMS to implement more energy efficient dimming regimes. The ultimate benefit is that both of these proposal will reduce the energy consumed and the carbon emissions of our streetlighting inventory.

Renewable Energy Score Mitigated: False **Renewable Energy Constraints:**

Renewable Energy Revised Score:

Renewable Energy Revised Score Justification:

Renewable Energy Mitigation Budget:

Section 5 – Biodiversity Details

Biodiversity Score: -1

Biodiversity Score Justification: There is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems . The adaptable programming and control provided by the Telensa System has the potential to allow Torbay to manage street lighting more sensitively in order to protect our habitats and species. Torbay has the evidence to identify where its most sensitive and important habitats are located. This could be used in conjunction with the Telensa system to allow Torbay Council to adapt the way in which the bay is lit up, whilst being able to respond to its sensitivities and protecting our unique biodiversity and landscapes. For example, where there is a particular area of importance to the bats at Berry Head, the lighting regime nearby could be adapted to attempt to reduce its disruptive impacts. Currently this is not possible due to the limitations of our streetlightings capabilities and the dimming regime it can implement.

Biodiversity Score Mitigated: False **Biodiversity Constraints:**

Biodiversity Revised Score:

Biodiversity Revised Score Justification:

Biodiversity Mitigation Budget:

Section 6 – Sea & Waterways Details

Sea & Waterways Score: -2

Sea & Waterways Score Justification: There is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems . The adaptable programming and control provided by the Telensa System has the potential to allow Torbay to manage street lighting more sensitively in order to protect our habitats and species. ALAN, produced by any human-made source, can propagate into the marine environment causing light pollution
– an excess of light that disrupts the natural patterns of wildlife, contributes to rising carbon dioxide levels, harms human health, and obscures the stars. Light pollution threatens ocean ecosystems by disrupting natural light-driven cycles that regulate marine life.

Sea & Waterways Score Mitigated: False **Sea & Waterways Constraints:**

Sea & Waterways Revised Score:

Sea & Waterways Revised Score Justification:

Sea & Waterways Mitigation Budget:

Section 7 – Air Quality Details

Air Quality Score: 0

Air Quality Score Justification: No impact or changes from the installation of the LED's or the CMS solution. **Air Quality Score Mitigated:** False **Air Quality Constraints:**

Air Quality Revised Score:

Air Quality Revised Score Justification:

Air Quality Mitigation Budget:

Section 8 – Materials & Waste Details

Materials & Waste Score: 0

Materials & Waste Score Justification: The replacement of the old lanterns to LED Holophane lanterns will create waste as a result. However, the life cycle of the LED lights are 15 years whilst the CMS nodes lifespan is between 15-20 years, which will limit the replacement of faulty equipment and reduce the waste created.

Materials & Waste Score Mitigated: False **Materials & Waste Constraints:**

Materials & Waste Revised Score:

Materials & Waste Revised Score Justification:

Materials & Waste Mitigation Budget:

Section 9 – Climate Adaptation Details

Climate Adaptation Score: 0

Climate Adaptation Score Justification: The CMS capabilities enables the council to adjust the streetlighting across Torbay to react to any weather events.

Climate Adaptation Score Mitigated: False **Climate Adaptation Constraints:**

Climate Adaptation Revised Score:

Climate Adaptation Revised Score Justification:

Climate Adaptation Mitigation Budget:

Section 10 – Education / Engagement / Enabling Details

Education / Engagement / Enabling Condition Score: -1

Education / Engagement / Enabling Condition Score Justification: This project will highlight the efforts being taken by the council to increase the energy efficiency of our streetlighting and reduce wasted energy whilst supporting our target to become net zero by 2030 as a council and the 2050 target for Torbay. As part of the communications for this project, we will be able to communicate the climate emergency, energy efficiency and the nature/biodiversity benefits.

Education / Engagement / Enabling Condition Score Mitigated: False **Education / Engagement / Enabling Constraints:**

Education / Engagement / Enabling Condition Revised Score:

Education / Engagement / Enabling Condition Revised Score Justification:

Education / Engagement / Enabling Mitigation Budget:

Protecting our naturally inspiring Bay and tackling Climate Change Impact Assessment Tool

Our Community and Corporate Plan commits us to continue to address the Climate Emergency so as to create a sustainable future. It also commits us to protect and enhance our natural environment.

To make sure we play our part protecting and enhancing the naturally inspiring Torbay, and to help tackle climate change, all new projects/plans/policies need to understand their impacts on the environment and must adhere to the Council's Environment and Carbon Neutral Policy.

To help you think about this, please fill in this impact assessment tool below.

It is designed to help you think about possible impacts your new project/plan/policy may have. It is also designed to get you to start thinking about actions to reduce any negative impacts identified. These need to be built into any plans going forward.

Once you have completed the Impact Assessment, a summary of this should be included in *section 7 - Protecting our naturally inspiring Bay and tackling Climate Change* of your Cabinet/Council Decision Report. Please outline positive impacts and any activity that will be taken to reduce any identified negative impacts.

To help officers fill in the assessment there is a guide available here. For more guidance please contact Jacqui Warren – Principal Climate Emergency Officer jacqui.warren@torbay.gov.uk

UN Sustainable Development Goals

This tool will also help the Council to work towards the Sustainable Development Goals (SDGs). These have been designed to be a "blueprint to achieve a better and more sustainable future for all".

Environmental and carbon theme and key question	Data and insight	Environmental considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
How will this proposal impact levels of Greenhouse Gases (GHG) emissions ? 	Torbay emitted 466,000 tonnes of Greenhouse Gases (GHG) in 2021 (including Carbon Dioxide and Methane). Just under 60% of these emissions come from our heating and powering our homes and businesses. 28% comes from how we travel. GHG emissions are not falling fast enough to meet local, national and international net zero emission targets.	This project will deliver an estimated 230 tonnes of carbon emission savings annually because of the installation of the LED upgrades and the CMS. These carbon savings can be increased further once the CMS is implemented through developing more energy efficient dimming regimes and further technology upgrades to our streetlighting.	The implementation of a more energy efficient dimming regime is the key activity of this project, which will make significant annual carbon savings, however further reductions can be made through the implementation of additional dimming regimes.	SWISCo Streetlighting Team
Energy and Renewable energy				
What impact will this proposal have on the total amount of energy needed? And can renewable energy be generated?	In Torbay 39% of GHG emissions come from heating homes and buildings and 19% comes from the electricity we use. We generate only 2% of our energy needs locally from renewable energy sources. These emissions are not reducing quickly enough, and		The implementation of a more energy efficient dimming regime is the key activity of this project, which will make significant annual energy savings, however further reductions can be made through the	*Add name here*

	in line with local/national targets.		implementation of additional dimming regimes.	
Protecting nature and Biodiversity				
How will this proposal impact plants and animals? 	Biodiversity is in serious decline and nature is in need of recovery. Our government is committed to protecting and conserving a minimum of 30% of land and sea for biodiversity by 2030. All new development must achieve a Biodiversity Net Gain of 10%. Our geological qualities also need protection. Torbay is also an UNESCO Global Geopark.	There is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems. The adaptable programming and control provided by the Telensa System has the potential to allow Torbay to manage street lighting more sensitively in order to protect our habitats and species. Torbay has the evidence to identify where its most sensitive and important habitats are located. This could be used in conjunction with the Telensa system to allow Torbay Council to adapt the way in which the bay is lit up, whilst being able to respond to its sensitivities and protecting our unique biodiversity and landscapes. For example, where there is	N/A	

		a particular area of importance to the bats at Berry Head, the lighting regime nearby could be adapted to attempt to reduce its disruptive impacts. Currently this is not possible due to the limitations of our streetlighting's capabilities and the dimming regime it can implement.		
Seas and waterways				
How will this proposal impact our seas and local waterways 	Tor Bay is an naturally inspiring Bay and includes over 730 acres of seagrasses it is also a Marine Conservation Zone and home to UNESCO Global Geopark	There is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems. The adaptable programming and control provided by the Telensa System has the potential to allow Torbay to manage street lighting more sensitively in order to protect our habitats and species. ALAN, produced by any human-made source, can propagate into the marine environment causing light pollution – an excess of light that disrupts the natural patterns of wildlife, contributes to rising carbon dioxide levels, harms human health, and obscures the stars. Light pollution threatens ocean ecosystems by disrupting natural light-driven cycles that regulate marine life.	N/A	
Sustainable Materials and Waste				
How does this proposal ensure resources are being	A lot of things we buy, commission or build can have an negative impact on the	The replacement of the old lanterns to LED Holophane lanterns will create waste as a result. However, the life cycle	A waste management plan will be implemented to reduce the waste	SWISCo Streetlighting Team

bought and disposed of in the most sustainable way? 	environment or end up being waste	of the LED lights are 15 years whilst the CMS nodes lifespan is between 15-20 years, which will limit the replacement of faulty equipment and reduce the waste created.	created by this project and to ensure all material, where possible, are recycled or disposed of properly.	
Sustainable Transport				
How does this proposal support the use of active (i.e. walking and cycling) and sustainable modes of transport (bus, train, car share, electric vehicles (EV) / others)? 	28% of Torbay's GHG emissions come from our transport sector. These emissions are not falling quick enough to meet local and national targets.	No impact.	N/A	

Adapting to a changing climate				
How will the proposal impact our ability to withstand future climate change impacts, such as heat waves, cold, drought, flooding, and water shortages.	Our climate is already changing and we need to make sure we are prepared for this.	The CMS capabilities enable the council to adjust the streetlighting across Torbay to react to any adverse weather events that may occur.	N/A	

Once you have completed the above assessment, a summary should be included in *section 7 - Protecting our naturally inspiring Bay and tackling Climate Change* of your Cabinet/Council Decision Report. Please outline positive impacts and any activity that will be taken to reduce any identified negative impacts.

To help officers fill in the assessment there is a guide available here. For more guidance please contact Jacqui Warren – Principal Climate Emergency Officer jacqui.warren@torbay.gov.uk

TORBAY COUNCIL

Meeting: Cabinet/Council **Date:** 18 November 2025/11 December 2025

Wards affected: All

Report Title: Licensing Act 2003 – Proposed Licensing Statement of Principles (Licensing Policy) 2026 - 2031

When does the decision need to be implemented? 07 January 2026

Cabinet Member Contact Details: Councillor Hayley Tranter, Hayley.tranter@torbay.gov.uk

Director Contact Details: Anna Coles, Director of Adults and Community Services; Tara Harris, Divisional Director, Community and Customer Services

1. Purpose of Report

1.1 The Licensing Act 2003 requires Torbay Council, under its role as Licensing Authority, to review and publish a 'Statement of Principles' (the Licensing Policy), every five years. The Statement of Principles outlines how the Council will administer applications and regulate licensable activities. It also specifies under what circumstances applications may be successful and the measures necessary to promote the licensing objectives.

2. Reason for Proposal and its benefits

2.1 The proposal is made in order to meet the statutory requirement, as prescribed under section 5 of the Licensing Act 2003, which requires the Licensing Authority to prepare and publish a statement of its Licensing Policy at least every five years.

The Authority has reviewed its current Policy and has prepared a draft 'Licensing Statement of Principles (Licensing Policy) 2026-31' which went out for public consultation for six weeks from 18 July to 29 August 2025. The responses in **Appendix 1** have been considered and the Policy has been updated and is attached as **Appendix 2** to this report.

2.2 The Statement ensures clarity as to how the Council will fulfil its role as the Licensing Authority and provides guidance to businesses and the public. This Statement assists businesses to function safely and within the law. It therefore helps to promote two of the Corporate Plan priorities, namely community and people, and economic growth.

Community and People – The policy will allow for effective control of alcohol supply, which will assist in reducing alcohol harm and thereby reduce inequality. Whilst alcohol misuse affects individuals from all sections of society, those from the most disadvantaged communities experience the highest burden of harm.

Economic Growth – The policy aims to assist in the delivery of a safer, more vibrant Torbay. This in turn should attract more visitors to Torbay and also support an increase in the numbers of citizens of Torbay who will utilise the social, cultural and sporting offers available. Opportunities for increased levels of employment should follow. A safe and vibrant leisure economy will allow Torbay to be positively marketed attractive destination both nationally and internationally.

3. Recommendation(s) / Proposed Decision

3.1 That Cabinet recommends to Council:

That the Licensing Act Statement of Principles (Licensing Policy) 2026 to 2031, as set out in Appendix 2 to the submitted report be adopted with effect from 7 January 2026.

Appendices

Appendix 1: Responses from the consultation

Appendix 2: Proposed Licensing Act Statement of Principles (Licensing Policy) 2026 to 2031

Background Documents

1. Current Licensing Policy 2021 – 2026 - Licensing Statement of Principles - Torbay Council
2. Licensing Act 2003 - Licensing Act 2003
3. Revised Guidance issued under section 182 of the Licensing Act 2003 - Revised guidance issued under section 182 of the Licensing Act 2003 (February 2025) (accessible version) - GOV.UK

Supporting Information

1. Introduction

1.1 Torbay Council has a statutory responsibility under Section 5 of the Licensing Act 2003 (the Act) to review, consult and to re-publish its Licensing Statement of Principles (Licensing Policy). The Policy establishes the licensing controls placed on the sale of alcohol, provision of entertainment and the operation of premises for late night refreshment.

1.2 Alcohol is an important component of Torbay's economy, particularly within the evening and night-time economy (ENTE). However, the use of alcohol can have a negative impact on individuals, families, local communities, and Torbay as a whole and therefore needs to be carefully managed.

1.4 The current process of review, consultation and publication must be completed on or before 7 January 2026.

1.5 The Licensing Policy has been reviewed alongside the latest version of the section 182 statutory guidance.

The following minor updates have been made:

- Update or remove any out-of-date website links; updates to new legislation and responsible authority contact details.
- Clarification that the Home Office Immigration Enforcement are not a responsible authority for Club Premises Certificates (section 6.11 of the statutory guidance, Appendix 1 of the Policy).
- Reference to the SWaN Charter and Project Nighteye
- Reference to the 'Agent of change principle' whereby existing businesses and facilities should not have unreasonable restrictions place on them as a result of development permitted after they were established (Section 14.66 of the Statutory Guidance, page 41 of the Policy).
- Removal of Mandatory Conditions from the Policy as these are required by the legislation.
- Expansion on safeguarding and an additional section in Appendix 5 with information for licence holders and their employees to help them report matters of concern to the relevant authorities.
- Expansion on illegal drugs and drink and drug spiking (page 15/16).
- Expansion on reducing the strength conditions (page 54).
- Expansion on the section regarding occupancy of licensed premises (page 55)

- An additional Public Nuisance condition between the hours of 23:00 hours and 08:00 hours to expect total sound containment within the licensed premises to ensure a noise nuisance is not caused to local residents (page 57).
- Expansion on the section regarding online alcohol sales and delivery services. This includes amendments to reflect changes in the s.182 guidance for premises providing alcohol delivery services. Persons who run premises providing alcohol delivery services should notify the licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence which now choose to operate such a service in addition to their existing licensable activities, will need to contact the licensing authority so it can advise on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required (page 61 of the Policy).

More detailed sections have been provided in some parts of the policy namely regarding:

- An additional section on 'integrating strategies' has been included in the introduction. This includes Public Health, Community Alcohol Partnership, Event Management and Safety Advisory Groups, Cumulative Impact Assessment (including updating all references to a Special Saturation Policy to CIAs) and Public Spaces Protection Orders (page 6-9).
- New applications and full variations (page 19 of Policy)
- Minor Variations (page 19 of Policy)
- Review of premises licence (page 20 of Policy)
- Relevant, Vexatious and frivolous representations (page 22)
- Use of Petitions (page 22)
- TENs (page 22)
- Provisional Statements (page 24)
- Fire Safety (page 30)
- The Terrorism (Protection of Premises) Act 2025 (Martyn's Law) – reference to the new Terrorism (Protection of Premises) Act 2025 which aims to keep people safe by enhancing our national security and reducing the risk to the public from terrorism at public venues. It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures (page 31)
- Outdoor Areas and Smoking Areas (page 34)
- Night cafes and Takeaway Premises/Restaurants with delivery services (page 36)
- Fly posting and promotional material (page 37)

2. Options under consideration

2.1 There are no other options available, as the review of the Licensing Policy is a statutory requirement under the Licensing Act 2003.

3. Financial Opportunities and Implications

3.1 The proposals contained in this report will not commit the Council financially in any regard, other than staff and consultations costs which will be drawn from existing budgetary resources.

4. Legal Implications

4.1 None

5. Engagement and Consultation

5.1 A six-week public consultation exercise was undertaken between 18 July and 29 August 2025 which included writing to the following interested parties:

- The Chief Officer of Devon and Cornwall Police
- The Chief Officer of Devon and Somerset Fire and Rescue Service
- The Director of Public Health
- Residents and businesses of Torbay
- Bodies representing businesses
- Holders of premises licences and club premises certificates
- Bodies representing existing registered clubs
- Bodies representing holders of existing premises licences and personal licences
- Torbay and South Devon NHS Foundation Trust
- Torbay Council: Children's Services
- Torbay Council: Planning, Environmental Health and Highways Authorities
- The Torbay Safer Communities Partnership
- The Maritime and Coastguard Agency
- Faith groups via Torbay Interfaith Forum and the Street Pastors
- Torbay Development Agency
- English Riviera BID Company
- Tor Bay Harbour Authority
- Community Alcohol Partnership
- Best Bar None Torbay
- Domestic Abuse and Sexual Violence Partners

The online survey was hosted on the Council's engagement page and website, and copies of the Policy and survey questions were available at the libraries in Torquay, Paignton and Brixham. Social media posts were sent out via Facebook, LinkedIn and Twitter to encourage participation in the consultation.

5.2 Fifteen responses were received in total. Fourteen responses were received to the online consultation; nine of these were from members of the public, two were from a local community group representative, one was from the Police Licensing Authority, one was from a solicitor

and one from ‘other’ who did not specify further. One written response was received via email. The responses are attached in Appendix 1.

5.3 The Statutory Licensing Committee considered the Licensing Statement of Principles (Licensing Policy) at its meeting on 24 July 2025 and recommended to Cabinet to approve its adoption, subject to Cabinet considering any other consultation responses.

5.4 Minor changes have been made to the Policy following the feedback. The Police Licensing Department requested an additional paragraph be included on bare knuckle and slap fighting contests. As this had not been considered as part of the original consultation, we are unable to consider this addition to the Policy without a further consultation. As there has only been one application this year regarding bare knuckle boxing and we are not aware of any previous applications, necessitating earlier consideration, we will consider this change as part of our next policy review. In the meantime, the Police, as a Responsible Authority, in considering an application on its own merits may intervene to prevent such an event taking place by objecting to an application based on one or more of the statutory Licensing Objectives. The Licensing Authority can then decide whether the event should go ahead.

6. Procurement Implications

6.1 This proposal does not require the purchase or hire of goods or services.

7. Protecting our naturally inspiring Bay and tackling Climate Change

7.1 There is no aspect of this Statement that will impact negatively or positively on climate.

8. Associated Risks

8.1 The risks associated with agreeing the Licensing Statement of Principles (Licensing Policy) is minimal as it has been reviewed in accordance with the regulatory requirements, which includes full consultation and consideration of any comments that have been received.

The risks are more associated with any failure to review and re-publish the Statement in time, as the effect would be that the Council would have no policy in place, which effectively would prevent lawful discharge of functions under the Licensing Act 2003. This may lead to legal challenge against the Council and financial penalties being incurred.

9. Equality Impact Assessment

The Statement of Policy is a review of an existing Policy and therefore there is no change to impact of specific groups. Where there exists any potential for impact, this would generally be through the application process where there is the safeguard that any responsible authority or 'other person' may make representation. The four licensing objectives are also designed to ensure consideration of any impacts.

Protected characteristics under the Equality Act and groups with increased vulnerability	**Data and insight**	**Equality considerations (including any adverse impacts)**	**Mitigation activities**	**Responsible department and timeframe for implementing mitigation activities**
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	Some of the proposals may impact on licensing hours, particularly those used by this age group. The policy is designed to minimise the negative impact of the legal operation of the licensable activities. A section on Safeguarding has been added, and the Policy recommends businesses adopted the 'Challenge 25' scheme to ensure protection to children and young people. The promotion of a safe night-time offer will help to protect all users from alcohol related crime and disorder and encourage a wider age range to enjoy a night out in a safe and responsible way.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers. Policy will be formally reviewed every 5 years or sooner if required.

Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no requirement for the applicant to pass on any details about whether they are a carer. The council hold no information of any applicants from this group. The policy will grant licences that conform to the requirements of this policy. Licensed premises must comply with the Equality Act 2010. Premises should seek to promote accessibility and inclusion. The prevention of crime is one of the Licensing Objectives. Licensed premises should make reasonable adjustments.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	There is no requirement for the applicant to pass on any details of medical capacity. There are no equality restrictions of who can enter licensed premises. The council hold no information of any applicants from this group. The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of disability. Licensed premises must comply with the Equality Act 2010. Premises should seek to promote accessibility and inclusion. The prevention of crime is one of the	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		Licensing Objectives. Licensed premises should make reasonable adjustments.		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There are no gender restrictions of who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group. The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of gender reassignment. . Licensed premises must comply with the Equality Act 2010. The Policy seeks to broaden the appeal of the night-time economy for all and to promote a safe and welcoming offer.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There are no equality restrictions of who can apply or hold a licence. The council hold no information of any applicants are from this group. The policy will grant licences to any licenced operators that conform to the requirements of this policy	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		without consideration of marriage or civil partnership.		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the Southwest (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There are no equality restrictions of who can apply or hold a licence. The council hold no information of any applicants are from this group. The policy will grant licences to any licenced operators that conform to the requirements of this policy without consideration of pregnancy and maternity.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the Southwest and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There are no restrictions on who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group. The policy will grant a premise licence to any applicant that conforms to the requirements of this policy without consideration of race.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no requirement for the applicant to pass on any details concerning faith, religion or belief. The council hold no information of any applicants from this	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		group. The policy will grant a premises licence to any applicant who conforms with the requirements of the legislation and this policy without consideration of faith, religion, or belief.		
Sex	51.3% of Torbay's population are female and 48.7% are male	There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The policy will grant a premises licence to any applicant who conforms with the requirements of the legislation and this policy without consideration of a person's sex.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The policy will grant a licence to any applicant who conform with the legislation and requirements of this policy without consideration of sexual orientation.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Veterans	In 2021, 3.8% of residents in England reported that they	There are no restrictions to who can hold a premises licence or can enter licensed	Routine assessment of applications and	Licensing Officers and

	had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	premises providing that they can satisfy any minimum age-restricted requirements. The policy will grant a licence to any applicant who conforms with the legislation and requirements of this policy.	monitoring to ensure compliance with regulations.	other authorised officers.
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)	The proposals are designed to improve public safety and protect local communities from noise and anti-social behaviour. Some aspects are designed to assist in the reduction of alcohol harm. The proposals will assist in reducing health inequalities.	The policy seeks to allow licensed premises the legitimate opportunity to undertake licensable activities providing that they are lawful and within their licensing requirements. Licensed premises must also have procedures in place to protect vulnerable persons. There are no other equality restrictions other than to protect children and young persons from age restricted products/activities.	The Local Area Profile will be reviewed regularly with the Director of Public Health.	Licensing Officers and other authorised officers.
Public Health impacts (Including impacts on the general health of the population of Torbay)	The proposals are designed to improve public safety and protect local communities from noise and anti-social behaviour.	The policy seeks to allow licensed premises the legitimate opportunity to undertake licensable activities. There are no equality restrictions of who can be a premises licence holder. Local	The Local Area Profile will be reviewed regularly with the Director of Public Health.	Licensing Officers and other authorised officers.

	Some aspects are designed to assist in the reduction of alcohol harm. The proposals will assist in reducing health inequalities.	communities have an opportunity to visit these premises if they wish.		
Human Rights impacts	There are no human rights impact with regards to the Licensing Act. The Council ensures it complies with the legislative requirements.	The policy seeks to promote flexibility and fairness to all premises licence holders by balancing the lawful right of charities to collect without undue inconvenience to the general public.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	The policy will grant licences where the applicant complies with the legislation and conforms to the requirements of this policy.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

10. Cumulative Council Impact

None

11. Cumulative Community Impacts

None

Appendix 1: Responses from the Consultation

Responses from the online form

Fourteen responses were received to the online consultation. Nine of these were from members of the public, two from a local community group, one from the Police Licensing Authority, one from a solicitor and one from 'Other' who did not specify further.

Question 1: Integrated Strategies. Please tell us if you support this new section on Integrated Strategies. This section includes information about other departments and organisations such as Public Health, Community Alcohol Partnership, Event Management and Safety Advisory Groups. It also includes information about Cumulative Impact Assessments and Public Spaces Protection Orders (page 6-9 of document). Do you (please tick one):

Strongly agree	7
Agree	7
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

Question 2:

Please tell us if you support the additional sections on (please tick all that apply):

New applications and full variations (Page 19 of the document)	12
Minor Variations (Page 20)	9
Review of premises licences (Page 20-21)	11
Relevant, Vexatious and frivolous representations (page 21)	10
Use of Petitions (page 22)	10
Temporary Event Notices (TENs) (page 23)	10
Provisional Statements (page 24)	9
Fire Safety (page 31)	10

Question 3 Terrorism Protection of Premises Act 2025 (Martyn's Law) – page 32 of the document.

Reference has been made in the Policy to the new Terrorism (Protection of Premises) Act 2025 which aims to keep people safe by enhancing our national security and reducing the risk to the public from terrorism at public venues. This legislation will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

Do you support the inclusion of this information within the policy? (please tick one answer)

Strongly agree	9
Agree	5
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

Question 4: Outdoor Areas and Smoking Areas (page 34 of document). This section outlines what is expected within an applicant's operating schedule to ensure any outside areas do not cause a public nuisance. Do you (please tick one answer):

Strongly agree	9
Agree	4
Neither agree nor disagree	1
Disagree	0
Strongly agree	0

Question 5: Night cafes and Takeaway Premises/Restaurants with delivery services (page 38 of document). This section outlines what is expected of applicants to address issues which can cause a public nuisance from a takeaway or delivery service. Do you (tick one):

Strongly agree	9
Agree	4
Neither agree nor disagree	0
Disagree	1
Strongly disagree	0

The one person who disagreed added a comment in the comments section that the work ‘consider parking’ for third party delivery services was onerous enough. The Policy has been updated to make this clearer – see Question 11 below for the full response.

Question 6: Fly posting and promotional material (page 39 of document) This section explains the issues of fly posting and the steps required of responsible licence holders when promoting their entertainment. Do you (please tick one):

Strongly agree	9
Agree	5
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

Question 7: Safeguarding children, young people and adults with care and support needs (Appendix 5). This section details how premises licence holders and their employees can report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly as it relates to child exploitation, abuse, modern slavery and human trafficking. Do you (tick one):

Strongly agree	10
Agree	4
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

Question 8: Illegal drugs and drink and drug spiking (page 15/16 of document). This section explains that special conditions will need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them i.e. zero tolerance drug policies including the appropriate use of searching and amnesty boxes. Do you (tick one):

Strongly agree	12
Agree	2
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

Question 9: Reducing the strength conditions (page 54 of document). This section advises that the Licensing Authority may not approve applications for off sales near to alcohol addiction recovery activities or buildings, or in areas where drinking in public spaces undermines any of the licensing objectives. Do you (please tick one):

Strongly agree	11
Agree	2
Neither agree nor disagree	0
Disagree	1
Strongly disagree	0

The one person who disagreed added a comment in the comments section asking if more can be done on reducing the strength in the CIA to restrict times on selling within the CIA for example by ruling out early morning sales. Please see Question 11 below for the response.

Question 10: Expansion of the section regarding occupancy of licensed premises (page 55 of document) This section explains when a maximum safe occupancy figure may be requested as a licence condition to prevent crime and disorder and protect public safety. Do you (please tick one):

Strongly agree	10
Agree	3
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

There was one blank for this question where they had not completed this.

Question 11

Do you have any other comments on the proposed amendments to the Council's Licensing Act 2003 Statement of Principles (Licensing Policy)?

No.	Comments received	Comments from Licensing Authority in response
1	anything that protects people and reduces disruption to thier lives and mental health is a good thing	Thank you for your response.
2.	I appreciate that this consultation doesn't concern the CIA areas but at the next review I consider that The Strand area could be removed as a CIA. The Strand CIA area has significantly improved in terms of all issues since the stag/hen reputation days and now contains much improved premises and a significant "food quarter" developing around Torquay Harbourside and up Torwood Street.	The CIA will be due for consultation in 2026 so that it can be republished in January 2027. The data will be reviewed, and you will be able to comment as part of the consultation process.
3.	The CAP - is listed as Torbay on their website but seems to focus in Paignton due to where its based - can this be expanded to make sure the same provision covers Torquay? The element of delivery services notes to "consider parking" for 3rd party companies - I dont think that places enough onus on businesses starting to use that service. If they partner with deliveroo for example they need to more than simply "consider" parking	The CAP is currently only in Paignton; however we have asked the Community Alcohol Partnership Regional Advisor if this can be expanded to other areas in Torbay. We have replaced the word 'consider' with 'suitable' so that this makes it clear that they must include suitable parking and suitable access for third party delivery companies where the business is undertaking a licensable activity. In a CIA, there is a presumption that the licensing authority will refuse or impose limitations on applications which are likely to add to

	Reducing the strength - this plays directly into the CIA as noted - can more be done with this? i.e can there be a restriction on times on selling within the CIA? i/e rule out early morning sales	the cumulative impact unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives. Restrictions on times are often agreed as part of any negotiation with the responsible authorities or as part of the committee hearing process, to prevent sales at problematic times.
4. Police Licensing	Consider adding to the Policy surrounding TEN's as per Manchester statement of principles - Re Boxing events "The licensing authority considers that it will generally not be appropriate for boxing or other combat sports to be authorised by way of a Temporary Event Notice and would expect a Premises Licence to be applied for to ensure that there is proper scrutiny of such activity by all responsible authorities and that the activity is subject to appropriate conditions and safeguards." Or similar	We have reviewed this request and unfortunately, as these matters were not raised in the original consultation document, the authority would need to reconsult if we wished to add this into the policy. We will therefore consider this at our next policy review. However, the Police, as a responsible authority, can consider an application on its own merits and may intervene to prevent such an event taking place by objecting to the application based on one or more of the statutory licensing objectives. The Licensing Authority can then decide whether the event should go ahead.
5.	1. Expand “Public Safety” to Include Safe Transport Home Critique: The current policy frames public safety mostly in immediate venue terms: crowd control, crime, nuisance. It doesn’t consider transport safety risks once people leave licensed premises. Suggestion: Add a clause requiring applicants (especially for evening/night venues) to outline how they minimize harm related to transport, this could include:	Unfortunately, the Licensing Policy cannot require conditions on the applicant to ensure safe transport home as this is not the premises responsibility. The public need to plan their night out to ensure they can get home safely. The Council work closely with the public transport providers, taxi drivers and the night bus to enable safe transport home. The Council also provides taxi marshals at key ranks. Safer Torbay also review public safety in the Evening and Night-time Economy and link in with CCTV, Parking and other services to ensure areas are well lit and the public feel safe when walking home from the town centres at night.

	Support for night-time transport options (bus, shuttle, safe taxi links). Coordinated share of safety information with local night wardens. Lighting, signage, or pedestrian routes around the venue. 2. Support the Night Bus Service via Licensing Critique: The night bus helps, but licensing could do more to promote its use and integration. Suggestion: Encourage or require licensees to publicise safe transport options, like the night bus, on their premises or websites—think posters, staff training, or digital signage. 3. Set Standards for Venue Access and Drop-Off Zones Critique: Poorly designed entry/exit points, parking, or pedestrian flows can add risk around licensed premises, especially at night. Suggestion: Add conditions around safe drop-off/waiting areas, well-lit walkways, and clearly marked pedestrian corridors, especially in busy nightlife zones.	This includes delivering a number of projects aimed at improving safety such as the Safer Travel App and the Safety of Women at Night Charter (SWAN). The Safer Travel App will be launching later in the year; the app is designed to enhance travel safety. It offers real-time alerts, anonymous reporting, links to support organisations and geo-location tools to allow users to share their journey with friends. SWAN has been running for a number of years and has over 100 organisations signed up. SWAN offers practical steps to help businesses improve safety. When businesses, including many licences premises, sign up they have demonstrated a commitment to following the Charter and making Torbay a safer place.

	4. Safeguard Vulnerable Passengers via Taxi Licensing Support Critique: Torbay's licensing policy doesn't actively connect with taxi licensing to ensure safe, reliable transport, leaving a gap in night-time support. Suggestion: Coordinate with taxi licensing to promote higher standards for drivers serving nightlife venues (background checks, training, visibility of safety credentials), or requiring preferential rankings for vetted drivers.	All taxi and private hire drivers in Torbay are required to undertake enhanced DBS checks, DVLA licence checks, safeguarding and disability training, driving standards test and a medical examination before they can be licensed.
	Let's keep everybody safe	Thank you for your response.
	Need to keep to the Licensing rules otherwise things will get out of hand and more problems will come about. None of us want to see bad behaviour, anti social behaviour, and loud noise which can cause extream health problems. This needs to be realised before it turns into a horror story.	Thank you for your response.

One written response was received by email:

No.	Consultation responses	Torbay Council comments
1.	Torbay Council's Draft Licensing Statement of Principles 2026-2031 outlines a regulatory framework for licensable activities under the Licensing Act 2003, aiming to balance community safety, public health, and Torbay's tourism-driven economy. While the policy seeks to promote the four licensing objectives, its extensive conditions, bureaucratic requirements, and presumptive restrictions risk infringing on individual freedoms and imposing excessive control, bordering on what some might perceive as government and council "enslavement" of businesses, residents, and visitors. This response critiques key provisions, arguing that they undermine personal liberty, stifle economic freedom, and reflect an overbearing state apparatus. Counterarguments are grounded in the principle that individuals and businesses have a fundamental right to be free from unnecessary governmental interference, while acknowledging the council's stated goals. **1. Cumulative Impact Assessment (CIA): Curtailing Economic Freedom** **Policy Position**: The policy establishes a Cumulative Impact Assessment (CIA) for two areas in Torquay with high levels of alcohol-related crime or public nuisance, creating a presumption against granting new premises licences or variations unless applicants prove no significant negative impact on licensing objectives. **Counterargument: A Threat to Free Enterprise**:	The CIA is a separate policy which was consulted on in 2023. The Policy is still in place until January 2027 so cannot be considered as part of this consultation.

	• **Infringement on Economic Liberty**: The CIA's presumption against new licences or variations in designated areas restricts the right of individuals to freely operate businesses. This blanket approach assumes guilt rather than innocence, forcing entrepreneurs to overcome a high evidentiary burden to exercise their right to economic freedom. Such restrictions could be seen as a form of council overreach, stifling innovation and punishing responsible business owners for the actions of a few. • **Disproportionate Control**: By prioritizing crime and nuisance prevention over individual autonomy, the policy risks creating a controlled environment where the council dictates market entry. This undermines the free market principles that allow Torbay's tourism economy to thrive, potentially driving investment to less restrictive regions. • **Lack of Individual Consideration**: The policy's one-size-fits-all approach fails to respect the unique circumstances of each applicant. A well-managed venue, such as a family-friendly restaurant, could be unfairly blocked, limiting residents' and visitors' freedom to enjoy diverse leisure options. This reflects a paternalistic council mindset that assumes individuals cannot be trusted to operate responsibly without heavy-handed oversight. **Alternative Perspective**: The council should prioritize individual liberty by adopting a case-by-case evaluation process, allowing businesses to demonstrate compliance without a presumptive ban. Pre-application consultations could empower applicants to align with licensing objectives voluntarily, reducing the need for coercive restrictions and fostering a freer, more dynamic economy. **2. Public Spaces Protection Orders (PSPOs): Eroding Personal Freedom**	The PSPO is separate to the Licensing Policy and is consulted on every three years with the next review due in 2027.

	Policy Position: The policy supports PSPOs to restrict street drinking and encourages premises to promote table service and seating to deter vertical drinking. Licensees are expected to prevent customers from contributing to anti-social behavior. **Counterargument: An Assault on Personal Autonomy**: • **Invasion of Personal Choice**: PSPOs, which allow police to confiscate alcohol in public spaces, infringe on individuals' freedom to consume legal substances responsibly. Not all public drinking equates to anti-social behavior, and such measures risk punishing law-abiding citizens—tourists, workers, or residents—exercising their right to personal enjoyment. This blanket approach smacks of state overreach, treating individuals as potential threats rather than free agents. • **Unfair Burden on Licensees**: Expecting premises to control customer behavior beyond their property boundaries is an unreasonable extension of council authority. It effectively conscripts businesses into policing roles, eroding their freedom to focus on their core operations. This could be viewed as a form of "enslavement" to council mandates, diverting resources from serving customers to complying with bureaucratic demands. • **Potential for Discriminatory Enforcement**: PSPOs may disproportionately target marginalized groups, such as low-income individuals or tourists, who lack access to private spaces for drinking. This selective enforcement undermines equal treatment under the law, a cornerstone of personal freedom, and fosters resentment against council authority. **Alternative Perspective**: Instead of coercive PSPOs, the council could promote voluntary responsible drinking campaigns, empowering individuals to make informed choices. Businesses should be free to adopt seating or service models that suit their operations, without council mandates dictating their business model. Community-led	

	initiatives, rather than top-down controls, would respect personal autonomy while addressing anti-social behavior. **3. Event Management and Safety Advisory Groups (PSAG/SAG): Bureaucratic Shackles** **Policy Position**: Event organizers must notify PSAG or SAG three months in advance for events requiring a premises licence and six months for events with 5,000+ attendees, with approval confirmed one month prior. **Counterargument: Stifling Freedom of Assembly**: • **Restriction on Spontaneous Expression**: The lengthy notice periods for PSAG/SAG approval infringe on the right to freedom of assembly and cultural expression. Community events, protests, or pop-up festivals often arise organically, and rigid timelines could suppress these activities, limiting residents' and visitors' freedom to gather and celebrate Torbay's vibrant culture. • **Excessive Bureaucracy**: The requirement for extensive pre-approval processes reflects a distrust of individuals' ability to organize safe events. This bureaucratic overreach burdens small organizers, who may lack the resources to navigate complex council requirements, effectively reserving event-hosting privileges for well-funded entities. This is a form of regulatory "enslavement" that prioritizes control over creativity. • **Disproportionate Resource Demands**: Requiring PSAG/SAG involvement for even moderately sized events places undue strain on council and emergency service resources, diverting them from genuine public safety concerns. This inefficiency undermines the council's claim to serve the public, instead imposing unnecessary hurdles on free citizens. **Alternative Perspective**: A tiered, risk-based notification system would respect organizers' freedom to host events while ensuring safety. Smaller, low-risk events could face minimal oversight, allowing spontaneous community gatherings to flourish. Clear, accessible	Safety Advisory Groups (SAG) are coordinated by the Local Authority and are made up of representatives from the Police, Fire, SWAST, Highways, Environmental Health, Emergency Planning and other relevant bodies. They give advice to organisers to help ensure their events are run safely. We work closely with the Police, Fire and other Local Authorities to ensure all SAG groups are consistent across the southwest. In order for large events to be planned effectively, then the 3 – 6 months notice period is required so that the event organiser has time to plan for their event and make any changes following the advice from the SAG.

	guidance and voluntary consultations would empower organizers without subjecting them to excessive council control. **4. Conditions on Premises Licences: Regulatory Overreach** **Policy Position**: The policy imposes stringent conditions, such as mandatory SIA door supervisors, CCTV, incident logs, and restrictions on high-strength alcohol sales, particularly for late-night or CIA-area premises. It also recommends measures like Challenge 25 and staff training. **Counterargument: Enslavement Through Overregulation**: • **Financial Oppression**: The extensive conditions, such as requiring SIA door supervisors or costly CCTV systems, impose significant financial burdens on small businesses, limiting their freedom to operate profitably. This regulatory overreach disproportionately harms independent operators, favoring large corporations and stifling entrepreneurial freedom in Torbay's tourism economy. • **Erosion of Business Autonomy**: Mandating specific operational practices, such as staff training within three months or restrictions on alcohol types, strips licensees of their right to manage their businesses as they see fit. This top-down control assumes business owners are incapable of responsible management without council intervention, undermining their autonomy and dignity. • **Questionable Efficacy**: Measures like banning high-strength alcohol sales or requiring incident logs may not effectively address crime or disorder, as these issues often stem from broader social factors. Imposing such conditions without clear evidence of their impact is an unjustified restriction on freedom, forcing businesses to comply with arbitrary rules under the guise of public safety. **Alternative Perspective**: The council should adopt a voluntary, incentive-based approach, offering support (e.g., subsidized training or security consultations) rather than mandatory conditions.	Each application is assessed on its own merit and is sent to all the responsible authorities to consider if the operating schedule is sufficient to promote the four licensing objectives. The suggested conditions included in the Policy are there to assist the applicant when submitting their application. The applicant can tailor their operating schedule to suit their business. The Licensing Authority encourage applicants to contact the responsible authorities before submitting their application so they can address any concerns within their operating schedule.

	Businesses should be free to tailor safety measures to their specific needs, with the council intervening only when clear evidence of harm exists. This respects individual liberty while promoting responsible practices. **5. Protection of Children from Harm: Paternalistic Overreach** **Policy Position**: The policy emphasizes strict measures to protect children, including age verification policies, Challenge 25, and restrictions on children's access to certain premises or events. It requires DBS checks for staff at under-18 events. **Counterargument: Undermining Family Freedom**: • **Restriction on Family Activities**: Limiting children's access to premises or events curtails families' freedom to enjoy Torbay's cultural and leisure offerings. For example, excluding children from venues with regulated entertainment could prevent family-friendly activities, such as live music or theatre, from flourishing. This paternalistic approach assumes parents cannot make informed decisions about their children's safety. • **Bureaucratic Burden on Organizers**: Requiring DBS checks for staff at under-18 events imposes a significant administrative burden, particularly for community or volunteer-led initiatives. This restricts the freedom of individuals to organize youth-focused events, potentially reducing opportunities for young people to engage in safe, alcohol-free activities. • **Overreach in Safeguarding**: While protecting children is crucial, mandating licensees to report suspected child exploitation or modern slavery risks turning businesses into extensions of the state's surveillance apparatus. This erodes personal freedom by compelling private citizens to act as enforcers, diverting them from their primary role of serving customers. **Alternative Perspective**: The council should trust parents and organizers to prioritize child safety, offering voluntary safeguarding training and resources rather than mandatory requirements. Flexible	The section on the Protection of Children from Harm has not changed from the current Policy and all licensed premises have a duty to promote this licensing objective. The suggested measures are not restrictive and does not limit children's access to family premises. These measures have been reviewed by the Police Licensing and Children's services Department. The safeguarding section has been included to help businesses to report matters of concern.

	access policies for family-friendly venues would encourage tourism and community engagement, respecting individual freedoms while ensuring child protection. **6. Noise Management and Public Nuisance: Suppressing Free Expression** **Policy Position**: The policy requires stringent noise management plans for premises operating after 23:00, including sound containment and restrictions on outdoor areas. It presumes against late-night operations in residential areas unless mitigation measures are demonstrated. **Counterargument: Curtailing Cultural Freedom**: • **Threat to Night-Time Economy**: Strict noise controls and early closing times for premises near residential areas limit the freedom of individuals to enjoy Torbay's night-time economy, a key driver of tourism. Live music venues, for instance, may face closure or restrictions, stifling cultural expression and economic vitality. This reflects a council-driven suppression of free enjoyment under the pretext of nuisance prevention. • **Costly Compliance**: Requiring acoustic reports or structural changes (e.g., double glazing) imposes significant costs, infringing on businesses' financial freedom. Small venues may be forced to close, reducing residents' and visitors' access to diverse leisure options and concentrating market power in larger, well-funded establishments. • **Subjective Enforcement**: The broad definition of public nuisance (encompassing noise, light, litter, etc.) allows for subjective enforcement, potentially targeting premises based on vague complaints. This risks arbitrary restrictions on individual freedoms, as businesses and patrons face punishment for activities that are not inherently harmful.	All businesses should ensure that any noise within their venue does not escape to prevent noise complaints. After 11pm, the background noise levels drop, and residents should be able to sleep without any disturbance. This is not expensive as the volume of the music can be turned down without any additional expense to the business.

	Alternative Perspective: The council should prioritize dialogue and mediation between premises and residents to address noise concerns, rather than imposing rigid controls. Subsidies for noise mitigation or voluntary noise management plans would support businesses while respecting their freedom to operate. Clear, objective noise thresholds would prevent arbitrary enforcement, protecting cultural and economic liberties. **7. Integration with Other Regulatory Frameworks: A Web of Control** **Policy Position**: The policy requires alignment with planning, public health, and other strategies, mandating planning permission and coordination with local transport and crime prevention plans. **Counterargument: Enslavement Through Bureaucracy**: • **Regulatory Overlap**: Requiring compliance with multiple regulatory regimes (licensing, planning, public health) creates a web of control that restricts individual and business freedoms. This bureaucratic entanglement forces licensees to navigate overlapping rules, diverting time and resources from their core operations and undermining their right to operate freely. • **Potential for Conflict**: The mandate for licensing and planning committees to reach a "common agreement" risks delays and inconsistent decisions, as these regimes prioritize different goals. This could trap businesses in a cycle of approvals, eroding their autonomy and subjecting them to council whims. • **Lack of Support**: The policy offers little practical assistance for businesses navigating this complex regulatory landscape. Small operators, in particular, may feel enslaved by the council's demands, lacking the resources to comply with multiple layers of oversight. **Alternative Perspective**: The council should streamline regulatory processes, offering a single point of contact to guide businesses through licensing and planning requirements. This would reduce	The Policy mentions all of the areas to encourage the business to consider all aspects as part of their application, however the planning requirements must be dealt with separately in accordance with the legislation.

	bureaucratic burdens, empowering individuals and businesses to exercise their freedoms without excessive council interference. **Conclusion: Reclaiming Freedom from Council Control** Torbay Council's Draft Licensing Statement of Principles 2026-2031, while aimed at promoting safety and order, risks enslaving businesses, residents, and visitors to an overbearing regulatory regime. The policy's stringent conditions, presumptive restrictions, and bureaucratic requirements infringe on fundamental freedoms, including economic liberty, personal autonomy, and cultural expression. By prioritizing control over trust, the council undermines Torbay's vibrant tourism economy and the right of individuals to live and operate freely. To respect the right to be free, the council should: • Adopt a risk-based, voluntary approach to licensing conditions, trusting businesses to act responsibly. • Offer support, such as subsidies for compliance or free training, rather than coercive mandates. • Streamline bureaucratic processes, reducing the regulatory burden on small businesses and event organizers. • Prioritize community-led solutions over top-down controls, empowering individuals to address issues like noise or anti-social behavior collaboratively. By embracing these principles, Torbay Council can promote the licensing objectives without sacrificing the fundamental right to freedom, ensuring a thriving, liberated community that balances safety with individual autonomy. The council must reject the path of regulatory enslavement and trust its citizens to exercise their freedoms responsibly.	We welcome businesses to take a risk-based approach when completing their licensing application and in particular their operating schedule needs to be tailored to their individual business model. We encourage applicants to discuss their application with the responsible authorities so that they can focus on the main concerns within their application without having to include unnecessary conditions.

Appendix 2: Licensing Statement of Principles (Licensing Policy)

Torbay Council's Statement of Principles 2026-2031

Licensing Act 2003

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The 'Licensing Statement of Principles 2026-2031 was ratified and adopted by Full Council on XXXXXXXXXX

If you require this document in another format, please email licensing@torbay.gov.uk.

Torbay Council's
Statement of Principles 2026-2031

Introduction: Local Summary

Torbay Council is designated as a 'Licensing Authority' for the purposes of the Licensing Act 2003.

This document is Torbay Council's "Statement of Principles", made under Section 5 of the Licensing Act 2003, and has effect for the period of 7 January 2026 to 6 January 2031.

Torbay, also known as The English Riviera, is a popular, well-established holiday destination situated on the South Devon Coast, on the South West peninsular of England. It has a population of over 139,000. Tourism in Torbay accounts for 920,000 staying visitors plus 3 million day visitors, generating a direct and indirect spend of £412 million per annum. This represents around one third of the areas wealth and also one third of its jobs.

The area comprises of the three towns of Torquay, Paignton and Brixham, and is known for its mild climate, picturesque harbours, coves and beaches, and is home to numerous tourist attractions.

It offers 22 miles of beautiful coastline and is only one of seven places in the entire UK that has been designated a UNESCO (United Nations Educational, Scientific and Cultural Organisation) Global Geopark.

MAP *of* TORBAY

Integrating Strategies

Public Health

Torbay Council's Public Health Team are responsible for a wide range of health issues including alcohol and drug misuse services and other lifestyle campaigns to promote better health for all.

Alcohol holds a prominent place in our communities, and where enjoyed safely, it can have a positive role in family and social life, as well as being an important factor in our economy. However, this should not disguise the fact that alcohol can also have a profound negative impact on our communities, whether through visible harms such as alcohol fuelled crime, disorder and street drinking; or in relation to more hidden harms such as alcohol dependence, domestic abuse and child safeguarding issues.

The Public Health Team is a Responsible Authority under the Licensing Act 2003 and works with other organisations that provide the health services.

Torbay's Community Safety Partnership, 'Safer Torbay' brings the Council together with four other statutory agencies and a number of public sector, voluntary, community and private organisations to tackle issues locally.

Safer Torbay's key areas of work include:

- Crime and Anti-social Behaviour
- Problematic Substance Misuse
- Reducing re-offending
- Domestic Abuse
- Sexual Violence
- Stalking
- Exploitation

The Licensing Authority will work with Safer Torbay on these key areas.

Community Alcohol Partnership

The Licensing Authority supports the alcohol industry in demonstrating their commitment to promoting responsible drinking by seeking to ensure that the sector doesn't entice young people to drink.

A Community Alcohol Partnership (CAP) is a Community Interest Company (CIC) which brings together and supports local partnerships of Councils, Police, retailers, schools, health providers and community groups to reduce alcohol harm among young people, improve their health and wellbeing and enhance their communities.

The Licensing Authority, as part of its membership of the Paignton CAP, actively supports the important work in preventing underage drinking and alcohol harm to young people. Further information on CAP initiatives can be found at www.communityalcoholpartnerships.co.uk.

Event Management and Safety Advisory Groups

Torbay Council has a Public Safety Advisory Group (PSAG) and a Sports Ground Safety Advisory Group (SAG) comprising of representatives from the emergency services and other statutory agencies to advise and coordinate the planning for public events in Torbay.

Determining whether or not to refer an event to a PSAG or SAG requires a risk-based approach and the decision will be influenced by considering a combination of:

- Numbers of people attending (at any one time)
- Levels of risk with the event
- Previous history of similar events
- Events of an unusual nature
- Other events planned at the same time that may increase the impact and risk

Organisers of events meeting the above criteria, whether or not a premise licence or temporary event notice is needed, are strongly advised to contact the PSAG or SAG in order to receive sufficient advice to ensure the safe running of an event.

Where a premises licence is needed for an event, the Licensing Authority would expect to see a condition that the PSAG or SAG will be notified at least 3 months in advance. The Licensing Authority will also expect confirmation of approval for the event, one month before it takes place. This is particularly important where the applicant requires a licence that is not limited to a once only event.

Whilst a premises licence could be granted after 28 days of the application being served, applicants should be aware that if representations are received and a hearing is required, a decision may take two months. Applicants should consider this in their planning. Large capacity events will require greater notice period for PSAG and SAG to consider the event management plan. This allows the Police to ensure sufficient cover and the public transport provision to be changed to accommodate the event. At least six months' notice will be expected for events of 5000 people or more.

Further advice and guidance for event organisers can be found in the Purple Guide.

Cumulative Impact Assessment

In preparing this Policy, the Licensing Authority has taken into account its published Cumulative Impact Assessment (CIA) (2024 – 2027).

In summary, two areas of Torquay have been identified as being subject to high levels of alcohol related crime or public nuisance. Those areas are shown in the CIA which can be found at www.torbay.gov.uk/licensing-statement-of-principles

The effect of this assessment is to create a rebuttable presumption that applications for a new premises licence, club premises certificate or the variation of an existing licence or certificate in those areas will normally be refused where:

- Representations have been received, and it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in these areas, and
- The applicant has been unable to demonstrate that, within their operating schedule, there will be no significant negative cumulative impact on one or more of the licensing objectives.

The CIA does not change how licensing decisions are made but is a strong statement of intent about the Licensing Authority's approach to relevant applications made in these areas. However, the Licensing Authority will always consider each application on its merits.

The CIA is reviewed every three years. Therefore, anyone viewing this policy is directed to the link above to find the most up to date position with regards to the CIA.

Public Spaces Protection Orders

The Council wishes to discourage drunkenness and to encourage the provision of more seating in premises which serve alcohol for people to sit and enjoy a drink and order food by table service, in place of open bar space which caters for high volume vertical drinking. The effective dispersal of customers both from premises and from the Cumulative Impact Areas is regarded by the Licensing Authority as a key principle of its policy to promote the licensing objectives of the prevention of crime and disorder, public nuisance, and public safety.

Public Spaces Protection Orders (PSPOs) were introduced in Torbay to encourage responsible drinking and to assist in reducing anti-social behaviour associated with street drinking. It provides the Police with the power to require alcohol to be surrendered.

The Licensing Authority recognises the effectiveness of this tool in preventing crime and disorder and tackling anti-social behaviour. Premises are expected to have measures in place to prevent their customers contributing to anti-social behaviour.

PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, the Council must consult with the local Police. Where a Local Authority occupies or manages premises, or where premises are managed on its behalf and it licences that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times. This allows Local Authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

Purpose and Scope of the Statement of Principles (Policy)

This Statement of Principles (hereinafter referred to as 'the Policy') applies to the regulation of the following licensable activities at premises, vessels and members' clubs:

(i) the sale by retail of alcohol;
(ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
(iii) the provision of regulated entertainment to the public, to club members or with a view to profit;
(iv) The supply of hot food and/or hot drink between 23:00 and 05:00 hours.

This sixth Statement is made following consultation with:

a) The Chief Officer of Devon and Cornwall Police
b) The Chief Officer of Devon and Somerset Fire and Rescue Service
c) The Director of Public Health
d) Residents and businesses of Torbay
e) Bodies representing businesses
f) Holders of premises licences and club premises certificates
g) Bodies representing existing registered clubs
h) Bodies representing holders of existing premises licences and personal licences
i) Torbay and South Devon NHS Foundation Trust
j) Torbay Council: Children's Services
k) Torbay Council: Planning, Environmental Health and Highways Authorities
l) The Torbay Safer Communities Partnership
m) The Maritime and Coastguard Agency
n) Faith groups via Torbay Interfaith Forum and the Street Pastors
o) Torbay Development Agency
p) English Riviera BID Company
q) Tor Bay Harbour Authority
r) Community Alcohol Partnership
s) Best Bar None Torbay
t) Domestic Abuse and Sexual Violence Partners

The aim of this Policy is to secure the safety and amenity of residential and business communities whilst facilitating a sustainable entertainment and cultural industry. In adopting this Policy, Torbay Council (hereinafter referred to as 'the Council') recognises both the needs of residents and those businesses not covered by the provisions of the Licensing Act 2003 (hereinafter referred to as 'the Act'), to live and operate in a safe and healthy environment and the important role that well run licensed premises play in the local economy and in contributing to vibrancy of the Bay. To

achieve this aim, the Council is committed to working in continued partnership with nominated Responsible Authorities under the Act, local businesses, members of the licensed trade, residents and visitors to the Bay to promote the licensing objectives, as set out in this Policy.

SECTION 1 - The Guiding Principles that will direct the Council in making Licensing decisions

1.1 The purpose of this Policy is to outline the approach that Torbay Licensing Authority (hereinafter referred to as 'the Authority') will take to implement the Act. The Policy provides guidance for applicants, residents and Responsible Authorities under the Act. Responsible Authorities include the Council's Licensing Team, Health and Safety, Environmental Health, Planning, Trading Standards and Children's Services as well as the Police, Public Health, the Fire Authority and the Home Office.

1.2 This Policy, along with current national guidance issued by the Secretary of State and primary legislation, as set out in the Act, forms the basis on which licensing decisions are made and how licensed premises are likely to be permitted to operate.

1.3 The Act also outlines five key aims to support and promote good practice. These are:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the Police and Licensing Authorities the powers they need to manage and police the night-time economy effectively and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities, minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for late night refreshment, and regulated entertainment which reflects the needs of local communities and empowers Local Authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

1.4 The Authority acknowledges the important role which pubs and other licensed premises play in both tourism and in local communities. The Authority therefore believes that providing licensed premises operate as compliant, well-regulated businesses and that their management act responsibly in promoting the licensing

objectives; they make a positive contribution towards building local communities and supporting cultural development and Torbay's tourism offer. It is also important to appreciate that alcohol does play an important and inherent role within the leisure and entertainment industry.

1.5 The Authority equally recognises, however, that negative impacts will occur if good management practices are not followed by licensed premises. These can include anti-social behaviour, nuisance and disturbance caused to local residents, sometimes together with serious crime and disorder problems. Alcohol, in particular, is an important contributing factor to all of these issues. Alcohol-related violence, disorder and rowdiness impacts on our community, public health and the public purse through the demands made upon hospital attendances and admissions; additional policing; additional street cleaning; and the criminal justice system. The Authority does not consider that it is reasonable for local residents and compliant businesses to suffer because of a small number of irresponsible, poorly managed operators.

1.6 This Policy, therefore, seeks to provide a necessary balance between providing a platform upon which compliant, well-regulated businesses may operate and contribute towards a successful business and night-time economy, and ensuring that the quality of life of those who live and work in the Bay are protected through our robust licensing procedures. We believe these aims are achievable if all parties concerned work together.

1.7 While this Policy sets out a general approach to making licensing decisions, the Authority accords with the provisions in the Act. The Policy does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions, and the Authority will consider each application on its individual merits.

1.8 This Policy does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where a provision has been made for them to do so in the Act.

1.9 Where an application is made and there are no relevant representations, the application will be granted subject only to conditions reflecting the operating schedule and any mandatory conditions. Where there are relevant representations, the Licensing Authority**,** will grant the application unless it is necessary to refuse it or to modify it, by imposing a condition(s) in order to promote one or more of the Licensing Objectives. Conditions imposed will be reasonable and proportionate.

1.10 In recognition of its responsibilities under Section 17 of the Crime and Disorder Act 1998, and within the strategic aims of the Safer Communities Torbay

Strategic Assessment, the Authority will work together with businesses, charities and partner agencies to prevent crime and disorder in Torbay.

1.11 The Authority recognises its responsibilities to individuals under the European Convention on Human Rights, set out by the Human Rights Act 1998, and its statutory role as a Licensing Authority to fulfil the duties and responsibilities vested in it.

1.12 The Authority is also aware of its responsibilities to individuals under the Equality Act 2010, to have regard to the elimination of unlawful discrimination and its duty to promote equality of opportunity regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

1.13 The Authority is committed to achieving good outcomes for children, young people and their families. Children of all ages need to be kept safe from harm and safeguarding is about making sure that they are protected from all kinds of harm, not only physical and sexual but also psychological, emotional and moral harm. Safeguarding is everyone's responsibility. Applicants, licensees, employees in licensed premises, Responsible Authorities, elected members, other local businesses and communities, everyone who has dealings with children, young people and adults with care and support needs – we all have a duty to report matters to concern to the relevant authorities. Where there is an actual or perceived risk of harm, it is important that appropriate steps are taken by the Authority to keep children safe. The Authority will have regard to any such risk when considering applications and seek to promote the Licensing Objectives. In addition, the wider safeguarding context must be considered when prospective and existing applicants submit applications, during the assessment and determination process and ongoing use of the licence/notice. Appendix 5 provides information for licence holders and their employees to help them report to the relevant authorities matters of concern that could relate to the safety of children and vulnerable persons, particularly if it relates to child exploitation and trafficking.

1.14 The Authority is aware that effective licensing can only be achieved by recognising the value of collective contributions. The Authority strongly supports inclusivity and partnership working with the Police and other Responsible Authorities, local businesses, performers, local people, professionals involved in child protection and all others who can contribute positively to the successful promotion of the four Licensing Objectives. The Authority encourages membership of local schemes such as NiteNet, Best Bar None, local licensing forums, Pub watch, SWaN Charter, UKPAC and StoreNet and values the contribution such schemes make to the fulfilment of the Licensing Objectives.

1.15 The Authority considers that its decisions can be a key factor in the control of anti-social behaviour. Whilst the Authority will not use licensing conditions to control anti-social behaviour by individuals once they are away from the licensable premises or place and beyond the direct control of the licensee, where there is a causal link between the behaviour complained of and patrons of a licensed premises, it is expected that the Premises Licence Holder will take immediate steps to mitigate such impact within the vicinity of their premises.

Premises Licence Holders will be required to demonstrate that they have taken and intend to take appropriate action in this respect. Any conditions attached to licences will be within the control of the Premises Licence Holder and will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in lawful activity in the area concerned.

1.16 The Authority will not adopt blanket policies of zoning to fix the trading hours of licensed premises. However, where it is necessary to promote one or more of the Licensing Objectives, the Authority will attach conditions to the premises licence to control a premises' trading hours. Such conditions will be imposed where there is supporting evidence to demonstrate that it is appropriate to do so. Appendix 4 gives examples of the impact that certain types of premises may have on the surrounding area. Where representations are received, the Authority will refer to this Appendix and therefore applicants are encouraged to use this to assist them in understanding the operating hours and the types of conditions they need to cover in their operating schedule.

1.17 Premises which are permitted to provide sales of alcohol for consumption off the premises may be subject to conditions that limit trading hours and restrict types and maximum quantities of alcohol where either the premises or the area in which the premises intends to trade, are known to be a focus for disorder and disturbance. A decision to impose such conditions will be subject to a relevant representation being received and where there is supporting evidence to demonstrate that it is appropriate to do so.

1.18 In the case of age classifications for films, the Policy of the Authority is to follow the recommendations of the British Board of Film Classification for most purposes, whilst retaining the right to allocate a classification of its own to a particular film or to modify the advisory information proposed for use in connection with that film or the mechanism proposed for communicating that information.

1.19 In general, all premises which are the subject of a licensing application should have the benefit of planning permission or be deemed permitted development. Licensing and Planning are separate regimes but consents from both must be in

place to operate legally. The Licensing Authority, as per paragraph 9.45 in the Section 182 Statutory Guidance, requires the two committees and officers to work together to achieve a common agreement. If there is variance between the hours given under a licence and those permitted by the planning permission, the earlier hours will apply.

1.20 The Authority's Licensing Committee will receive regular reports on decisions made by Officers under the provisions of the scheme of delegation so that it maintains an overview of the general situation.

1.21 The Authority will actively encourage a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays. Premises specifically catering for young people in a safe, alcohol-free environment shall also be encouraged and promoted for the wider cultural benefit of the community in Torbay. Some departments within the Council have obtained licences for specified public open spaces and premises so that the benefit of any licence granted can be conveyed by the licence-holding department to authorised entertainers and performers within the event site. The Authority's Licensing Committee will consider such applications from an entirely neutral standpoint. It will also consider carefully any representation that the licensing regime is adversely affecting the provision of live music and dancing as regulated entertainments in Torbay and will only impose restrictions that are appropriate, proportionate and reasonable as licensing conditions.

1.22 The Authority recognises that proper integration with local crime prevention, planning, transport, tourism and cultural strategies is essential to assist in the reduction of public disorder and disturbances. The Authority will ensure that future local transport plans reflect the need to disperse people from town centres swiftly and safely, particularly late at night, so as to avoid concentrations which may produce disorder and disturbance.

1.23 The Authority recognises that licensing seeks:

a) To control the physical safety of people using a location, however it does not seek to control public health, which is subject to other controls.

b) To protect children, includes their protection from moral, psychological and physical harm.

1.24 The use of illegal drugs, particularly those which are commonly referred to as a 'recreational drugs' and illegal psychoactive substances can be harmful and, in some cases, contribute to fatalities. Factors that have contributed to deaths from drugs include lack of drinking water, excessive drinking water, an overly

hot environment with inadequate ventilation, or a lack of adequate information about drugs.

The Licensing Authority recognises that drug use in a club/pub environment is not something that is relevant in all licensed premises. However, it is recognised that special conditions will need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them i.e. zero tolerance drug policies including the appropriate use of searching and amnesty boxes.

It is the responsibility of premises to help keep their customers safe from drink and drug spiking, for example by the provision of signage and information to alert customers to the risk of drink spiking, as well as medical and reporting actions needed as soon as an incident is suspected.

The Authority does aim through the licensing process to:

a) ***Prevent*** drug dealing in licensed premises.

b) ***Minimise*** drug availability and their use.

c) ***Safeguard*** all the public attending events by requiring, through imposition of appropriate licence conditions, the provision of a secure and safe environment for such events to take place.

1.25 The Authority recommends that all applicants' seeking to supply alcohol should have had regard to, 'The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks'.

1.26 While the Authority recognises that clear enforcement protocols for licensing and associated activities are essential, this will be achieved through close partnership working; notably the Police, Fire and through its Public Safety Advisory Group. It also recognises that in most cases, education and the support of businesses is likely to have longer term impact to ensure proper consideration is given to the four Licensing Objectives. It will, however, ensure that resources are targeted at problem and high-risk premises and events, when required.

1.27 The Authority will review this Policy, at least once in every five years. The Cumulative Impact Assessment will also be kept under review and considered by the Authority, at least every three years or sooner, if necessary, to ensure that it is still required.

SECTION 2 - Primary considerations when an application is made

The Licensing Authority will:

2.1 Deal with all applications within the statutory timescales.

2.2 Where relevant representations are received, consider each application:

a) on its own merits,
b) in accordance with the Act, any subsequent amendments and supporting Regulations,
c) with regard to Guidance issued under Section 182 of the Act,
d) under the terms of this Policy.

2.3 Expect the applicant to articulate clearly the type of venue they will be operating and to submit an operating schedule that properly addresses the impact their application may have on their neighbours or their surrounding communities, to ensure that each of the relevant Licensing Objectives is promoted. This is particularly relevant in the following circumstances.

(i) Crime and disorder arising out of the night-time economy;
(ii) Noise from patrons and regulated entertainment where premises are in close proximity to residential properties and have later opening times;
(iii) Public safety matters for higher risk activities and one-off events; and
(iv) Public safety matters arising out of unmanaged occupancy levels.
(See Appendix 3 for further information on what to consider in your operating schedule.)

2.4 Consider the specific proposals regarding the requested licensing hours. It is important to note that “opening hours”, the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.

2.5 The Authority supports a continental café culture which makes a positive contribution to the street-scene and to the vitality of shopping and tourist areas bringing life, colour and interest on to the street. The Authority may grant a pavement licence under the Business and Planning Act 2020 for an applicant to use the public highway outside their premises for placing tables and chairs but the use of such an area will be subject to separate application, requirements and conditions. Applicants are reminded that either the proposed area of the public highway is included within their premises licence plan, or the premises licence must authorise off sales, as this is required where the pavement cafe area is not included on their plan. Further information and guidance can be found at www.torbay.gov.uk/pavement-licence

2.6 ‘Special Risk Entertainment’ events, are events that incorporate any of the following activities for the entertainment or attraction of the public:

a) hypnotism (as defined by the Hypnotism Act 1952);
b) striptease, lap dancing or any similar performance (see note below *);
c) the installation of strobe or laser equipment;
d) the use of special effects such as pyrotechnics (Fireworks) or the introduction to any area occupied by the public of naked flame or any material, vapour, liquid, foam or novelty foodstuff;
e) the use of any temporary structure or staged area;
f) sporting events that carry higher than normal risks, e.g. cage fighting;

Applicants’ must specify clearly in their operating schedule, details of any ‘Special Risk Entertainment’ to be provided.

* The Policing and Crime Act 2009 became law in November 2009, amending Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 so as to incorporate ‘sexual entertainment venues’ as sex establishments governed by the Act as amended. The Authority adopted the legislation in so far as it relates to sexual entertainment venues on the 2 December 2010. Under the Act as amended, premises offering lap dancing, any live sexual performance or display of nudity on more than 11 occasions within a 12-month period, or less than one month since the last performance, will be required to obtain a sexual entertainment venue licence from the Council’s Licensing Authority to authorise such activity. The Authority has drawn up a statement of Licensing Policy for Sex Entertainment Venues which was agreed by Licensing Committee on the 17 March 2011. The Policy can be found at www.torbay.gov.uk/sex-establishments.

2.7 Individuals who are applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected.

The Authority will not issue a personal licence to an individual who is illegally present in the UK, and is not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. In order to discharge this duty, the Authority must be satisfied that an applicant has the right to work in the UK as required on the back of the application form, to demonstrate that the applicant has permission to be in the UK and that they are permitted to undertake work in a licensable activity. This also applies to individuals who apply for premises licences. The purpose of this is to prevent illegal working in the UK.

A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example if they are subject to an immigration restriction that does not permit them to work.

New applications and full variations

2.8 All licensing applications for the grant or variation of a premises licence must be served on the Licensing Authority and on the Responsible Authorities within Torbay. The contact details (current at the time of writing this Policy) for the Responsible Authorities are detailed in Appendix 1. However, applicants are advised to check the specific details in the Home Office S.182 Guidance and the Act to ensure they have complied with the requirements under the Act.

2.9 Where an application for the grant of a premises licence or club premises certificate, variation of the same, or a provisional statement, or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to all Responsible Authorities as stipulated in the Act. Where such applications have been submitted electronically, copies of the application will be forwarded to the Responsible Authorities by the Licensing Authority.

2.10 Full variations should not be used to 'vary substantially the premises to which the licence relates'.

Minor variations

2.11 An application can be made for a minor variation to premises licences and club premises certificates where the change is considered to have 'no adverse impact' on the promotion of any of the four Licensing Objectives.

2.12 Minor variations can be used to:

- make minor changes to the structure or layout of a premises
- make small adjustments to the licensing hours
- remove out of date, irrelevant or unenforceable conditions
- add or remove certain licensable activities
- add volunteered conditions to a premises licence or club premises certificate

2.13 Examples of where the minor variation process **cannot** be used include:

- extending the period for which the licence or certificate has effect
- specifying, in a premises licence, an individual as the premises supervisor
- adding the sale by retail or supply of alcohol as an activity authorised by a licence or certificate
- authorising the sale by retail or supply of alcohol at any time between 23:00 and 07:00 hours

- authorising an increase in the amount of time on any day during which alcohol may be sold by retail or supplied
- varying a licence for a community premises so as to apply the condition that every supply of alcohol under that licence must be made or authorised by the management committee
- substantially varying the premises to which the licence or club premises certificate relates

2.14 Under a minor variation the applicant must send the application to the Licensing Authority and must advertise the application on a white notice for a period of ten working days, at the premises, beginning with the day after the application was given to the Authority. The applicant is not required to advertise the variation in a local newspaper or send a copy to Responsible Authorities.

2.15 On receipt of a minor variation application, the Licensing Authority will consider the application and consult whichever of the Responsible Authorities it considers appropriate. In deciding on the application, the Licensing Authority will consider any relevant representations received within the statutory time limit (ten working days from the day after the application was received by the licensing authority). The Licensing Authority will either grant the application or refuse it where it considers that the proposed application could impact adversely on any of the four licensing objectives.

2.16 There is no right to a hearing under the minor variation process.

2.17 If the Licensing Authority fails to determine the application within 15 working days, the application will be treated as being refused and the fee returned. However, in such cases the Licensing Authority and applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application thus avoiding the need for a new application to be submitted.

Review of premises licence

2.18 A Responsible Authority or other persons may at any time call for a review of a premises licence or club premises certificate, where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence or club premises certificate. Examples may be where there has been a breach of licensing conditions, failed test purchases or activities undermine the licensing objectives. The conduct of review hearings is set out in the relevant statutory instruments.

2.19 Where the request for review originates from other persons, the Licensing Authority may reject the application if it is considered frivolous, vexatious or repetitious.

2.20 In all cases, an application for review must relate to a particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to one or more of the four licensing objectives.

2.21 Where a review is brought, the Licensing Authority may take any of the following actions:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), e.g. by reducing the hours of opening or by requiring door supervisors at particular times
- exclude a licensable activity from the scope of the licence, e.g. to exclude the performance of live music or playing of recorded music
- remove the designated premises supervisor, e.g. because they consider that the problems are the result of poor management
- suspend the licence for a period not exceeding three months
- revoke the licence
- take no action

2.22 In deciding which of these powers to invoke, this Licensing Authority will seek to establish the cause of the concerns which the application and any relevant representations identify. The remedial action taken should be directed at these causes and should always be an appropriate and proportionate response. For example, the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

2.23 Equally, it may be that poor management is a direct reflection of poor company practice or policy, and the removal of the designated premises supervisor may be an inadequate response to the problems presented.

2.24 The Licensing Authority will consider each case on its own merits having regard to the relevant law and guidance.

2.25 Where reviews are sought by residents or Responsible Authorities in relation to public nuisance alleged to arise from a licensed premises, the nature of the premises, its track record and length of time it has been providing the activities complained of will all be taken into account in determining the application.

Relevant, vexatious and frivolous representations

2.26 Officer decisions as to whether representations are relevant, frivolous or vexatious will be made objectively having regard to all the available facts and not on the basis of any political judgment:

- a frivolous representation can be categorised by a lack of seriousness or concerning very minor issues which would not warrant any steps being taken

• a vexatious representation arises where it is intended to cause aggravation or annoyance to another person or business without any justification (e.g. disputes between rival businesses).
• a representation would only be relevant if it relates to the likely effect on at least one of the licensing objectives, relates to the application under consideration and is received within the relevant timescales.

2.27 Where representations are rejected, the Responsible Authority or other persons making that representation will be given a written reason as to why this is the case. Anyone who wishes the decision to be reconsidered should lodge a complaint at www.torbay.gov.uk/complaints.

2.28 In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation.

Use of petitions

2.29 Standard letters of support or objection, and petitions can be submitted in response to an application or review.

2.30 Standard letters, with only the signature and address of the sender, will be considered as a petition as they contain no additional individual comment. Standard letters that have additional detail regarding the representation will be considered as a separate representation and will be published separately as part of any Committee report.

2.31 Petitions will be published as part of the Committee report, and reference will be made to the number of names supporting the petition. The Council will only correspond with the lead petitioner and will invite that person to the hearing but not all of the signatories on the petition.

Temporary Event Notices (TEN's)

2.32 A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours and can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.

2.33 A TEN is typically used to:

- authorise a licensable activity at a premises not currently licensed e.g. selling alcohol at a fete
- temporarily extend the hours for providing a licensed activity at an existing licensed premises for a specific event
- provide for licensable activities not authorised by the existing licence.

2.34 Where a TEN or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the notice has been sent to the Police and Environmental Health as stipulated in the Act. Where a notice has been

submitted electronically copies of the notice will be forwarded to the Responsible Authorities by the Local Authority.

2.35 The organiser must normally give the Licensing Authority a minimum of 10 clear working days' notice. This does NOT include the date of submission, the date of the event, weekends or bank holidays. In a significant number of cases this time period does not allow sufficient time for the organiser to liaise with the Police or Environmental Health and other relevant bodies to ensure that the event passes off safely with minimum disturbance to local residents. Therefore, the Licensing Authority will normally expect that the notice to be submitted no earlier than 28 days before the planned event. The giving of 28 days' notice allows for reasonable discussions to take place with the Police and Environmental Health.

2.36 The Licensing Authority will consider any breach of previous voluntary agreements to be an important matter when considering an objection to a TEN application.

2.37 A late TEN may be served between nine and five working days before a proposed event commences. If a late TEN is served with fewer than 5 working days' notice it is deemed invalid and will be rejected. The Licensing Authority has no discretion to accept TENs outside the permitted statutory deadlines. If an objection is received to a late TEN there is no provision for any modification, hearing or adding existing conditions and a Counter Notice will be issued preventing the event from going ahead. There is no right of appeal in respect of late TENs following an objection by the Police or Environmental Health.

2.38 The Licensing Authority will actively encourage the organiser to notify other relevant agencies such as the Fire Authority (crowd safety and management) in order to obtain expert advice on how best to minimise the risk of injury and public nuisance.

2.39 In addition, whilst under the Act applicants do not have to notify the Planning Authority in respect of a temporary event, they are encouraged to do so to ensure that any relevant planning consent is in place.

Provisional statements

2.40 Where premises are being or are about to be constructed, extended or otherwise altered so that they can be used for licensable activities, those involved with the project or with an interest in it may request some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.

2.41 Any person falling within Section 16 of the 2003 Act can apply for a premises licence before new premises are constructed, extended or changed. In those cases, the Licensing Authority would include a date when the licence would

come into effect. However, where the information described below is not available an application for a provisional statement would be required instead:

- clear plans of the proposed structure
- the activities to take place
- the time at which such activities will take place
- the proposed hours of opening
- where the applicant wishes the licence to have effect for a limited period, that period
- the steps to be taken to promote the licensing objectives
- where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify

2.42 The 2003 Act provides for a person who has an interest in the premises to apply for a “provisional statement”. This will not be time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the licensing authority will accept representations when the application for the premises licence is finally made.

2.43 Applications for a provisional statement are made in a similar manner to those for new and variation applications as set out above.

SECTION 3 – The Licensing Objectives

The Act sets out four licensing objectives which the Licensing Authority has a duty to promote when carrying out its licensing function, namely:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Each objective is of equal importance, and these objectives are the only factors that can be considered in determining an application. Any conditions attached to a licence must be appropriate to promote the licensing objectives. If there are no relevant representations, or representations have been withdrawn at or before a hearing, then the application will be granted as applied for, subject to conditions which reflect the operating schedule and any mandatory conditions. Any conditions offered by the applicant within their operating schedule will become conditions on the licence.

Where there is a relevant representation, which has not been withdrawn, the application will proceed to a hearing, following which the Authority may take such steps as are appropriate to promote the Licensing Objectives. In considering the application, the Authority will have regard to the matters set out below. In order to reduce the risk of relevant representations and the cost and delay of a contested hearing, Applicants are strongly recommended to consult with the relevant Responsible Authorities, consider the matters set out below and incorporate them as necessary into their operating schedule.

Where there have been relevant Representations, the Authority will consider the content of any application with respect to the following matters:

THE PREVENTION OF CRIME AND DISORDER

3.1

a) The adequacy of measures proposed to prevent crime and disorder and the history of any previous relevant enforcement action, particularly in relation to the use of the premises for:

(i) the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crime;
(ii) the sale and distribution of illegal firearms;
(iii) the evasion of copyright in respect of pirated films and music;
(iv) the under-age purchase and consumption of alcohol;
(v) prostitution or for the sale of unlawful pornography;
(vi) use by organised groups of paedophiles to groom children;
(vii) the base for the organisation of criminal activity;
(viii) the organisation of racist activity or the promotion of racist attacks;
(ix) unlawful gambling;
(x) the sale of smuggled tobacco and alcohol.

b) The measures the applicant has taken or proposes to take to: -

(i) To prevent the consumption or supply of illegal drugs and psychoactive substances (previously known as ‘legal highs’), including a written drugs policy, any entry and search procedures, the demonstration of a positive

commitment to the deployment, when requested by the Police, of the Ion track Itemiser Drug Detection Machine at the premises or event, and in respect of premises selling alcohol after midnight with a capacity of 500 or more, the provision of a drugs box and register.

(ii) To improve security or public safety, for example by:

- using CCTV of an evidential standard which is continually monitored with recordings retained for 14 days.
- undertaking a risk assessment for the employment of appropriate numbers of SIA registered door supervisors for security duties and / or stewards for general public service or management (see Appendix 3 for further information). They shall be visible at all times and locations by wearing high visibility personal arm band identification.
- keeping and maintaining a daily premises register of SIA registered door stewards (see Appendix 3 for further information)
- the adoption of a 'safe capacity' necessary for the promotion of public safety or the prevention of disorder on the premises, part of the premises or at an event.
- setting a maximum bag size policy during ENTE periods and carry out regular random bag searches
- providing cloakroom facilities for bag and coat storage
- random use of metal detectors in premises selling alcohol after midnight with a capacity of 500 or more persons
- ensure door stewards remain on duty until all customers have left the vicinity to ensure no crime, disorder or public nuisance whilst they are dispersing.

(iii) To determine that when employing SIA registered door supervisors, licence holders have considered:

(a) Recruiting Security Industry Authority(SIA) licensed door supervision staff from a company that is compliant with the requirements set out in the Security Industry Authority Approved Contactor Scheme (visit the SIA website www.sia.homeoffice.gov.uk for further information); and

(b) What measures will be taken and what procedures are in place for licensees to check the SIA register of licensed door supervisors to ensure their premises and patrons are only protected by door supervisors with an SIA licence. Torbay Council recommends the use of the SIA Company Licence Checker facility (visit the SIA website www.sia.homeoffice.gov.uk for further information).

(iv) To help prevent the use of glass bottles and drinking glasses being used as weapons and inflicting more serious harm during incidents of disorder, consideration needs to be given to the location and style of the premises/event, the times of opening, as well as features such as outside roof terraces, indoor sporting events, and televised sporting events. The use of plastic/polycarbonate vessels is recommended in late night vertical drinking establishments and to prohibit glass bottles from which it is intended or likely that a person will drink in these premises from 23:00 hours.

(v) To help facilitate effective communications by means of radio communications, i.e. Storenet and nitenet radios or by other means to enable instant contact with the CCTV Monitoring Room and other licensed premises in a locality, to warn of situations of disorder or potential disorder and to advise other premises of individuals ejected or refused entry to their premises

(vi) To be able to demonstrate a responsible approach to alcohol sales by ending alcohol sales at a time specified in the application that is some time before the premises themselves are closed, and by not taking part in heavily 'discounted drinking' promotions. At the start of 2010, Parliament approved The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. This attaches mandatory conditions to all premises licences and club premises certificates where alcohol is sold or supplied on the premises.

(vii) To help reduce the risk of excessive alcohol consumption by providing and promoting reasonably priced soft drinks; and as required as a mandatory condition, to provide free drinking water at all bars. The provision of free potable (safe to drink) water is a mandatory condition.

(viii) To help reduce the risk of crime and disorder being caused by street drinkers, who are or appear to be alcohol dependant. This may be particularly relevant to premises that are permitted to provide sales of alcohol for consumption off the premises, which are located in areas where concerns about street drinkers have been identified by Responsible Authorities or within the area defined in the Cumulative Impact Assessment. Such premises may be required not to stock or sell high strength or types of cheap ciders, beers or lagers with an abv of more than 6% or to sell single unit items, i.e. cans that are split from an original multi pack or other such packaging.

(ix) Awareness of drink spiking and participation in anti-drink spiking initiatives.

(x) Zero tolerance drug policies including the maintenance of an incident log, signage, staff training, appropriate use of searching/amnesty boxes to combat drug crime, an awareness of their venues and possible areas requiring greater monitoring. Businesses are expected to address drug activity by working in partnership with the Police.

(xi) To help manage the premises safely by the provision of sufficient SIA registered door staff following a detailed risk assessment taking into account the size and layout of the premises. (see Appendix 3 for further information)

(xii) To determine whether door stewards are to be employed at takeaway premises which provide late night refreshment.

(xiii) To keep appropriate records**,** an incident log to record incidents that have occurred on the premises or within the vicinity but linked to the premises, telephone calls, complaints and refusals for entry (see Appendix 3 for further information).

(xiv) To help to ensure that the Premises Licence Holder or the Designated Premises Supervisor (DPS) takes all reasonable steps to ensure that staff employed at the premises are, trained so that they understand the requirements of both the premises licence/club premises certificate and the broad provisions of the Licensing Act 2003. It is recommended that premises keep detailed training records that are available for inspection by Responsible Authorities.

(xv) To ensure that all staff in premises selling alcohol after midnight shall be trained and hold, within three months of the commencement of their employment, BIIAB Level 1 Award in Responsible Alcohol Retailing or similar qualification.

(xvi) To manage appropriately, intoxicated customers, for example by using use a breath box to randomly test and refuse entry to customers where it is believed that they are heavily intoxicated, and to randomly test customers within the premises to ensure that there is no excessive drunkenness.

(xvii) To prepare a policy to ensure that there is a safe area for leaving drinks when customers leave the premises temporarily, e.g. to smoke.

(xviii) To ensure that the premises are adequately managed by a suitable person at all times and that whenever the premises are open for the sale of alcohol after midnight, a personal licence holder is on duty.

(xix) To ensure that the written authorisations of the DPS to all staff are be kept on the premises.

(xx) To implement a recommendation to support and participate in safety incentives such as 'Ask for Angela campaign' and Project Nighteye (Targeting violence against women and girls in the night time economy).

(xxi) To sign up to Torbay's Safety of Women at Night Charter (SWaN) to improve the experience of women in Torbay at night, in both the town centres and harbourside area.

(xxii) To implement a recommendation for premises within designated areas of the Cumulative Impact Assessment to become an accredited venue with Best Bar None.

(xxiii) To write policies to ensure that all off sales are supplied in sealed containers for premises where there is a Public Space Protection Order, and it is believed that the alcohol will be consumed within that designated area. The policy should include the provision of notices to be clearly displayed where alcohol is sold, advising customers that the area is subject to a Public Space Protection Order.

(xxiv) To write policies to ensure that where alcohol is supplied by way of a delivery service, all delivery drivers are trained in Challenge 25, No proof no sale and that deliveries are only to be made to a residential address and received by an over 18.

(xxv) To ensure the even distribution of customers within a premises, to reduce crowding and pinch points which can lead to conflict.

c) Work to reduce the likelihood of any violence, public disorder or policing problems that may arise if a licence is granted.

d) Implementing the outcomes of consultations held by the applicant, in respect of their application and submitted operating schedule, with the Police. Including any recommendations made by the Constabulary's Architectural Design Liaison Officer.

PUBLIC SAFETY

3.2

a) The adequacy of measures proposed to deal with the promotion of public safety and in particular, the steps taken by, or the proposals of, the applicant to:

(i) To assess the risks to the public, staff and others associated with operating the premises or event in accordance with their submitted operating schedule and measures implemented to reduce those risks.

(ii) To provide adequate facilities for people or performers with disabilities and to ensure their safety.

(iii) To ensure that the number of people, staff and performers, present in the premises or at the event can be safely evacuated in the case of emergency and that adequate access arrangements exist to permit the attendance of emergency vehicles, if required.

(iv) To ensure adequate staff training has been undertaken to deal with emergencies. To indicate the frequency that such training will be updated and the method of maintaining staff training records to demonstrate that regular training has taken place.

(v) To maintain controlled entry to the premises or event and establish the maximum number of persons who are occupying the premises or event at any time (see Appendix 3 for further information).

(vi) To determine what the views are of the Maritime and Coastguard Agency, as the lead Authority with regard to all of the four Licensing Objectives, in the case of an application for a premises licence in respect of a passenger vessel.

b) The Authority will undertake consultations with the Council's Officer responsible for the enforcement of Health and Safety legislation in respect of the application and the submitted operating schedule. It is the Policy of the Authority to not use its licensing powers to secure compliance with fire safety requirements, which arise from other legislation. However, in circumstances where fire safety inadequacies indicate that the premises pose a risk to the health and safety of those who enter them and where specific fire safety enforcement does not provide a sufficient or sufficiently rapid remedy; the Licensing Authority will take appropriate steps to ensure that the risk is removed.

c) In preparing an operating schedule for large scale events, which would require a premises licence, the applicant is expected to consider if appropriate the following guidance and publications:

(i) The Event Safety Guide (The Purple Guide) www.thepurpleguide.co.uk

(ii) Managing Risks and Risk Assessment at work – www.hse.gov.uk/simple-health-safety/risk/index.htm

(iii) The Guide to Safety at Sports Grounds, 6th edition (The Stationery Office, ISBN 978-1-9164583-0-7 https://sgsa.org.uk/greenguide-availablenow/

Fire safety

3.3 The Licensing Authority is committed to ensuring public safety in licensed premises by working in close partnership with the Fire Authority, subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will consider relevant representations from the Fire Authority concerning the implications relating to fire safety for each individual application/variation for a premises licence and seek to protect the safety of all persons at all licensed premises by ensuring that the requirements of the Fire Authority are met.

3.4 In order to avoid the necessity for representations to be made, applicants will be advised where appropriate to consult the Fire Authority and ensure that they have sight of such documentation as may be required in order to allow a reasonable assessment to be made.

3.5 The Licensing Authority will consider applying capacity limits where there are valid reasons and where it has been demonstrated that they will promote any of the licensing objectives.

The Terrorism (Protection of Premises) Act 2025

3.6 The Terrorism (Protection of Premises) Act 2025, also known as Martyn's law, received Royal Assent on Thursday 3 April 2025. The aim of this new legislation is to improve safety and security at public venues, to help ensure that people are prepared, ready to respond and know what to do in the event of a terrorist attack.

It is expected that the implementation phase will be at least 24 months. This will include the publication of statutory guidance and establishing the regulator

function within the Security Industry Authority (SIA), as well as ensuring there is time for businesses, premises and events to prepare for the legislation coming into force.

There will be a legal requirement on those responsible for certain venues to increase their preparedness for and protection from a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place.

In the meantime, although terrorist attacks are rare, the threat from terrorism is real and increasingly unpredictable and therefore operators should consider the threat and implement appropriate and proportionate mitigation measures to ensure public safety.

Consequently, the Licensing Authority would expect large capacity venues and organisers of large events to consider the following measures:

- A requirement to engage with freely available counter-terrorism advice and training
- A requirement to conduct vulnerability assessments of their operating places and spaces
- A requirement to mitigate the risks created by any vulnerabilities identified
- A requirement to have a counter-terrorism plan
- Ensuring good communication networks with the Police and signing up for local incident alerts
- Ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.

Further information can be found at ww.protectuk.police.uk/martyns-law and www.gov.uk/government/publications/terrorism-protection-of-premises-act-2025-factsheets.

THE PREVENTION OF PUBLIC NUISANCE

3.7

a) The adequacy of measures proposed to deal with the potential for public nuisance and in particular the steps taken by, or proposals of, the applicant to:

(i) To prevent noise and vibration escaping from the premises or open-air sites, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.

(ii) To manage the outside spaces, notably beer gardens, designated smoking areas, car parking areas which are within the direct control of the Premises Licence Holder, to prevent noise from patrons and entertainment creating a public nuisance to nearby neighbours.

(iii) To prevent disturbance by patrons arriving at or leaving the premises, or in the vicinity of the premises, especially when smoking.

(iv) To prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises or otherwise manage the queue to prevent disturbance or obstruction.

(v) To consider the cumulative effect from multiple one-off events giving rise to public nuisance.

(vi) To ensure that staff leave the premises quietly.

(vii) To evaluate whether taxis, private hire or other vehicles serving the premises are likely to disturb local residents and/or people staying in nearby holiday accommodation.

(viii) To evaluate whether routes to or from the premises on foot or by car, or for service or delivery vehicles, pass residential premises and holiday accommodation and if so, the effect this may have on such properties.

(ix) To prepare, implement and oversee, as appropriate, polices regarding dispersal of customers, queue management, smoking areas and outside spaces.

(x) To take suitable steps to improve the management of the premises, following any previous or current enforcement action taken.

(xi) To prevent disturbance from light arising from security devices, floodlighting, advertising lighting or any special effect lighting.

(xii) To prevent noxious fumes from causing a nuisance to occupants of nearby residential and commercial premises or land.

(xiii) To determine whether the premises would result in increased refuse storage or disposal problems, or whether additional litter from or in the vicinity of the premises could cumulatively cause public nuisance.

(xiv) To implement where appropriate, the outcomes of consultations held between the applicant and Torbay Council's Licensing & Public

Protection Team in respect of the application and submitted operating schedule.

b) The Authority advocates working with businesses, with the shared aim of providing a more business friendly and vibrant economy, however, accepts that it equally has a responsibility to its residents. To aid in the process, Appendix 3 gives further advice relating to public nuisance that businesses, new or existing, may wish to consider when making an application or preparing for an event. This should aid both the business and the Authority to ensure there is a common understanding of what is proposed and what the impacts might be. That contained within Appendix 3, should help applicants consider the areas they should address and to formulate their own operating schedule tailored to the type, nature and characteristics of the specific premises and its neighbourhood.

Outdoor Areas and Smoking Areas

3.8 Beer gardens, roof terraces, pavements and other outdoor areas serving licensed premises are expected to comply with appropriate conditions to the individual premises to ensure minimal disruption to residents in proximity to the premises.

3.9 Where applicants propose to provide seating, tables or other facilities in any outdoor area, whether covered or not, or to permit the use of outdoor areas as smoking areas, applicants will be expected to demonstrate in their operating schedule:

a. Detail the location of outside areas to be available for use.

b. how the outside areas will be managed to prevent a) noise; b) smell; and c) pavement obstructions, and d) littering.

c. the arrangements for clearing, tables and chairs; and

d. preventing nuisance from smoke fumes to residents living in close proximity to smoking areas.

e. Suitable and sufficient measures will be in place to prevent the escape of noise and other public nuisance from that outdoor area, from the licensed premises or from any of the licensable activities

f. Effective management controls and other measures are put in place this will include removal of seating/tables, presence of staff and installation of CCTV to ensure that licensable activities and the use of such areas

by customers or other persons is controlled so as not to adversely impact on nearby residents

3.10 Where outside spaces are used for eating, and where children may also be present in the outside space, the Authority expects applicants to provide details as to how smoking areas will be separated from the general use areas of the outside space.

3.11 Premises Licence Holders must take into account the needs of patrons with disabilities and comply with the requirements of the Equalities Act 2010.

3.12 After 23:00 hours consideration should be given to the impact of patrons using outside smoking areas. The Licensing Authority will normally expect the public use of external areas in the licensee's control to cease at 23:00 hours. Where outside areas will be in use after 23:00 hours additional management controls will need to be considered which may including limiting the number of patrons permitted in the area and the presence of security staff.

3.13 Following the implementation of the smoking ban in July 2007, the Licensing Authority recognises that smokers wishing to smoke will have to go outside the licensed premises. They may also want to take alcohol purchased inside for consumption outside. In some cases, smoking will be in garden areas. In others, it may be on other parts of the licensed premises or even the highway.

3.14 Members of the public can sometimes feel intimidated and crowds of drinkers or smokers spilling out onto the street may cause obstruction. Safety problems can also be caused with drinkers and smokers moving into the road. Wherever possible, all patrons should be contained within areas that are part of licensed premises, such as beer gardens, terraces or, where a pavement café consent has been granted by the Council for tables and chairs, on the public highway, and consideration should be made for local residents with mobility difficulties.

3.15 Where patrons are permitted to take drinks outside the premises the Licensing Authority will expect licensees to take such steps as possible to ensure glasses/bottles and other receptacles are not left outside. Where broken glass may become an issue, this should be included within the management plan of the premises.

3.16 The premises may provide some form of shelter for those smoking outside, but these must not be fully or substantially enclosed in accordance with the Health Act 2006. Licensees should be aware of their responsibilities to prevent public nuisance.

3.17 Noise is likely to be caused not only from persons outside, but from the licensed premises if doors are continually opened or left open as customers go in and out.

3.18 If relevant representations are received, the Licensing Authority may consider conditions restricting the use of outside areas. Such conditions may include the prevention of drinks within the external area, restricting the carrying of any receptacle outside, prohibiting re-entry to premises after customers have left or restrictions on the number of people allowed at any one time in the outside areas and having dedicated staff to monitor the smoking area and take action where necessary.

3.19 The Licensing Authority may impose conditions on licences requiring the operators to provide cigarette disposal units in the vicinity of the premises and to carry out regular cleaning of the area as necessary in order to prevent public nuisance.

Night cafes and Takeaway Premises/Restaurants with delivery services

3.20 The Licensing Authority will look to applicants to evidence steps they will take to address these associated issues which can present a public nuisance issue which should include:

- Provision of bins outside to reduce littering by patrons
- Evidence of commercial bin waste contract and pest control contract as necessary.
- Management of outside queues or seating areas after 23:00 hours. Where a risk assessment deems it necessary security staff may be needed at busy times of the night or year when business is seasonal
- Restrictions on the times for deliveries and when bins are emptied
- Suitable parking and access arrangement for any third-party delivery staff such as Uber Eats or Deliveroo as these can cause considerable public nuisance in terms of parking and noise

3.21 Premises open after 23:00 hours supplying hot food or hot drink for consumption on or off the premises can attract large groups of customers, many of whom have already consumed alcohol. The gathering of people around takeaways can lead to additional noise, disturbance and greater amounts of litter and rubbish.

3.22 Premises that operate late at night offering alcohol and/or takeaway food can generate concerns about antisocial behaviour and nuisance in the vicinity. It is expected that applicants should address such issues within their operating schedule.

Fly posting and promotional material

3.23 Torbay often faces the widespread problem of illegal and nuisance fly posting and littering from promotional material used to promote bands and events in the area. This can have an impact on the prevention of public nuisance objective and the prevention of crime and disorder objective within the Licensing Act 2003.

3.24 Existing legislation seeks to address this problem however, it often proves ineffective in preventing this type of nuisance advertising. Some licence holders leave the advertising of regulated entertainment to events promoters and then use this to argue that they are not responsible for any illegal fly posting that occurs.

3.25 The Licensing Authority expects responsible licence holders to ensure the licensed objectives are properly promoted when advertising regulated entertainment on their premises. For this reason, licence holders should outline in their operating schedules the steps to be taken ensure advertising of licensable activities does not cause nuisance or give risk to crime and disorder.

3.26 Premises Licence Holders are encouraged to have explicit agreements or contracts with named individuals or companies used to promote events to address the issue of fly posting and littering from promotional material. They should also maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority or Authorised Officer on request. Where appropriate and where consistent with the applicant's operating schedule, the Licensing Authority will impose conditions to this effect when its discretion to do so has been engaged.

3.27 Businesses wishing to hand out any free printed material such as newspapers, leaflets, vouchers, business cards, stickers or promotional material in a specific area of Torquay, must also obtain a licence from the Council. Further information can be found at www.torbay.gov.uk//leaflets.

THE PROTECTION OF CHILDREN FROM HARM

3.28

a) To consider that adequate measures are proposed to protect children from harm and in particular the steps taken by, or proposals of the applicant to protect children:

(i) In cases where there have been convictions or Fixed Penalty Notices against staff employed at the premises for serving alcohol to minors, or at premises with a reputation for underage drinking.

(ii) In premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

(iii) In premises where there is a known association with drug taking or dealing.

(iv) In premises where there is a strong element of gambling on the premises (e.g. jackpot machines).

(v) In premises where entertainment or services of an adult or sexual nature are provided.

(vi) In premises where, in the case of premises giving film exhibitions, the arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself.

(vii) In premises where children are employed without a work permit issued by Torbay Council.

b) The steps the applicant has taken or proposes to:

(i) Clearly state their intentions to manage the premises so as to protect children from harm.

(ii) Limit the hours when children may be present.

(iii) Impose age limitations, for those under 18 years, on attendance.

(iv) Impose age limitations, for those under 18 years, on employment.

(v) Limit or exclude children when “Special Risk Entertainments” are taking place.

(vi) Limit access by children to only parts of the premises.

(vii) Require the presence of an accompanying adult.

(viii) Fully exclude persons under 18 years from the premises when any or all licensable activities are taking place.

(ix) Prevent the service of alcohol to children under eighteen years, except in the limited circumstances allowed for by the law and when satisfied that proof of age has been adequately demonstrated.

c) The Authority recommends that the only way to verify a young person's proof of age is with reference to their:

(i) Passport
(ii) Driving licence
(iii) Provisional driving licence
(iv) Proof of Age Standards Scheme (PASS) card
(v) Official Military identity card

d) The Authority recommends that premises which sell or supply alcohol, adopt the Challenge 25 scheme.

e) The Authority recommends that premises which sell or supply alcohol should ensure that staff are suitably trained in all aspects of age-related sales and that training is reviewed on a regular basis. The Authority also recommends that records of all staff training are kept for a period of 12 months and made available to a Responsible Authority on reasonable request and that the premises has a written Age Verification Policy, which is also made available to a Responsible Authority on reasonable request. All members of staff must read and sign to confirm their understanding of the Policy, in order to support compliance with the mandatory conditions. A free online toolkit is available to Torbay Licensed premises to assist with staff training and help prevent the illegal sale of age restricted goods. Further information can be found at www.proofofage.org.uk

f) The Authority supports the installation of ID Scanners in premises open after midnight that may attract underage drinkers.

g) Clearly stated measures in the case of an emergency for controlling access and egress and ensuring the well-being of children where a regulated entertainment is specially presented for them. The Authority will normally require as a minimum the following arrangements: -

(i) An adult member of staff to be stationed in the vicinity of each of the exits from any level of the premises, subject to there being a minimum of one member of staff per 50 children or part thereof (subject to (iv) below).

(ii) No child to be permitted in the front row of any balcony unless accompanied by an adult.

(iii) No standing to be permitted in any part of the auditorium during the performance.

(iv) At least one adult member of staff of each gender, when groups of mixed gender are present.

(v) Clearly stated measures where regulated entertainment is specially presented for under 18's in an existing licensed premises, Torbay Council will normally require as a minimum, the conditions found in Appendix three.

(vi) Where a regulated entertainment is held specifically targeting children, the steps the applicant proposes to demonstrate that the organisers of the event have ensured that their employees or other persons who will be responsible for supervising children have been submitted to the advanced disclosure mechanism operated by the Disclosure and Barring Service.

SECTION 4 – The Licensing Authority's rationale for issuing Premises Licences is to:

4.1 Ensure that conditions are consistent with any operating schedule accompanying the application. Terms or conditions attached to premises licences will focus on matters that are within the control of individual licensees and others granted relevant permissions and will not duplicate requirements normally enforced by other regulatory regimes.

4.2 Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) and its vicinity, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation before the development has been completed.

4.3 Consider adding stricter conditions, limit hours and in some circumstances refuse types of regulated entertainment at premises in close proximity to residential premises.

4.4 Consider refusing or limiting types of regulated entertainment or impose early closing times where applicants have not sufficiently demonstrated how they will protect residential premises in close proximity to their premises, from public nuisance. (See Appendix 3 for further advice and information).

4.5 Will include, when necessary, conditions limiting the access of children to licensed premises solely for the prevention of harm to children.

4.6 Will add the mandatory conditions, if the premises licence is to authorise the supply of alcohol. The relevant mandatory conditions can be found in Appendix 3.

4.7 Will add the mandatory condition where a premises licence is to authorise the exhibition of films and:

a) That the admission of children to the exhibition of any film to be restricted in accordance with the age restrictions set by the British Board of Film Classification
b) Except in a case where the Authority has determined a classification of its own in relation to a particular film, in which case that classification will be adopted as a mandatory condition.

4.8 Will seek to fulfil the Licensing Objectives by ensuring that only conditions relevant to those Objectives are attached to licences and certificates and are tailored to the individual style and characteristics of the premises and events concerned.

4.9 Where a representation is received, will seek to promptly set before Licensing Committee or Licensing Sub-Committee those applications that are fully made in accordance with this Policy, the Act and any other relevant regulations or guidance. This will enable the Authority to deal with licensing issues speedily, efficiently and in a cost-effective manner.

SECTION 5 - The role and influence of Representations:

The Licensing Authority:

5.1 Recognises the right of a person or a business to make representations on an application and will consider such representations unless it deems them to be frivolous or vexatious, or, as the Act permits in the case of an application for review of a licence or certificate, if such representation is deemed frivolous, vexatious or repetitious in nature.

5.2 Will not accept a review application arising from complaint by an interested party that is based on grounds similar to those raised within a period of twelve months, save in compelling and exceptional circumstances.

5.3 Expects those objecting to applications to help to provide information/evidence to support the assertion that the addition of the premises' licensable activities would be likely to produce the claimed impact on the neighbourhood when considered against the four Licensing Objectives.

5.4 Recognises that Elected Councillors are defined as Interested Parties and can make representations in their own right, and not just on behalf of others, providing they are Members of the relevant Licensing Authority to which the application has been made.

5.5 Recognises that Health is not a licensing objective, but the Authority is aware that there is a significant negative impact on the health of our residents caused by alcohol, reflected in hospital admissions and deaths from alcohol related illnesses, and alcohol induced violence.

Since 2012 the Director of Public Health in Torbay has been a Responsible Authority and is able to make representations on applications and initiate reviews. The Director of Public Health has access to data and evidence that is useful and informative for the development of policy, and the consideration of applications and the conducting of reviews.

This includes:

- evidence on the impact of alcohol on the physical and mental health of residents, particularly children;
- data on hospital admissions for alcohol related illness and injury;
- data and evidence from local alcohol services, such as outreach and treatment services.

When such evidence and data is presented, it will be considered and where links are made to any of the four licensing objectives it will be taken into account by the Licensing Sub Committee in reaching its decision.

SECTION 6 - The way the Licensing Authority will communicate and enforce requirements

6.1 The Authority has a Licensing Committee comprising of at least 10 and no more than 15 Members of the Authority in order to discharge the functions of the Licensing Authority and a Licensing Sub-Committee comprising of any three Members of the Licensing Committee to discharge any function it directs that is exercisable by the Licensing Committee.

6.2 A Chairperson of the Licensing Committee will be elected at the first annual meeting of the Authority.

6.3 The Authority will ensure that Members and Officers are appropriately trained to carry out their duties under the Act and in accordance with the Authority's constitution. No Member of the Authority shall sit upon the Licensing Committee or Sub-Committee unless they have received appropriate training.

6.4 The Licensing Committee recognises the Local Safeguarding Children Board or specified successor organisation as the competent body for the purposes of this Policy with regard to the protection of children from harm.

6.5 To adhere to the principles of The Regulators' Code (April 2014), which include:

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
3. Regulators should base their regulatory activities on risk
4. Regulators should share information about compliance and risk
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
6. Regulators should ensure that their approach to their regulatory activities is transparent

6.6 To publicise the Terms of Reference set down for its Licensing Committee.

6.7 To recognise enforcement as both formal and informal actions including advice, information, monitoring, liaison, training and promotion of good practice and includes:

a) Actions instituted by the Licensing Committee

b) Actions taken by an Officer of the Authority with the appropriate delegated authority to take such actions

c) Actions by an authorised Officer of a partner organisation with a statutory responsibility for a licensable Premises or activity.

6.8 To work with the Police and other enforcement agencies and to have an information sharing agreement in place.

6.9 To work in partnership with relevant agencies to develop effective and documented Protocols and working arrangements which allow for a 'lighter touch' where risks are perceived low, whilst higher risks situations may be specifically targeted in proportion to the risks identified.

6.10 To comply with the Code of Practice: Age Restricted Products, published by BIS/BRDO 2014, insofar as it relates to the test purchasing of alcohol by Trading Standards Officers and other agencies.

6.11 In so far as it is possible, avoid duplication of requirements with other regulatory agencies.

6.12 To recognise the Act as only one of the mechanisms available to regulate the leisure, hospitality and retail economy and to assist in the maintenance of public order in Torbay. Other influences and controls include: -

a) Planning controls and the recognition that crime and disorder prevention should be designed into new developments.

b) The designation of public places where alcohol may not be consumed and the confiscation of alcohol may be enforced.

c) Police powers to close down premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise and the powers of Environmental Health Officers to close noisy premises.

d) Take enforcement action against personal licence holders who sell alcohol to people who are drunk.

e) Powers of the Police, Responsible Authorities or a local resident or business to seek a review of a premises licence or club premises certificate.

f) Flexible resourcing of the Authority's CCTV Control Room to maintain optimum use of the CCTV system with its partners in accordance with its Code of Practice for the Operation of Closed-Circuit Television (2007).

g) Promotion of the NiteNet, Pub Watch/local licensing forums, StoreNet or UKPAC communication systems and where appropriate impose the participation in the NiteNet scheme upon applicants through licence conditions.

h) Measures taken in partnership with local businesses and others to maintain a clean and safe environment.

6.13 Investigate complaints against licensed premises both with respect to the conditions on their premises licence or club premises certificate, but also the broader requirements of the Licensing Act 2003. This includes complaints regarding noise, public safety or child protection that is within its remit.

6.14 Licensing fees are set and are due for payment on the anniversary of the licence and are dependent upon the non-domestic rateable value of the premises. This value, which is also used to calculate business rates, can be found through the Valuation Office Agency (VOA) search engine at https://www.gov.uk/correct-your-business-rates. The licence holder is expected to pay the required licence fee when it is due, or the law requires the licence to be suspended until such fees are paid.

Carrying on licensable activity while a licence has been suspended is a criminal offence and may result in enforcement action, including prosecution.

The Authority would strongly encourage the premises licence holder to contact the Licensing Team to discuss any problems prior to your annual licence fee being due, to enable the Authority to offer help where they can.

If the fee is disputed prior to the date it is due for payment, the licence will not be suspended pending clarification and resolution. Where an administrative error in relation to the recorded receipt of the annual fee has been made by the Council and the licence holder has provided proof of payment, the licence will not be suspended.

6.15 Although the Authority accepts that the positioning of gaming machines in licensed premises is a matter for the Gambling Act 2005, attention is drawn to the fact that Gaming Machines must be supervised at all times and therefore within sight of an area where staff are present.

Appendix 1: Contact Details

These details are provided to enable easy contact with the responsible authorities and to supply applications to them as required by the Licensing Act 2003.

Licensing Authority

Licensing and Public Protection Team
Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 208025
E-mail: licensing@torbay.gov.uk

Responsible Authorities

Devon and Cornwall Police
Licensing Department
Launceston Police Station
Moorland Road
Launceston
PL15 7HY
Tel: 01566 770500
E-mail: licensing.team@devonandcornwall.pnn.police.uk

Devon & Somerset Fire and Rescue Service
Divisional Headquarters
Newton Road
Torquay
TQ2 7AD
Tel: 01803 653700
E-mail: southfiresafety@dsfire.gov.uk

Torbay Children's Services
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 208559
Email: CSCentral@torbay.gov.uk

Director of Public Health
Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 207350
Email: Publichealth@torbay.gov.uk

Licensing and Public Protection Team (Public Nuisance)
Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 208025
E-mail: Licensing@torbay.gov.uk

Food & Safety Team
Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 208025
E-mail: Foodsafety@torbay.gov.uk

Operational Support
Health and Safety Executive
North Quay House
Sutton Harbour
Plymouth
PL4 0RA
Tel: 0300 0031747
E-mail: formsadmin.plymouth@hse.gsi.gov.uk

Planning Department
Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 207801
E-mail: planning@torbay.gov.uk

Heart of the South West Trading Standards Service
County Hall
Topsham Road
Exeter
EX2 4QD
Tel: 01392 381381
Email: tsadvice@devon.gov.uk

Home Office (Immigration Enforcement)
IE Licensing Compliance Team (IELCT)
2 Ruskin Square (Floor 6)
Dingwall Road
Croydon
CR20 2WF
Email: IE.licensing.applications@homeoffice.gov.uk

(*Home Office Immigration Enforcement is not a responsible authority in relation to club premises certificates).*

In relation to vessels, Responsible Authorities also include navigation authorities within the meaning of S. 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated when being used for licensable activities.

Plymouth Marine Office
Maritime & Coastguard Agency
Suite 5, Endeavour House
Oceansgate, Vivid Approach
Plymouth
PL1 4RW
Tel: 020 390 85245
E-mail: mcaplymouthadmin@mcga.gov.uk

Appendix 2 – Scheme of Delegation

The full **scheme of delegation** is set out below: -

Matter to be dealt with	* Full Committee	Sub Committee	Officers
Application for personal licence		If an objection is made	If no objection made
Application for review of personal licence with unspent convictions		All cases	
Application for premises licence/ club premises certificate.		If a representation made	If no representation made
Application for provisional statement.		If a representation made	If no representation made
Application to vary premises licence/ club premises certificate.		If a representation made	If no representation made
Application for minor variation of premises licence/ club premises certificate.			All cases
Application to vary designated premises supervisor.		If a Police objection	All other cases
Request to be removed as designated premises supervisor.			All cases
Determination of application to disapply requirement for DPS at community premises		If a Police objection	All other cases
Application for transfer of premise licence.		If a Police objection	All other cases
Applications for interim authorities.		If a Police objection	All other cases
Application to review premises licence/club premises certificate.		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision whether to object when Local		All cases	

Authority is a consultee and not the relevant authority considering the application.			
Determination of a Police or Environmental Health objection to a temporary event notice.		All cases	
Determination of a Police or Environmental Health objection to a late temporary event notice.			All cases

*** Full committee may deal with all Sub-Committee matters.**

Appendix 3: Supplementary Information

PREVENTION OF CRIME AND DISORDER

Risk assessment for the provision of Security Industry Authority (SIA) door supervisors

The number and times of required staff would be dependent on the location and style of premises/event. Some areas may warrant the employment of SIA registered door supervisors for longer periods of the evening than other areas. This may be particularly true of nighttime economy areas, which includes the CIA. The number of door supervisors to be employed would need to be determined as a result of a risk assessment carried out by the Premises Licence Holder and/or the Designated Premises Supervisor **or** required by the Authority. However, it is recommended that two SIA door supervisors are employed for up to the first 100 customers, and thereafter one additional steward is employed for each additional 100 customers. Consideration also needs to be given to the ratio of male and female door supervisors which are appropriate for particular premises/events.

This can, however, be altered, subject to the applicant demonstrating through a suitable and sufficient risk assessment, to the satisfaction of the Responsible Authorities and where necessary, Councillors at a subsequent Licensing Committee hearing, that a different ratio is appropriate. This risk assessment should take into consideration the duties required by the supervisors, the layout of the premises and any key locations/flash points/pinch points within the premises that will require additional supervisors.

Register of SIA door supervisors

It is strongly recommended that all premises keep a daily premises register of employed SIA registered door supervisors and this register to be kept for a minimum of 12 months and be available for inspection by any authorised officer of the Authority or Police. The register shall include full names of the SIA door supervisor working, with their SIA badge numbers, and the date and the times that they commenced and finished their work. This register shall be signed at the end of each shift by the duty manager.

Provision of Incident Log

It is strongly recommended that all premises keep an incident log. The premises incident log shall record all calls, whether in person or via alternative communication

(e.g. email, in writing) made to the premises where there is a complaint made by a resident or neighbouring premises of noise nuisance or anti-social behaviour by persons attending or leaving the premises. The incident log shall record the details of the caller, time and date of the call/ visit and the incident referred to along with any action or proposed action/s taken to resolve the issue complained of. The incident log will also record all incidents involving the use of force by staff or SIA registered door supervisors in the refusal of entry to or the ejection of patrons from the premises. The details of any registered SIA registered door supervisors involved in the incident shall be recorded including their badge number. This log should be completed as soon as reasonably possible following an incident.

Reducing the Strength Campaign

The Licensing Authority may not approve applications for off sales near to alcohol addiction recovery activities or buildings, or in areas where drinking in public spaces affects any of the licensing objectives.

Due to crime, disorder and anti-social behaviour issues with known street drinkers within Torbay, the Police introduced a 'Reducing the Strength Campaign' to limit the availability of high strength lagers, beers and ciders in areas where a problem with street drinkers has been identified, but particularly within the CIA. A number of licensed premises with Torquay Town Centre, and other areas where there are specific concerns regarding street drinkers, who are authorised for the sale of alcohol for consumption off the premises, have conditions prohibiting them from selling any beer, cider or lager with an abv of 6% or more and prohibiting the sale of alcohol in single units.

Where applications are granted, additional conditions or limitations such as trading hours may be appropriate. Additional conditions may include:

- No single cans or bottles of be or cider will be sold
- No sale of high strength beers or ciders of 6.0% ABV and above.
- Minimum of two staff to be on duty at times the premises remain open for sale
- Staff must obtain nationally recognised training on responsible alcohol retailing within two months of employment
- High strength beers or ciders will be for sale behind a counter accessed only by staff
- All alcoholic drinks will be clearly labelled or marked with the name of the premises
- The premises will operate a proof of age scheme such as Challenge 25
- Notices will be clearly displayed near to where alcohol is exposed for sale or sold advising customers that the area is subject to a Public Spaces Protection Order (PSPO)

- Restrictions on the design and placement of alcohol for sale

All applicants applying for the grant of a premises licence authorising the sale of alcohol for consumption off the premises, should consider including the above requirements within their application, particularly where premises are situated within the CIA, and should consult with the Police Licensing Officer for further advice.

PUBLIC SAFETY

Occupancy of Licensed Premises

Require the submission of an Operating Schedule that is specific to the individual application; and where appropriate specifies the maximum intended occupancy including staff, performers and members of the public and is sufficiently comprehensive to enable the Authority and other Responsible Authorities to consider the application fully within the terms of this Policy, where appropriate. This should be in the form of a fire risk assessment, including safe capacity limits in compliance with the **Regulatory Reform (Fire Safety) Order 2005,** and in addition to the information above, should include how these numbers are controlled. The Authority will, when relevant representations are received from the Fire Authority, consider the implications relating to fire safety for each individual application for, or variation to, the premises licence.

There are some occasions where it will be appropriate to place a maximum safe occupancy figure as a licence condition to prevent crime and disorder and protect public safety. It will also be appropriate to limit the occupancy in certain parts of premises. Crowding can arise from inappropriate pedestrian flow patterns caused by poor location of entry and exit doors, dance floors, bars and toilets.

Overcrowding has been found to be linked to lower tolerance, increased frustration and conflict. The consequences of crowding will also depend on other factors such as levels of drunkenness and the extent of server intervention.
It is for the applicant to consider the maximum safe occupancy for each premises. A maximum occupancy figure may be expected as part of the operating schedule for premises that present a high risk, for example:

- Where the licensable area involves two or more floors, including mezzanines
- Where there is an expected capacity of greater than 500
- Premises which may be described as high-volume vertical drinking establishments, including any premises which attracts the fee multiplier
- Premises which have a licence to trade beyond midnight
- Where the use of pyrotechnics is likely
- Any premises within a cumulative impact area

Applicants will wish to consider maximum capacities based on means of escape from fire, toilet facilities, floor space and layout. The lower of these values should be used to set the maximum occupancy.

PREVENTION OF PUBLIC NUISANCE

General consideration

1. Public nuisance is the most common reason for complaints against existing premises and for representations to be made about new and variation applications. It can include low-level nuisance affecting a few people locally, as well as major disturbance.

2. The potential for nuisance varies according to the nature of the premises. The Authority will interpret nuisance in its widest sense and takes it to include such issues as noise (from patrons and music, both inside and outside the premises), light, litter, human waste (such as vomit and urine), fly-posting and anti-social behaviour.

3. Noise nuisance is the most common problem. It is particularly intrusive at night when ambient noise levels are lower and residents are trying to sleep, and so it is essential that applicants can demonstrate how they will effectively manage public nuisance.

4. Where applicants are completing operating schedules, they are expected to have regard to the location of the proposed or actual premises. In particular, consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, older people's accommodation, hospitals, hospices, schools, childcare facilities or places of worship.

5. Applicants with access to outdoor spaces, such beer gardens and designated smoking areas, may be asked to provide a written noise management plan if the location of outdoor spaces is adjacent to or in close proximity of residential accommodation or hospitality services, such as hotels and B&Bs. Please refer to the Council's Guidance Notes on Noise Management Plans at www.torbay.gov.uk/new-premises-licence.

6. Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Authority will treat each case on its individual merits; however, stricter conditions will generally be considered on premises licences in areas that have denser levels of residential

accommodation or residential accommodation in close proximity to them. This may include, where appropriate, the Authority considering an earlier terminal hour than that proposed by the applicant.

7. Applications for licensed premises located close to residential areas wishing to open beyond 23:00 hours will need to ensure that a high standard of control is included within their operating schedule so that, for example, any entertainment provided by a venue must be to entertain the patrons of that venue and not the wider community. Public nuisance (within the meaning envisaged by the Act) must not result from the operation of any venue.

8. Between the hours of 23:00 and 08:00 hours any new premises licence, or variation to a licence with hours beyond 23:00, is expected to include a condition of total sound containment within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents.

9. The Authority will presume against the grant of new or variations to premises licences and club premises certificates where there are extensions in operational hours, or the addition or extension of activities (regulated entertainment) that may cause public nuisance, and the applicant cannot demonstrate that they have properly considered the issue of nuisance.

10. To demonstrate proper consideration, Applicants are strongly encouraged to engage the services of and obtain appropriate advice from those with the expertise in this field, to explore what if any mitigation measures could be put in place to alleviate the impact of potential nuisance arising from their premises operations.

11. There will be an assumption however, that licensed premises in residential areas, or where there is close proximity to residential properties or hospitality services, will only be allowed to undertake licensable activities until 23:00 hours, unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.

12. Applicants will be expected to demonstrate in their operating schedule, that nuisance arising from noise, light, smoke odour, litter, ASB, human waste, fly posting, highway/footway disruption, can be minimised or fully mitigated against.

13. The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation from the Authority, a Responsible Authority or other person.

14. The following suggestions should be considered but will vary according to the intended operations of each premises. The list is not exhaustive and is intended to act as prompt for applicants:

- Is an acoustic report needed if the application involves live or recorded music and later hours.

- Can details of the location and types of any schemes designed to attenuate noise from the premises be provided?

- Can details of any measures to minimise the noise caused by patrons outside the premises be provided?

- How the noise from the activity can be controlled to prevent noise breakout. Some premises simply do not have the structure to contain noise, and it is unlikely that these types of premises can have these noisier activities.

- Can the noise breakout be controlled by double glazing, noise limiters, large lobby areas, or any other structural change that attenuates the noise.

- The location and availability of any taxi ranks, bus stops, street pastors, railways stations in relation to the premises which are operational at or just after the terminal hour of the licence.

- Provide details of the location and management of any outdoor areas within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas.

- Include details of dispersal policies and consider the role of door supervision and winding down periods.

- Will you reduce music sound levels and tempo towards the end of the evening.

- Will lighting be increased towards the end of the evening.

- Will there be an area for patrons to use whilst waiting for taxis, such as wind-down/chill out areas.

- Any use of outside areas such tables and chairs on the highway or smoking areas.

- If the operation of the venue will attract additional litter such as food cartons or publicity flyers what measures will be put in place to deal with this.

- Will there be litter patrols for premises operating as takeaways or providing off-sales.

15. If an application is expected to be contentious or noise problems already exist, expert advice should be sought. Applicants are advised to employ a noise consultant before an application is submitted but ideally before signing a lease agreement, if applicable.

16. Sound attenuation works can be very costly and applicants should factor in the costs into their budget. It can more expensive and inconvenient if noise breakout is not mitigated at the build stage. The consultant's report should be submitted as part of the application, or a proposed condition that advises that this will be done to the Responsible Authorities' satisfaction before the activity starts.

17. If a premises licence is granted for an area that hosts one off events, the Authority and applicant will have regard to the cumulative impact or effect of multiple one-off events and how noise may affect nearby residents and business.

18. Many premises already have later operating hours and later activities. This can and does cause significant public nuisance to neighbours and create a significant workload for Responsible Authorities.

19. In cases where a premises has benefitted from the deregulation of live and recorded music and the operator creates a nuisance to its neighbours; the Council will seek a review of the premises licence to remove the exemption under the Live Music Act 2012.

Temporary Event Notices (TENs)

The Authority expects that applicants for TENs, where there is anticipated to be more noise emitted than is usual for the location, to contact the Responsible Authorities well before the event, to enable sufficient time to consider the implications and to be able to work with you, to address any concerns.

In the case of events where the event maybe of a significant duration, albeit still under the TEN limit of 499 persons at any one time, the Authority asks applicants to submit

an Event Management Plan 3 months before the intended event date, to minimise the likelihood of objections from Responsible Authorities. The content of the Plan should reflect the event size, and in some cases may only need to be based around a Noise Management Plan. Please refer to Torbay Council's Noise Management Plan Guidance Note.

If sufficient information is not provided in support of a TEN, it is quite possible that an objection will be submitted by the Responsible Authorities, or in the case of a Late TEN, simply refused, as the Licensing Act 2003 dictates.

PROTECTION OF CHILDREN FROM HARM

Staff Training

The Licensing Authority requires as per the mandatory conditions, that an age verification policy is adopted. Premises that sell or supply alcohol will ensure that staff are suitably trained in all aspects of age-related sales and that training is reviewed on a regular basis. Good practice would be considered as the following:

- Evidence of staff training in relation to age-relate sales
- Evidence of training reviews carried out as and when appropriate
- A refusals register when service of alcohol is declined to those persons unable to provide proof of age.

Under 18 discos in licensed premises

Good practice would include the following:

- These events should finish no later than 23.00hrs after which there will be a 30-minute period before the premises re-opens to over 18's
- The Police shall be notified in writing or email at least (minimum) 14 days prior to the proposed event.
- At least 4 SIA door supervisors must be employed throughout the event, which shall include at least 1 female supervisor. All supervisors will have undergone a Criminal Records Bureau check.
- All alcohol will be locked away and/or obscured from view.
- All gaming machines with prizes will be unplugged and locked.

- All promotional material relating to alcohol shall be removed.
- Any person refusing to be searched will be refused entry.
- Metal detectors will be used at random on entry.
- The event will be promoted to ages of 14 years and above.
- International student events shall be restricted to international students only.
- Throughout under 18 events, the Designated Premises Supervisor or Personal Licence Holder must be present.

Online alcohol sales and delivery services

There has been an increased number of applications for licences relating to delivery services. Although these types of services are not provided for in the Licensing Act 2003, in any way differently from other licensed premises, they do provide their own unique circumstances that need to be addressed. In particular the Authority has concerns with the potential for the following:

- Age verification at both purchase point and delivery point;
- The safety of delivery drivers at point of delivery;
- Safety of the premises from which orders are taken and sent out for delivery; and
- Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises.

The Authority expects licence applications for delivery services that include the delivery of alcohol to take into account issues relating to reducing public nuisance from to delivery vehicles, ensuring the security of premises and delivery drivers, and protecting children by applying rigorous age appropriate checks at purchase point and at point of delivery.

It is expected that:

- All alcohol stored at the premises shall be locked in a secure storage area
- All staff responsible for making alcohol sales shall be trained in the requirements of the Challenge 25 age verification policy and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated. The training should be documented.

- The premises licence holder shall ensure that all employees of any third party engaged in the delivery of alcohol, i.e. couriers, have also been trained by their employers regarding the Challenge 25 policy and this training should be documented.
- A refusals log will be maintained for deliveries and available for inspection on request.
- The Authority would expect operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused and that refusal recorded.
- Alcohol shall be sold in sealed containers only.
- The premises licence holder will ensure that a sticker is applied to all consignments of alcohol stating 'Note to Delivery Service: this package contains age restricted products. Ensure recipient is over 18' (or similar wording to the same effect).
- All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property. Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle.
- Full name and address details, including postcode, must be given when placing an order.
- Alcohol can only be delivered to a residential or business address and not to a public place.
- Challenge 25 - if the driver considers the recipient of alcohol appears under 25 recognised photographic identification to be requested before any alcohol is handed over.
- At the time the order is placed, a declaration will be required from the person placing the order that that person is over 18 years of age.
- Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. No ID no delivery.
- Minimum age of 18 for delivery drivers
- Delivery will be refused if the driver believes the alcohol is being purchased on behalf of another person aged under 18 years.
- Customers to be reminded on the website that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.
- Measures for minimising noise and disturbance caused by the dispatch of deliveries to be identified in the operating schedule.

Appendix 4: Premises type and potential impacts

Please refer to our 'Pool of Licensing Conditions' for appropriate conditions you should consider including within the operating schedule of your application to mitigate the potential impacts identified below. The pool of conditions can be found at www.torbay.gov.uk/new-premises-licence.

Type of Premise	Typical Style of Operation	Potential Impact
Nightclubs	Nightclubs expected to be the latest opening premises. Sale of alcohol and multiple entertainment activities take place in these premises.	Disturbance late at night from customers leaving and dispersing Potential for music noise. Issues associated with outside smoking and drinking areas. Drunkenness problems associated with longer opening hours. Alcohol related violence. Sexual violence. Drug misuse. Drink/drug spiking. Premises may be within PSPO.
Alcohol Led Venues	Vertical drinking establishments. No significant entertainment. Limited inside seating. Limited consumption of food by customers.	Disturbance late at night from customers leaving and dispersing. Issues associated with outside smoking and drinking areas. Drunkenness problems associated with longer opening hours. Alcohol related violence Drug misuse Drink/drug spiking Premises may be within PSPO
Public Houses and Bars	Mix of food and alcohol consumption. Alcohol available without food purchase. Significant seating within premises. Entertainment may be provided.	Disturbance from customers leaving and dispersing. Issues associated without outside smoking and drinking areas. May experience some drunkenness issues. May experience some levels of violence. Premises may be within PSPO
Restaurants and Cafes	Alcohol only sold to accompany food. Customers seated at tables Table service provided for food and alcohol. Significant food offer.	Minimal disturbance from customers leaving. Limited drunkenness. No alcohol related violence.

	May provided limited entertainment. Premises plan includes dedicated kitchen and food preparation areas.	
Off licences	Alcohol only sold for consumption off the premise.	May attract street drinkers and associated anti-social behaviour in some areas. Applicants are required to demonstrate how their premises will not contribute to street drinking in the area. Premises may attract underage purchasers. Premises may be within PSPO
Takeaways	Provision of takeaway food and soft drinks. No alcohol but will require a licence for late night refreshment between 2300 and 0500 hrs.	Litter dropped by customers. Cooking smells. May be a place for people to congregate after late night drinking causing noise disturbance. Alcohol related violence and anti-social behaviour. Premises may be within PSPO
Hotels	Provision of overnight accommodation. Alcohol can be available 24/7 to guests staying on premises. May have a function room available for public hire/functions.	Minimal issues in relation to hotel residents. Potential for drunkenness at public hire/functions. Child protection and safety issues may occur.
Other entertainment venues	Alcohol ancillary to other activities such as entertainment – e.g. bowling.	Minimal disturbance from customers leaving. Limited drunkenness. No violence. Potential for music noise.
Theatres	Alcohol ancillary to live theatrical performances.	Minimal disturbance from customers leaving. Drunkenness and violence are unlikely.
Registered Clubs	Only supply alcohol to members or bona fide guests. No DPS needed. May provide entertainment. Function Room available for commercial hire will require TEN.	Minimal disturbance from members leaving. Limited drunkenness. No violence. Possible noise from entertainment.
Festivals and outdoor events	Not alcohol led but food and alcohol will be available on site. Could attract large numbers of attendees.	Likely disturbance from large numbers attending. Alcohol consumption will exacerbate noise and nuisance issues.

	May have to submit Event Management Plan and Risk Assessments to Safety Advisory Group.	Dispersal may be an issue. Drug dealing and drug consumption likely. Drunkenness and violence are possible. Child protection and safety issues may occur. Premises may be within PSPO

Appendix 5: Safeguarding of children, young people and adults with care and support needs

Introduction

Set out below is information for licence holders to help them report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly as it relates to child exploitation, abuse, modern slavery and human trafficking.

General Information

Torbay Council's Licensing Service is helping to tackle child exploitation, abuse, modern slavery and human trafficking by working with key partners, particularly Devon and Cornwall Police, Children and Adult Services within the Council, the Safeguarding Children Board, and the Adults Safeguarding Board. The Boards also work with the Police, children's and adults social care, schools, health services and the youth offending team as well as specialist child exploitation organisations.

Through agencies working together and sharing information, we aim to identify and prevent exploitation, modern slavery, and human trafficking to protect children, young people and adults with care and support needs and disrupt the activities in order to prosecute perpetrators of abuse.

Sharing information with Devon and Cornwall Police and Children's'/Adult Social Care helps to protect children, young people and adults with care and support needs from harm.

How licence holders can help tackle child exploitation, abuse and modern slavery

Licence holders may become aware of or come into contact with children, young persons and adults with care and support needs, or people who are victims of modern slavery or human trafficking. This may be in hotels, bars and restaurants, late night takeaways, off licences or other licensed premises. Licence holders and staff employed in licensed premises are in an ideal position to help protect people.

Safeguarding children, young people and adults with care and support needs is everyone's business and everyone's responsibility.

Child Exploitation

Exploitation of children and young people involve exploitation situations, contexts, and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing an activity on them. Violence, coercion, intimidation and sexual activity are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people

can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

Child exploitation is a crime that can affect any child, anytime, anywhere- regardless of their social or ethnic background.

In particular, licence holders and staff in licensed premises should ask themselves the following types of questions:

- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children, young people or adults with care and support needs regularly being dropped off/picked up or collected and taken elsewhere from licensed premises such as a hotel, B&B or late-night takeaway?
- Is a child, young person or adult with care and support needs regularly being brought to a licensed premises such as a hotel or B&B where you work? If so, ask yourself why?

If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with Devon and Cornwall Police (Tel: 101 or if immediate risk 999) and Torbay Multi-agency Safeguarding Hub on Tel: 01803 208100 (Monday to Thursday 09.00-16.30, Friday 09.00-16.00) or the out of hours number on Tel: 0300 4564876. Please email for enquiries and referrals to MASH@torbay.gov.uk.

Adults with care and support needs

An adult with care and support needs is someone who is in need of community care services due to disability, age or illness. They may be unable to take care of or protect themselves against significant harm or exploitation.

In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

- Has your customer got any physical signs of abuse or neglect?
- Are they a regular customer? Do you see changes in their behaviour or mood?
- A customer tells you they are having difficulties with someone else
- A customer tells you they have a worry about someone
- A customer tells you they have hurt a person
- A customer tells you something they have seen or heard
- Do you know something that causes concern about someone else's welfare?
- You see worrying behaviour towards someone

If the answers to any of the questions above gives you even the slightest cause for concern you may need to take urgent action to protect the adult.

Your first priority is with the adult, to make them safe (including reporting to the police if immediate action is required). If you or the person concerned need to raise a concern with Torbay Council to help, please contact 01803 219700 or out of hours 0300 4564876. Please email for enquiries and referrals to torbay.safeguarding@torbay.gov.uk

Modern Slavery and human trafficking

Modern slavery is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking.

In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

- Is the victim in possession of a passport, identification, or travel documents? Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?
- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement?
- Is the victim under the impression they are bonded by debt or in a situation of dependence?
- Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?
- Can the victim freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?

Report something suspicious you spot to the Police or other authorities – it could be at licensed premises where you work, where workers seem reticent to engage, not appropriately dressed for their work or increasingly ill fed and unkempt. Or a young person repeatedly being brought to a hotel by another person for short periods of time.

If there is an immediate danger to the suspected victim or if you think that the suspected victim is under 18, inform the police and call 999 as a matter of urgency. For England and Wales, please call the Modern Slavery 24-hour confidential referral helpline on 0800 0121700 anytime of the day or night to refer a victim of trafficking or receive advice. Further information can be found at www.modernslaveryhelpline.org

TORBAY COUNCIL

Meeting: Cabinet **Date:** 18 November 2025

Wards affected: All

Report Title: Proposals to remove/alteration of existing and the creation of new Hackney Carriage Stands under the Local Government (Miscellaneous Provisions) Act 1976

Cabinet Member Contact Details: Councillor Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities.

Director Contact Details: Anna Coles, Director of Adults and Community Services

1. Purpose of Report

1.1 For Members to consider the report and approve the removal, amendment and new taxi stands as prescribed under section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

2. Reason for Proposal and its benefits

2.1 It is necessary to approve the removal and appointment of Hackney carriage stands as prescribed under section 63 of the Local Government (Miscellaneous Provisions) Act 1976, so that Licensing Officers can take enforcement action for any offences committed under the Local Government (Miscellaneous Provisions) Act 1976 or hackney carriage byelaws on the new rank space which has been made available following the changes that have occurred to facilitate necessary public realm works in the area.

2.2 To reject these proposals is not a viable option as this will not allow the Licensing Officers to take enforcement action at the taxi ranks. Traffic Regulation Orders (TRO) have been approved, and the taxi ranks are in place, however the Council also need to approve these as 'hackney carriage stands' under section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

2.3 We have received very few objections to these proposals, and the Torbay Licensed Taxi Association, Torquay United Licensed Drivers Association (TULDA) and private hire operators have been consulted with as part of the design of these ranks. The provision of these new and amended ranks are for the benefit of the travelling public and the taxi trade. The Paignton Ranks provide nine additional taxi rank spaces that can be used by any hackney carriage compared to the private rank at Paignton station which requires a GWR permit to use the rank.

3. Recommendation(s) / Proposed Decision

1. That the following be approved:

Removal of:

- 3 car (24 hour) stand at the Strand, Torquay
- the 10 car (12 midnight to 6am) stand at the Strand Bus Bay, Torquay
- the 4 car (6pm – 8am) stand at Torwood Street, Torquay
- the 3 car (6pm -8am) stand at Torbay Road, Paignton (outside 6-8 Torbay Road)

Amendment of:

- the 8 car (24 hour) stand at Cary Parade, Torquay to operate from 12 midnight to 6am

Creation of:

- a new 3 car (24 hour) rank at Vaughan Road, Torquay
- a new 4 car (24 hour) stand at Fleet Street, Torquay
- a new 4 car (24 hour) stand at the Eastern End of Torbay Road, Paignton (near the junction of Esplanade Road)
- a new 3 car (24 hour) stand at the Western End of Torbay Road, Paignton (outside 10 – 16 Torbay Road.
- a new 2 car (24 hour) stand at the Western End of Torbay Road, Paignton (outside 18-20 Torbay Road)

4. Appendices

Appendix 1: Public Notices
Appendix 2: Map of Taxi Stands

Appendix 3: Consultation responses

5. Background Documents

Local Government (Miscellaneous Provisions) Act 1976

Supporting Information

1. Introduction

1.1 The redevelopment of the Strand, Torquay and Paignton Station has involved numerous meetings with Highways Safety Engineers, Taxi Licensing, Transport Planning and representatives of the hackney carriage and private hire trade to consider options to provide alternative ranks following the redevelopment works and ensure that there are a suitable number of hackney carriage stands (ranks) in Torbay.

1.2 As these stands are to be on the public highway, the consent of the Highways Department was required. Highways applied for Traffic Regulation Orders (TRO) for these ranks at the same time as the adverts for the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A76). These are two separate processes as the TRO imposes waiting or parking restrictions on the location to permit only hackney carriages to use the rank. However, they are not hackney carriage stands within the meaning of the Town Police Clauses Act 1847 and the LG(MP)A76, hackney carriage byelaws or any other legislative provisions referring to hackney carriage stands. Once a TRO is in place, unlawful parking can be enforced by means of a fixed penalty notice, but no offence under either the LG(MP)A76 or hackney carriage byelaws can be committed.

1.3 Following these discussions, a number of ranks were removed or amended and new ranks created under the Traffic Regulation Orders. These ranks must now be formally adopted as hackney carriage stands under section 63 the LG(MP)A76 to ensure enforcement can be undertaken by Licensing Officers.

2. Options under consideration

2.1 The following options are available:

- **To approve the proposals** as advertised as outlined above.
- **To reject these proposals** is not a viable option as we will not be able to take enforcement action on the new rank spaces. We have received very few objections to these proposals and Torbay Licensed Taxi Association, TULDA and private hire operators have been involved in the design of these ranks. The provision of these new and amended ranks will be for the benefit of the travelling public and the taxi trade. The Paignton Ranks will provide nine additional taxi rank spaces that can be used by any hackney carriage compared to the private rank at Paignton Station which requires a GWR permit to use the rank.
- **To alter, vary or change either proposal having regard to the content of this report.**

There are no other options available.

A map showing the location of the amended and new taxi stands are attached to this report in Appendix 2.

3. Financial Opportunities and Implications

3.1 There are no financial risks to the Council from the approval of these hackney stands.

4. Legal Implications

4.1 The Council have followed the prescribed public consultation as outlined in this report to comply with section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

Section 63 of the LG(MP)A76 lays down the legal process for the introduction, amendment and revocation of Hackney Carraige Stands. Section 63(3) states that ranks shall not be situated:

a) so as unreasonably to prevent access to any premises

b) so as to impede the use of the points authorised to be used in connection with a public service vehicle

c) on any highway except with the consent of the highway authority

and in deciding the position of stands due regard shall be given to the position of any bus stops for the time being in use.

The Act requires the Council to give notice to the Chief Officer of the Police and to the public of the proposals by advertisement in at least one local newspaper and shall take into consideration, any objections or representations in respect of such proposals received within 28 days of the advertisement date.

5. Engagement and Consultation

5.1 The proposals were advertised in the Public Notices section of the Herald Express on 20.11.24, 4.12.24 and 12.3.25. A copy of the public notices can be found in Appendix 1.

5.2 The Council undertook a public consultation for both the TRO process and the advertising of the ranks to be adopted under the LG(MP)A76. The TRO's have now been formally adopted by the Council for all of the ranks.

5.3 In addition to the advert, the Chief Superintendent, Devon and Cornwall Police and all of the licensed drivers were written to and encouraged to take part in the consultation process.

5.4 There was originally a proposal to create an 8-car hackney carriage stand at Vaughan Road, which was included in the public consultation for Torquay in the advert dated 20.11.24. However, a number of objections were received, and it was decided not to go ahead with this

proposal. A second public consultation took place between 12 March 2025 and 9 April 2025 on a 3-car hackney carriage stand at Vaughan Road.

Outcome of the Consultation Process

5.5 Two objections were received following the advert on 12.3.25 for the Vaughan Road Rank and three objections were received following the advert on 4.12.24 for the Paignton Ranks. These objections were also sent to the Highways department for their consideration for the TRO process.

5.6 The concerns regarding the ranks have been considered within Appendix 3, however the TRO process was approved for these ranks as no suitable alternatives could be found. Therefore, this process is required to ensure that enforcement can be undertaken on these ranks.

6. Procurement Implications

6.1 There are no procurement implications.

7. Protecting our naturally inspiring Bay and tackling Climate Change

7.1 There are no negative carbon footprint or other environmental implications resulting from the amendments to the taxi stands

8. Associated Risks

8.1 There are no significant risks.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	These proposals are not anticipated to adversely impact any particular age group. The availability of public transport is important to all adults and parents who do not have a car for work and social activities. The additional taxi ranks should make it safer and quicker to get a taxi without having to travel as far to the nearest taxi rank. **Older people** Public transport, including taxis play a crucial role in helping people to stay connected and maintain independence when they are unable to drive, and are therefore of particular significance to older residents aged over 65 and to younger people who may not have access to a car. Aging is linked with reduction in personal car use and are therefore	There are grants available to support vulnerable groups to access transport. Low-income families, children with a special need or medical condition or if a child's school is more than 2 miles away may also be eligible for school transport.	N/A

		older people may be more reliant on taxis especially as it is a door-to-door service.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	These proposals are not anticipated to adversely impact carers. They are likely to benefit from improvements to the location and access of taxi ranks.	Carers may be able to access funding to support transport costs.	N/A
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	These proposals are not intended to adversely impact people with disabilities. The proposal will likely provide benefits from improvements to the location and access to ranks. To support accessibility, the Council have a register of all wheel chair accessible vehicles at Helping disabled passengers - Torbay Council All licensed vehicles must carry assistance dogs.	There may be grants available to support vulnerable groups to access transport. Any discriminatory complaints received are fully investigated.	Licensing Officers and Police Officers
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England. We recognise the increased importance of taxis for the	These proposals are not anticipated to adversely impact the trans community. This community tend to use taxis and private hire vehicles instead of other means of public transport and therefore, are likely to benefit from improvements to the location and access to ranks.	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers

	trans community due to concerns around safety. The Department for Transport (DfT) FS13 report highlights how discrimination is part of daily life for trans people.			
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	These proposals are not intended to impact on this demographic. However, all groups are likely to benefit from improvements to the location and access to ranks.	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the Southwest (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas. <u>The DFT FS13 report</u> identified that public transport plays a vital role in supporting social inclusion for many parents with young children and therefore they may benefit from improvements to the location and access to ranks.	These proposals are not intended to impact this demographic.	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the Southwest and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England. The DFT FS13 report identifies that people from minoritised ethnic backgrounds are less likely to have access to a private vehicle and thus be more reliant on public transport to access employment. It highlights that 'having regular, affordable, clean and efficient transport is essential'	These proposals are not anticipated to adversely impact on this demographic as they may benefit from improvements to the location and access to ranks.	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	These proposals are not intended to adversely impact people of different faiths and beliefs. This demographic may benefit from improvements to the location and access to taxi ranks.	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers
Sex	51.3% of Torbay's population are female and 48.7% are male	These proposals are not intended to adversely impact males or females.	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers

Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	These proposals are not intended to adversely impact the LGBT+ community. They may benefit from improvements to the location and access to the ranks.	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	These proposals are not intended to impact on this demographic.	Any discriminatory complaints received are fully investigated	Licensing Officers and Police Officers
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)	The taxi tariff has to be raised to balance the legitimate right of the trade to a viable livelihood and the needs of the travelling public. The cost-of-living crisis has hit the taxi trade hard most notably through the escalating vehicle purchase, maintenance and fuel costs. These costs are no longer absorbed through the existing tariff.	There is no differential impact. However, as advised above, the people that rely on public transport and they may benefit from improvements to the location and access to ranks.	N/A	N/A
Public Health impacts (Including impacts on the	N/A	There is no differential impact.	N/A	N/A

general health of the population of Torbay)				
Human Rights impacts	There are no human rights impact with regards to the taxi tariff.	There are no negative human rights impacts anticipated from this decision.	N/A	N/A
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact.	N/A	N/A
FS13: Future of Transport - Equalities and access to opportunity - rapid evidence review (publishing.service.gov.uk)				

12. Cumulative Council Impact

None

13. Cumulative Community Impacts

None

Appendix 1: Public Notices

Public Notices in the Herald Express for the Torquay Ranks

1. **Public Notice dated 20.11.24**

HACKNEY CARRIAGE STANDS
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

NOTICE is hereby given that Torbay Council in exercise of its powers under section 63 of the Local Government (Miscellaneous Provisions) Act 1976 proposes to amend/ revoke existing stands and appoint new stands for the use of hackney carriages as detailed in the schedule below. Any written objections or representations should be sent in writing or by email to the undersigned by no later than 28 days following the publication of this notice.

SCHEDULE
PROPOSALS FOR REMOVAL/ALTERATION OF EXISTING AND CREATION OF NEW HACKNEY CARRIAGE STANDS

Remove the 3 car (24 hour) stand at the Strand, Torquay
Remove the 10 car (12 midnight to 6am) stand at the Strand bus bay, Torquay
Remove the 4 car (6pm - 8am) stand at Torwood Street, Torquay
Amend the 8 car (24 hour) stand at Cary Parade, Torquay to operate from 12 midnight to 6am
Create a new 8 car (24 hour) stand at Vaughan Road, Torquay
Create a new 4 car (24 hour) stand at Fleet Street, Torquay
Maps and associated information may be viewed at www.torbay.gov.uk/proposedtros or
a hard copy will be provided on request from Licensing Department, Town Hall,
Castle Circus, Torquay TQ1 3DR on any week day during the usual office hours.

Rachael Hind, Regulatory Services Manager,
Licensing Department,
Torbay Council, Town Hall, Castle Circus, TQ1 3DR.
Email: licensing@torbay.gov.uk
www.torbay.gov.uk

TORBAY COUNCIL

2. Public Notice dated 12.3.25

HACKNEY CARRIAGE STAND
LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976

NOTICE is hereby given that Torbay Council in exercise of its powers under section 63 of the Local Government(Miscellaneous Provisions) Act 1976 proposes to appoint a new stand for the use of hackney carriages as detailed in the schedule below.

Any written objections or representations should be sent in writing or by email to the undersigned by no later than 28 days following the publication of this notice.

SCHEDULE

PROPOSALS FOR THE CREATION OF A NEW HACKNEY CARRIAGE STAND

Create a new 3 car (24 hour) stand at Vaughan Road, Torquay

Maps and associated information may be viewed at www.torbay.gov.uk/parking/tro/torquay-tros/

A hard copy will be provided on request from Licensing Department, Town Hall, Castle Circus, Torquay TQ1 3DR on any weekday during the usual office hours.

Regulatory Services Manager,
Licensing Department, Torbay Council,
Town Hall, Castle Circus, TQ1 3DR.
Email: licensing@torbay.gov.uk
www.torbay.gov.uk

TORBAY COUNCIL

HACKNEY CARRIAGE STANDS
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

NOTICE is hereby given that Torbay Council in exercise of its powers under section 63 of the Local Government (Miscellaneous Provisions) Act 1976 proposes to revoke an existing stand and appoint three new stands for the use of hackney carriages as detailed in the schedule below.

Any written objections or representations should be sent in writing or by email to the undersigned by **Friday 3 January 2025** following the publication of this notice.

SCHEDULE

PROPOSALS FOR REMOVAL OF EXISTING AND CREATION OF NEW HACKNEY CARRIAGE STANDS

Remove the 3 car (6pm to 8am) stand at Torbay Road, Paignton (outside 6-8 Torbay Road)

Create a new 4 car (24 hour) stand at the Eastern End of Torbay Road, Paignton (near the junction of Esplanade Road)

Create a new 3 car (24 hour) stand at the Western End of Torbay Road, Paignton (outside 10 - 16 Torbay Road)

Create a new 2 car (24 hour) stand at the Western End of Torbay Road, Paignton (outside 18 - 20 Torbay Road)

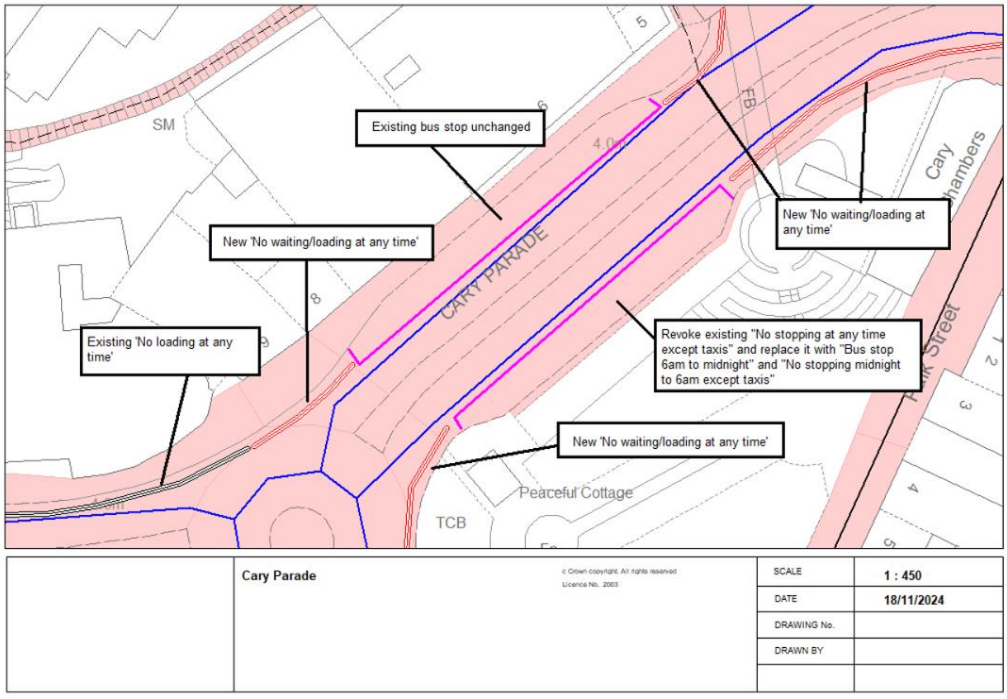
Maps and associated information may be viewed at www.torbay.gov.uk/proposedtros or a hard copy will be provided on request from Licensing Department, Town Hall, Castle Circus, Torquay TQ1 3DR on any week day during the usual office hours.

Rachael Hind, Regulatory Services, Regulatory Services Manager, Licensing Department, Torbay Council, Town Hall, Castle Circus, TQ1 3DR.
Email: licensing@torbay.gov.uk
www.torbay.gov.uk

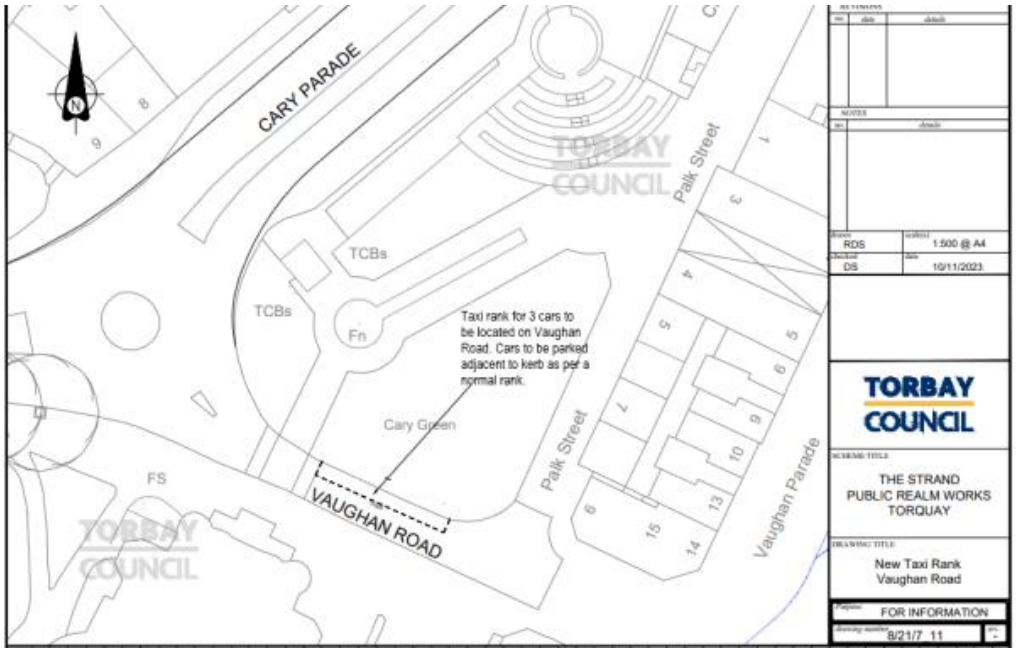
Appendix 2: Maps of the Taxi Stands

Torquay Taxi stands

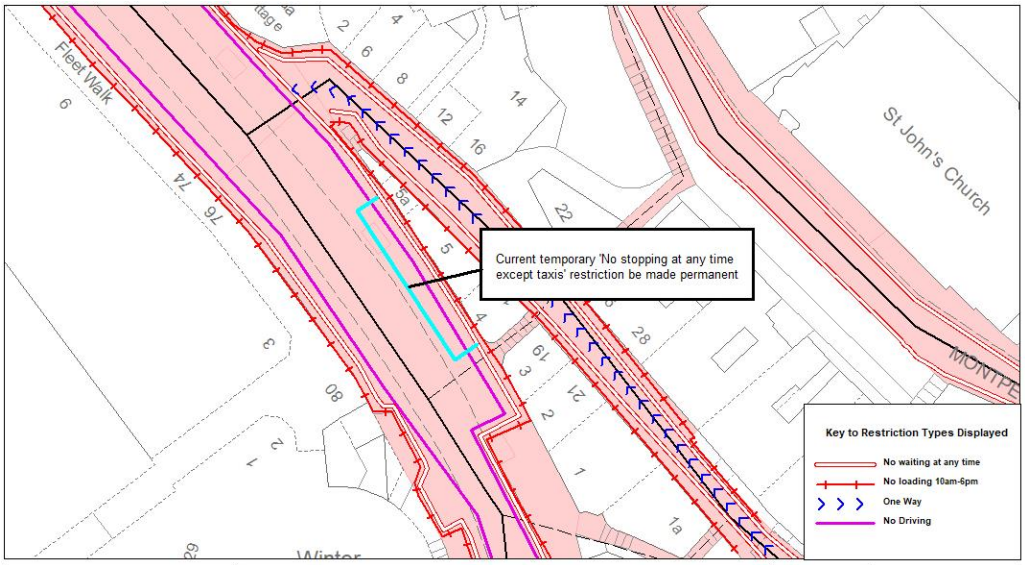
1. Amendment of the 8 car (24 hour) stand at Cary Parade, Torquay to operate from 12 midnight to 6am



2. Creation of a 3 car stand at Vaughan Road



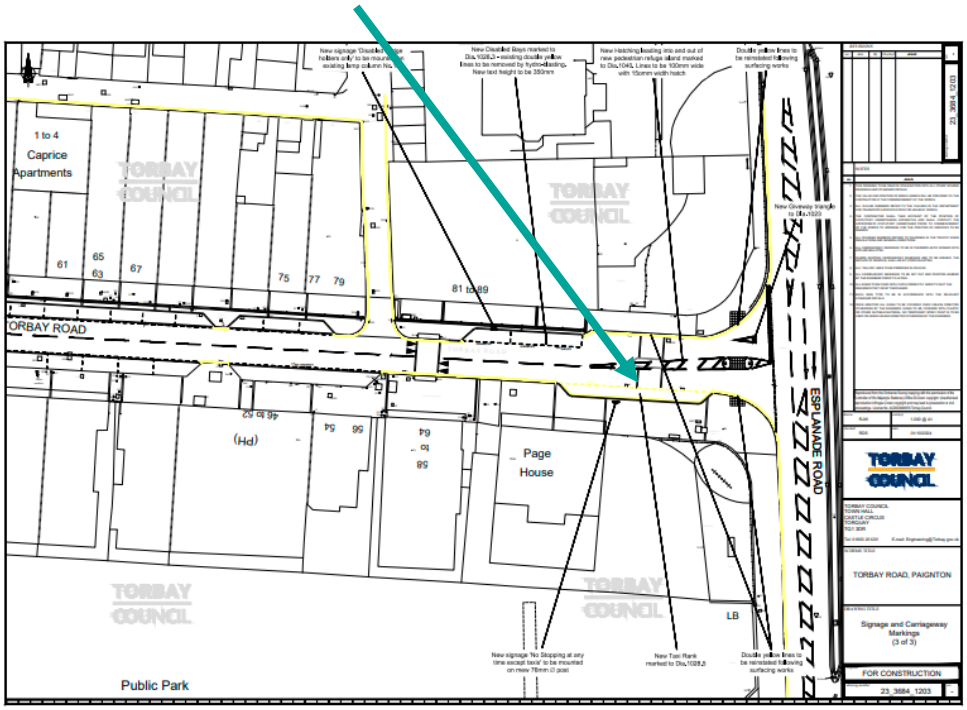
3. Creation of a 4 car (24 hour) stand at Fleet Street, Torquay

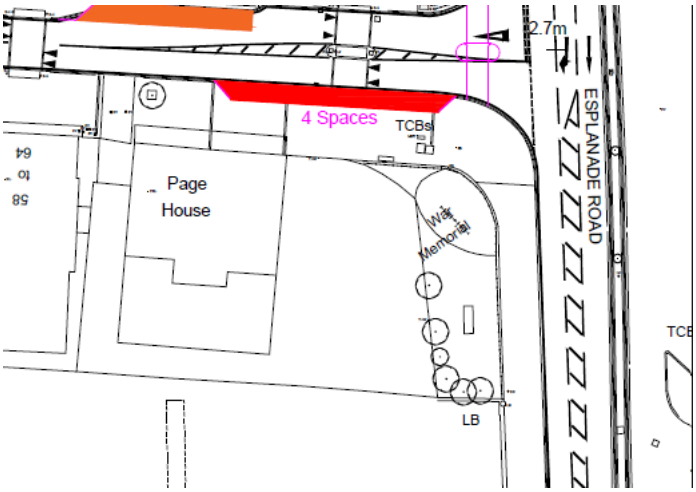


	Fleet Street © Crown copyright. All rights reserved Licence No. 2003	SCALE	1 : 440
		DATE	18/11/2024
		DRAWING No.	
		DRAWN BY	

Paignton taxi stands

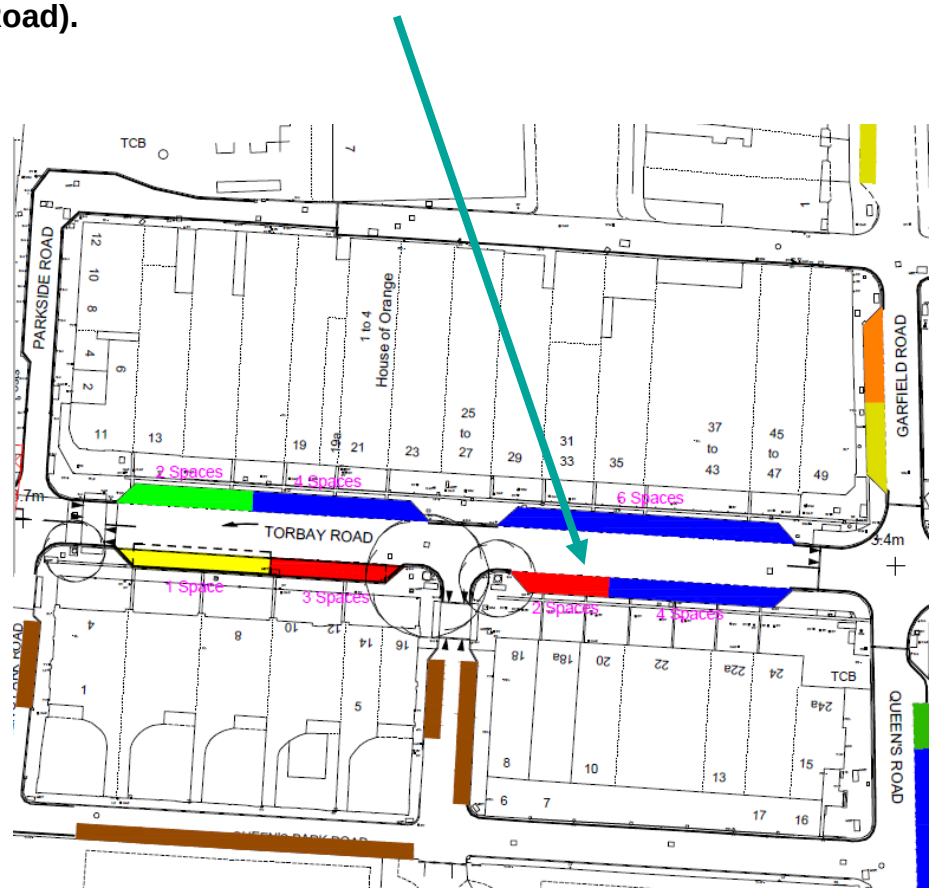
4. Creation of a 4 car (24 hour) stand at the Eastern End of Torbay Road, Paignton (near the junction of Esplanade Road)





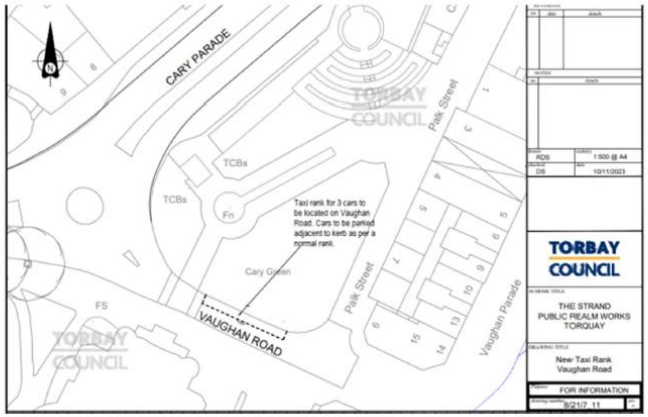
6. Creation of a 3 car (24 hour) stand at the Western End of Torbay Road, Paignton (outside 10 – 16 Torbay Road)

7. Creation of a 2 car (24 hour) stand at the Western End of Torbay Road, Paignton (outside 18-20 Torbay Road).



Appendix 3: Consultation Responses

Torquay Ranks

No.	Response to consultation	Licensing Department Comments
1.	Dear Sir/Madam **Proposed Traffic Regulation Orders (TROs): Torquay Amendment Order No2 2025** This Consultee Response has been reviewed and agreed by the Steering Group of the Torquay Neighbourhood Plan Forum. In December last year, the Neighbourhood Forum submitted an objection to the previous proposal (Torquay Amendment Order No2 2024). Whilst Torbay Council has sent notification of the new consultation to other stakeholders and advertised it on the Council website, it is disappointing that there has been no formal notification of the new consultation with the Forum. The earlier scheme was to site a taxi rank on the protected green space which is Cary Green. The scheme now proposed is for a taxi rank for three cars only, located on Vaughan Road with cars parked adjacent to the kerb, as per the drawing below.  	The adoption of the ranks under the Local Government (Miscellaneous Provisions) Act 1976, is regarding the Hackney Carriage stand which is on the highway. The matter regarding the use of the green to access the rank will be considered by the relevant department but is not something that can be taken into consideration by the Taxi Licensing Department as the legislation only considers the rank on the highway. The location of this rank will be reviewed over the next 12 months as part of the wider redevelopment of the area. The rank will be positioned on the carriageway. There will be cars parked on the rank, but Vaughan Road is a live highway that has vehicles passing over it on a regular basis throughout the course of the day. The taxi rank will not encroach onto the green space; it will be positioned wholly on the carriageway. These proposals relate only to the taxi rank. There is no legal requirement for the Council to provide rank space that is wide enough to allow passengers to board and alight from

	Whilst welcoming that the Green is now to be preserved, the Forum has the following reservations regarding the latest plan: **PROXIMITY TO THE PAVILION** One of the grounds on which the Neighbourhood Forum previously objected was "Proximity to the Pavilion". The Forum expressed concern that: *"The Pavilion is a Grade II listed building.* *To allow the taxi rank to become a permanent feature will have an adverse impact upon the setting of the Pavilion in the Conservation Area."* The revised location of the taxi rank will still be detrimental to the view of the Pavilion from Cary Green as up to three parked vehicles will be present in front of the Pavilion, potentially for most of the day. We remain concerned about the visual impact of the creation of the taxi rank upon the setting of the Pavilion and we will keep this in mind as the Pavilion restoration progresses. **PRESERVATION OF THE GREEN** Whilst the taxi parking will now be entirely on the highway, the Forum maintains that it is vital that: • Following removal of the present "temporary" taxi rank then the Green must be fully reinstated (e.g. with the ground levelled and re-turfed), and • There must be no future encroachment of the taxi rank onto the Green area. The spaces should be such that when taxis parallel park next to Cary Green there needs to be sufficient space on the highway to allow passengers to board and alight so as not to encroach on the Green in any way. **The Forum seeks a cast-iron guarantee that these conditions will be met.** **CONCLUSIONS** We remain adamant that this green space shall be fully restored and preserved, with no future encroachment onto any part of the Green. We remain concerned about the visual impact of the creation of the taxi rank upon the setting of the Pavilion, and request that the situation is revisited when the restoration of the Pavilion is completed.	the carriageway and there is no scope to make this area wider to accommodate this.
2.	The Victoria rank needs to be extended to at least 15 cars	The Victoria Parade Rank has 7 spaces (24 hours). This rank was not being used by drivers due to an issue with a high curb line. Work to this rank has now been completed and we hope drivers will utilise this large rank. This will be reviewed over the next 12 months.

Torbay Road, Paignton Ranks

No.	Response to consultation	Comments from Licensing Department
1.	Just my feedback on how I see this and probably how other drivers see this as well, 3 taxi ranks on the same road sounds confusing for the customer not knowing which one to wait at in busy periods, like three bus stops on the same road with the bus going to same destination but will pick one bus stop randomly. What taxi drivers want is one main one, surely this has been shown in practice, Brixham used to have two ranks but drivers ended up using just one, bottom of Torquay at the moment has a few different ranks but at night drivers end up using the one outside Pavilions, it is fairer for the drivers with one main one as otherwise it could leave one driver waiting ages for a job whilst all the customers are going to a different rank. If you do stick to three ranks it'll probably end up the busiest one ends up just been used, just one main one closest to train station would be best if possible. So I don't object to them been on Torbay road I just think three isn't the best idea.	The current rank at the Station is on private land. The Council have to accommodate the needs of other public transport and therefore having two ranks next to each other directly next to the rear exit of the station will assist the station trade and the 4 car rank at the esplanade will assist shoppers and those visited the cinema and public houses especially in the evening and night-time economy. This will help customers get a taxi without walking very far and should enable safe and quicker movement from the area. The position of these ranks will be evaluated regularly to ensure they are being utilised by the taxi trade.
2.	I would like to object to the temporary rank proposals. I feel that having 3 different ranks on Torbay road is a waste of time. And should of only have 1 and 1 in Hyde road and 1 up the top of town near Tesco and Iceland. I feel that the elderly will have trouble	A temporary rank is being proposed in Hyde Road when Paignton Station rank closes for the redevelopment works. The use of this rank will be reviewed to see if this could be a permanent rank in the future.

	walking down to us and people with lots of shopping. Won't do it. They will call a private hire firm and have to wait over an hour. Without the customer's from the trains and from the top of town I will not be able to work in Paignton. It will not be financially viable.	It is hoped that by having more ranks in different locations, this will assist customers especially the elderly as they will not have to walk so far to get a taxi.
3.	Good morning all. I'm writing to you with my concerns regarding the regeneration of Paignton train station. I have seen the photos of the vision of the redevelopment of this area on Torbay Council Facebook page. There are so many reasons this doesn't work. 1. there is no parking for ambulances, police & rail workers, which have stated If they have nowhere to park, they will not be maintaining the crossing & rails. 2. It shows the road is being narrowed down to a single lane. The volume of traffic that uses this road can't flow when a single lane, as we experience on a regular basis with coaches & delivery vehicles blocking a section of road for a period of time, that causes major delays. The other week seaway rd became a single lane because of roadworks, which caused the traffic to back right back to the grand hotel. 3. With the road being narrowed and 4 disabled parking spaces, there is nowhere for the public or private hires to drop off & pickup their passengers. ○ The volume of passengers off the railway, without including the local public. There is not enough rank space. If there are no taxis on the rake and because the public have lost their dropping space, I guarantee the public will park on the rank. Because this land is owned by the railroad company no traffic warden can enforce any penalties.	1. Torbay Council has undertaken a collaborate approach with Network Rail and Great Western Railway throughout the design process, including discussions on provisions for Network Rail Emergency Response Vehicles and other emergency services. Provisions have been discussed and agreed in principle with Network Rail which concluded that an area for a Network Rail emergency vehicle needs to be incorporated into the scheme, and this is in the design in a similar position to existing. Network Rail has confirmed that the existing dedicated marked Ambulance and Police Bay could be removed if agreed with the respective authorities. Torbay Council has been liaising with the SW Ambulance Service Trust who have indicated that the space is not required on the basis of an alternative space being re-provided within the town centre by Torbay Council (various locations are currently under review for implementation). Similar liaison has taken place with BTP Police who have confirmed that a dedicated marked-up bay is not required. 2. We are looking at wayfinding as part of our wider visioning work to ensure people take the right route to get to their destination. The railway level crossing which effectively divides the town centre in two will always, unfortunately cause some traffic disruption at times of the day when the barriers are down. 3. The design includes drop off space for public and private hires outside of the station.

	○ I'm a taxi driver of 25 years working Paignton rank, I know it doesn't look pretty but it works & with what you are proposing it will be another major blow to the tourism industry. 	The rank will become a Torbay Council rank; additional rank spaces are being created on Torbay Road as well as temporary rank space on Hyde Road. By improving the look and feel of Station Square we are looking to create a pleasant and welcoming space for residents and visitors, improve the connection between Paignton Railway Station, Victoria Street, Hyde Road and Station Square, restore confidence in the town centre and deliver much needed high-quality public realm improvements.

TORBAY COUNCIL

Meeting: Cabinet **Date:** 18 November 2025

Wards affected: All

Report Title: Independent Reviewing Service (IRO) Annual Report 2024 - 2025

When does the decision need to be implemented? For Information

Cabinet Member Contact Details: Councillor Nick Bye, Lead Member for Children's Services, nick.bye@torbay.gov.uk

Director Contact Details: Nancy Meehan, Director Children's Services, nancy.meehan@torbay.gov.uk

1. Purpose of Report

1.1 An annual report of the Independent Reviewing Service (IRO) for cared for children is required in accordance with the Children and Young Person's Act 2008 and subsequent statutory guidance published by the Department for Children, Schools and Families in 2010 as set out in the IRO Handbook.

1.2 The annual report should be presented to the Director of Children's Services, Lead Member for Children and the Corporate Parenting Board at minimum and should also be available as a public document on the relevant Council website.

1.3 In line with our aspirational Corporate Parenting Strategy, the IRO Annual Report requires endorsement from Cabinet, reflecting each and every Member and Officers role as corporate parent.

2. Reason for Proposal and its benefits

2.1 There is a legislative need for the IRO Annual Report to be considered as part of the Council's corporate parenting responsibilities.

2.2 Torbay's vision is one whereby its people are able to thrive; in line with Torbay's corporate parenting responsibilities, our cared for and care experienced young people require particular focus and support, in order for them to achieve their goals and aspirations, and be safe, happy and healthy.

2.3 This report evaluates the effectiveness and impact of the Independent Reviewing Service; Independent Reviewing Officers play a key role in ensuring that care plans for children are progressed with a central focus on their needs, their ascertainable wishes and feelings and what intervention and support is required to help children achieve their goals

3. Recommendation(s) / Proposed Decision

1. That Members of Cabinet endorse the Independent Reviewing Service (IRO) Annual Report 2024 - 2025 and the publication of this in accordance with the legislative requirements outlined above.

Appendices:

Appendix 1 - Independent Reviewing Service (IRO) Annual Report 2024 - 2025

Background Documents

N/A

Supporting Information

1. Introduction

1.1 The IRO Annual Report provides an overview of the activity of the Independent Reviewing Officer Service, which sits within the wider Safeguarding, Reviewing and Early Help service within the Children's directorate. The report contains comprehensive analysis in respect of key performance indicators relating to cared for children specifically, including long and short term placement stability, those becoming and ceasing to be cared for, permanence outcomes and the timeliness of reviews. The report also considers the staffing structure, developments within the service and the key improvement objectives for the service moving forward.

1.2 The report highlights the continued stability of the service, and the impact this has in terms of outcomes for children. There has been an increase in efficiency, with 811 cared for reviews taking place in 2024-25 despite an overall reduction in the number of cared for children, evidencing increased reviews being held at significant points in a child's cared for journey. The timeliness of review has also increased to 99%, from the strong performance of 96% in 2023-24.

1.4 The number of cared for children in Torbay has decreased to 280 as of the 31 March 2025, from 298 as of 31 March 2024. The report highlights strengths in terms of permanence outcomes for cared for children, particularly in terms of Staying Put arrangements, Special Guardianship and adoption.

1.5 The report highlights some challenges particularly in respect of foster placement sufficiency at both a local and national level and the impact that placement instability (and insufficiency) can have on a child's sense of permanence, safety and wellbeing. Similarly, there remain some challenge in respect of compliance in terms of health assessment, and the report references action being taken within the partnership to promote the health of our cared for children.

2. Options under consideration

2.1 N/A – no other options have been considered.

3. Financial Opportunities and Implications

3.1 N/A

4. Legal Implications

4.1 The IRO Annual Report is required in accordance with the Children and Young Person's Act 2008 and subsequent statutory guidance published by the Department for Children, Schools and Families in 2010 as set out in the IRO Handbook.

4.2 There are no legal implications as a result of the decision to endorse this Annual Report

5. Engagement and Consultation

5.1 A priority of the Independent Reviewing Officer service has been to enhance and develop the opportunities for children to participate and engage with their own cared for reviews, and also service improvements. This feeds into a wider participation strategy, and a continuous and embedded culture whereby the views of our cared for children and young people are sought, listened to and acted upon

6. Purchasing or Hiring of Goods and/or Services

6.1 N/A

7. Tackling Climate Change

7.1 N/A

8. Associated Risks

8.1 There are no associated risks with endorsing this Annual Report.

8.2 Should this report not be endorsed, Torbay will not be compliant with the statutory requirements as outlined above - there will no change in terms of the fundamental function of the service however if the report cannot be published this would limit the ability of the service to share learning in respect of patterns and trends, and achieve clarity across the service about the priorities for improvement.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	There is no differential impact.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	There is no differential impact.		

Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact.		
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact.		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact.		
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the	There is no differential impact.		

	South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.			
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact.		
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact.		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	There is no differential impact.		

Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact.		
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact.		
Human Rights impacts		There is no differential impact.		
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact.		

10. Cumulative Council Impact

10.1 N/A

11. Cumulative Community Impacts

11.1 N/A

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Torbay Independent Reviewing Service (IRO) Annual Report

2024-25

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Executive Summary

This Annual Report provides an account of the activity of the Independent Reviewing Officer Service between 1st April 2024 and 31st March 2025. It evaluates the effectiveness and impact of the Independent Reviewing Service in the planning and outcomes for Torbay's cared for children and young people and ensures that Torbay Council, as a corporate parent, is discharging its statutory responsibilities towards them and remains ambitious in what it achieves with its cared for children and young people in Torbay. The Independent Reviewing Officers have a pivotal role to play in ensuring that care plans for children effectively address their needs, consider Torbay's cared for children and young people's ascertainable views and opinions and improve outcomes for them.

The report demonstrates the continuous development of the Independent Reviewing Service over the last year and its role in the continuous journey of practice development in Torbay. The report also identifies areas of strength and focus, in order to further enhance the effectiveness and impact of the service on outcomes for our children and young people.

The stability of the service has been maintained over this review period and the service has continued to benefit from a permanent IRO workforce, including a longstanding Service Manager and Head of Service. This helps to promote outcomes for our children and young people in a variety of ways including through ensuring consistency as our children benefit from maintaining relationships with their IROs for lengthy periods of time.

Service stability is undoubtedly a factor in the continued progress of the IRO service and delivering better outcomes for cared for children across Torbay. An example of this is the increase in efficiency, with 811 cared for reviews taking place in 2024/25. This has slightly increased compared to the 803 which took place the year prior despite the number of cared for children reducing, thus evidencing increased numbers of reviews being held to ensure effective planning for children at significant points in a child's journey including when children have a change of placement. The timeliness of reviews has also increased to 99%, compared with 96% in 2023-24. This performance exceeds the target set for 95% of reviews being within statutory timescale.

The number of cared for children decreased over the year and stood at 280 as of 31st March 2025 compared with 298 as of 31st March 2024 and 314 as of 31st March 2023. This continued reduction is due to a combination of continued investment in early help and preventative work as well as high quality edge of care provision, which prevents children from becoming unnecessarily cared for. There is also a service wide focus on promoting legal permanence including through kinship arrangements, Special Guardianship conversion and reunification packages which safely enable children to return and ultimately result in the discharge of Care Orders.

The number of babies becoming cared for has increased. There are 26 children under the age of two that have become cared for in the 2024-25 year compared to 24 children who became cared for in the previous year. However, this year's figure is lower in proportion to the overall number of children under two that became cared for in the year which stood at 97 (27%) compared to 83 (29%) children in 2023/24. That equates to 27% children being under two compared to 29% the previous year.

With regards to gender, 57% of newly cared for children identified as male in 2024-25 compared to 54% in 2023-24. 0% identified as non-binary, with the remaining 46% identifying as female.

The gender split for missing episodes within the cared for children cohort in 2024-25 has seen a widening of the ratio between boys and girls, with 57% of the missing episodes being related to girls as opposed to 43% for boys. This is in comparison to 2023-24 when the ratio was 43% girls to 57% boys. Exploitation continues to be a key focus for Children's Services and work is presently being undertaken with the Independent Reviewing Officers in regards to their role in exploitation identification and response, and how they can more effectively have oversight of any associated risk within this area of planning for our cared for children.

Foster placement sufficiency in Torbay continues to be a significant challenge, mirroring the national picture; this is reflected in the fact that 32% of cared for children are placed more than 20 miles away as of 31st March 31st 2025. Whilst this has reduced from the 2023-24 figure of 34%, this is still significantly above the statistical neighbours at 13% and the national average of 17%. There is evidence to suggest that permanency for Torbay's cared for children has continued to improve, with further progress in adoptions and SGOs all outperforming statistical neighbours and national averages with Staying Put rates outperforming the National Average (Statistical Neighbour information is not available for comparison for this measure).

Long-term stability has improved: as of 31st March 2025, this stood at 64% compared to 41% at the same time last year, which marks a significant improvement in Torbay. The picture fluctuates significantly by age group, with some age groups experiencing more instability in terms of more than one placement in a two year period. Steps are being taken by the service to promote stability including implementation of a new disruption policy which will come into effect on 1st June 2025; this will assist the service in identifying key learning and recurring themes to inform the strategic planning for enhancing stability moving forward.

Thirty-five young people ceased to be cared for in the 2024-25 year who were aged 18 or over. Eighteen of those thirty-five young people were in foster placements at the point they ceased to be cared for. Of those eighteen, fifteen remained in Staying Put arrangements with their foster carers, one went into an independent living arrangement, one transferred to adult social services and one ceased 'for any other reason' which relates to a UASC young person transitioning into semi-

supported Young Devon accommodation whose former foster carers sadly could not offer them a Staying Put arrangements. As a percentage that equates to 83% who Stayed Put, compared to 52% in 2023-24 which is a significant increase, attributable to multiple factors including increased oversight and scrutiny of transition planning and a focus on ensuring timely pathway planning is undertaken from fifteen years and nine months and that they are regularly reviewed in conjunction with young people.

There continue to be some challenges within the partnership in terms of promoting the health of our cared for children. The percentage of cared for children who have been subject to a review health assessment in the last twelve months has improved from 81% in 2023-24 to 87% as of the end of March 2025. The percentage of cared for children who had been subject to a dental check in the last twelve months however has decreased significantly from 60% in 2023-24 to 48% as of the end of March 2025. Whilst Torbay's performance in respect of review health assessments are slightly below the national figure (89%), dental checks fall significantly short of this (79%). There has been a cross service focus on promoting the health outcomes for our cared for children over the last year, and the ICB have led a specific piece of work in respect of commissioning additional dental provision for cared for children; more recently, a specific provision has been identified in Torbay, as opposed to the wider Devon footprint, however the impact of this is not yet being seen in performance. The Local Offer for our Care Experienced Children and Young People has been updated in this review period and this now includes multi-agency input from health services, including increased efforts to understand and resolve barriers in relation to children participating in their review health assessments, which we know can particularly impact on those cared for young people aged sixteen and seventeen.

This year, there has been an improvement in the participation of cared for children within their reviews. In 2022/23, 79% of children participated in their cared for review and in 2023/24, this increased 87%. Participation remains a key area of focus for the Independent Reviewing Service and as part of learning from a recent quality assurance auditing cycle, it was recognised that there is a need for greater IRO oversight to be added to children's files. The service leads have developed plans to ensure significant improvements are evidenced in this critical area including utilising the Dispute Resolution Process available to Independent Reviewing Officers when there is no evidence of advocacy being considered by the children's social work teams.

Overall, there has been continued improvement in terms of the impact and effectiveness of the independent reviewing service as evidenced within this report such as permanency planning which ensures our children benefit from stability and security in their care arrangements to further enhance their wellbeing. However, the service remains very ambitious and strives for excellent outcomes for

all our children and young people, therefore this report also contains a full review of last year's action plan along with a set of key improvement objectives for the service over the year 2025-26.

1. Introduction – Purpose of Service and Legal Context

1.1 The Safeguarding and Reviewing Service consists of the Independent Reviewing Officers (IROs). The Service is set within the framework of the IRO Handbook (2010) and is linked to the revised Care Planning Regulations and Guidance which was introduced in April 2011.

1.2 The functions and requirements of the IRO and the service as a whole are:-

- To ensure all Cared for Children and Young People have a named IRO who, as far as reasonably possible, remain a consistent figure in the child's life, during their journey through care.
- There should be the same IRO for sibling groups where this is reasonably possible and appropriate.
- The IRO should chair the child or young person's Cared for Child Reviews (within 20 working days of the child being in care, then within 3 months after the initial review, and every six months thereafter). Cared for reviews should be brought forward if there are any significant changes to a child's life and if a change of placement happens, a review should again take place within 20 working days as this is a new review cycle.
- The IRO should promote, and ensure that due regard is given to, the voice of the child in their cared for child review, care plan, permanence planning and care arrangements.
- The IRO should ensure that plans for the child are based on a detailed and informed assessment, which is up to date, effective and provides a real and genuine response to each individual child's needs.
- The IRO should meet with the child and consult with them, making sure that the child understands what is happening to them, can make a genuine contribution to their plans, fully understands the implications of any changes, and understands how an advocate could benefit them in their cared for child reviews. If the operational teams have not ensured advocacy for a child prior to their review, the IRO role is to challenge this.
- The IRO should ensure the child is aware of his or her entitlements from the Local Authority including ensuring the operational team have shared the Local Offer with our cared for children who reach 16 years of age and that this is embedded within their pathway planning to support their successful and supported transition into adulthood.
- The IRO should ensure the child is aware that they are entitled to legal representation (either directly or via a court appointed CAFCASS guardian).

- The IRO should be alive to, and if necessary, take action to prevent and address any unnecessary delays in care and permanence planning for children in the care of the Local Authority as well as the delivery of services to them.

- The IRO should have full oversight of the Local Authority's duties as a corporate parent to ensure care plans have been thoroughly considered and weight given to the child's wishes, feelings, needs and aspirations.

- The IRO should provide challenge and support to social workers and their managers to ensure the best life chances for children via the delivery of purposeful and timely social work practice that has clear child focused outcomes contributing to positive outcomes for children.

- The IRO should have access to an effective means of challenging the Local Authority including, a Dispute Resolution Procedure, with the ability to convey concerns to CAFCASS and access to independent legal advice, where appropriate.

2. Profile of Torbay's Independent Reviewing Service

2.1 The Safeguarding and Reviewing Service sits within the Children's Services Directorate of Torbay Council. However, the service is managed independently to the statutory social work services to maintain independent and objective oversight and provide appropriate challenge and support to Social Workers and Team Managers, to ensure the needs of children are placed above any other matters that may give rise to conflicts of interest for the Local Authority.

2.2 The management structure within the IRO Service includes a permanent Head of Service (appointed in December 2021) who reports to the Divisional Director of Safeguarding, and a Service Manager who reports directly to the Head of Service. This has provided the service with the management support and direction to lead and develop the service and provide the levels of support, supervision and monitoring necessary to deliver high quality practice.

2.3 As of 31st March 2025, the Safeguarding and Reviewing Service had a staffing establishment of 6.81 Full Time Equivalent (fte) IROs. The team consisted of:

- 5 IROs (full time)
- 2 IROs (part time)

2.4 The service continues to be permanently staffed, which has ensured stability within the team and has had a positive impact on Torbay's cared for children who have benefitted from a consistent relationship with their allocated IRO. In addition, there have been no unplanned leavers during 2024-25 within the service, except for the retirement of a longstanding Torbay IRO which was reported upon in the Annual Report on 2023/24.

2.5 Ensuring staff wellbeing remains a management priority in the IRO service. As of 31st March 2025, 85 days sickness had been recorded for the year. This is an increase from the previous year, however the majority of these were accrued by one staff member in a single period of absence who was appropriately supported by process and procedure. All IROs are passionate, dedicated, flexible and collaborative in their approach which has resulted in minimal impact on children's care planning and reviews and any potential sickness is managed to ensure minimal disruption for children. Processes are in place to ensure all

critical tasks are effectively managed in the planned or unplanned absence of the child's allocated IRO.

2.6 All IROs are highly skilled, knowledgeable and experienced children's social workers, with a minimum of five years post qualifying experience and some social work management experience being essential elements of the role. Some of the IROs in the Service have more than 20 years' practice experience and all IROs contribute positively and supportively to a learning culture within the team and wider service.

2.7 The caseloads of our IROs are regularly reviewed and are consistently aligned with the recommendations set out within the IRO Handbook; this is important as this allows all IROs to effectively carry out all aspects of their role.

2.8 It should also be noted that the IROs have a dual role as Child Protection Chairs. However, this aspect of their role is not reported upon as this report relates only to our cared for children.

3. Profile of Torbay's Cared for Children

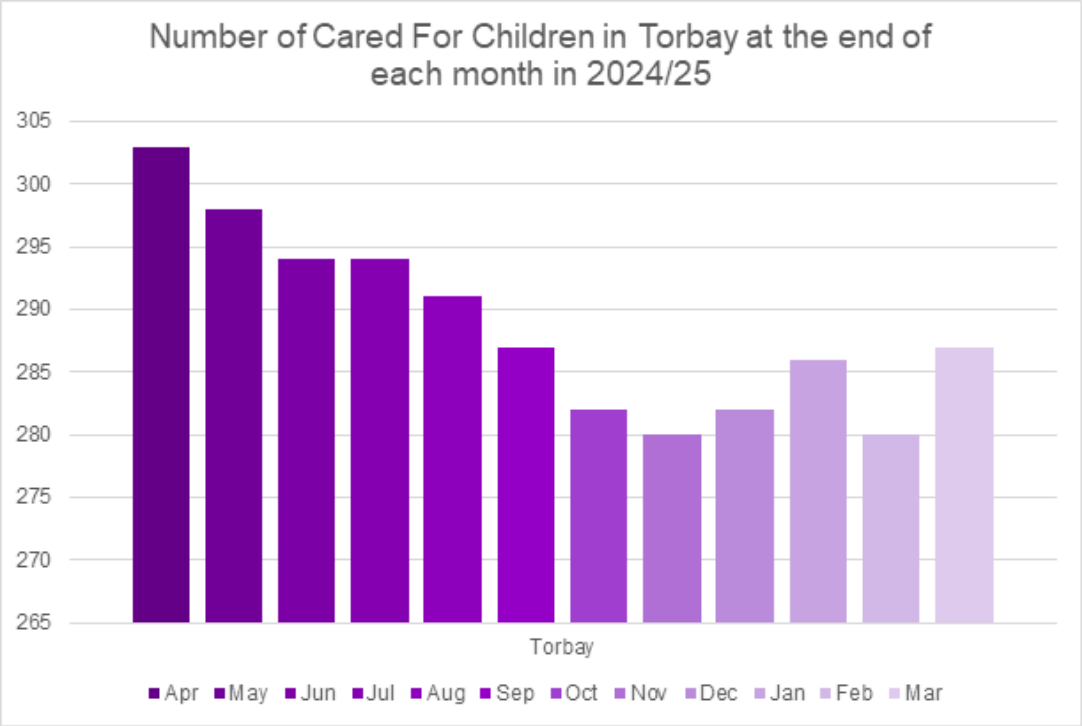
3.1 Torbay's cared for population stood at 280 children and young people on the 31st March 2025; this is reduced from 298 children in March 2024 and further reductions from 314 in March 2023.

3.2 The rate of cared for children within Torbay decreased from 118 children per 10,000 of all children and young people in Torbay in 2023/24 to 111 over the 2024/25 year; however still remains higher than both the National and Statistical Neighbours Figures (70 and 109 respectively). This evidences a positive move forward in becoming more aligned to the National and Statistical Neighbour averages.

Number of children cared for during the year by calendar month in 2024/25

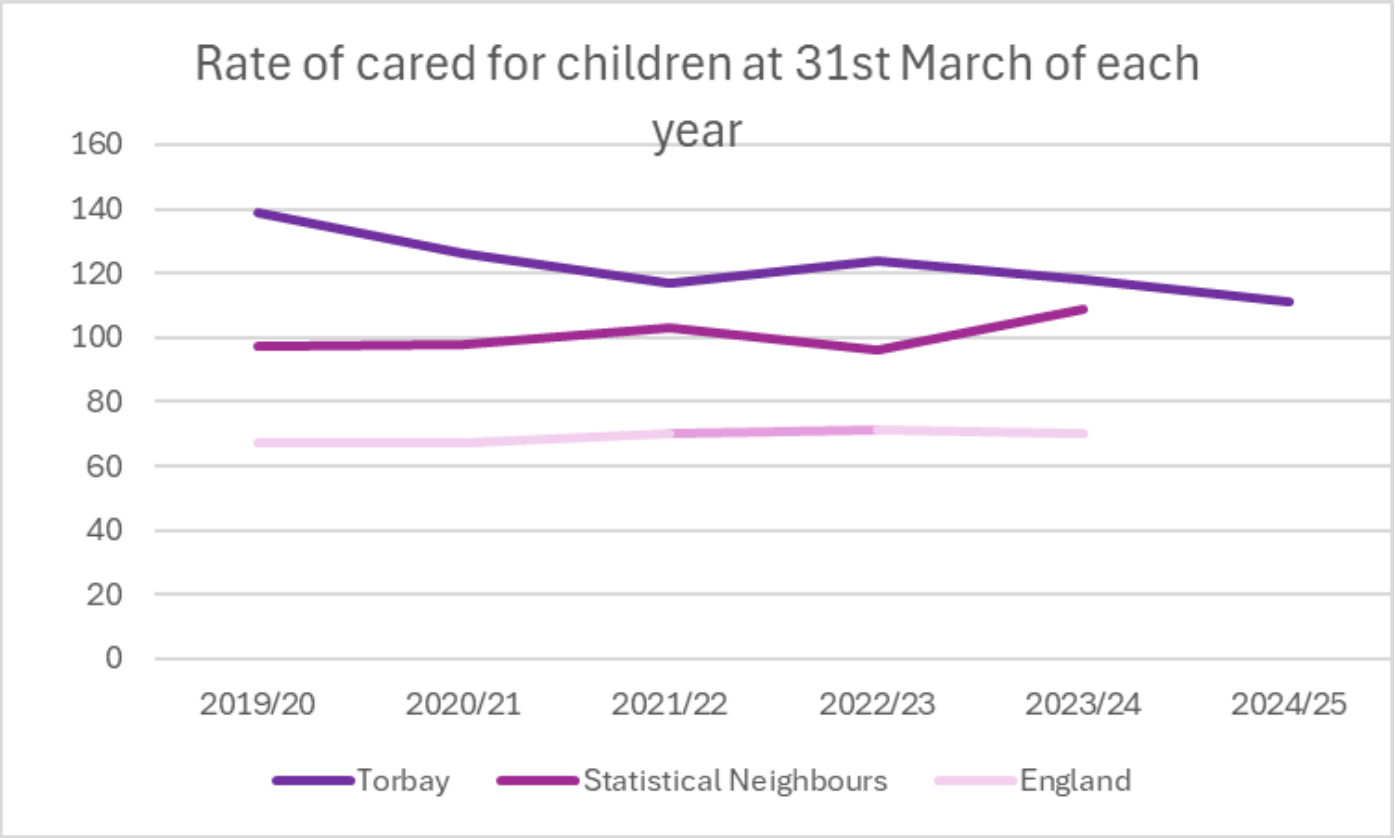
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Torbay	303	298	294	294	291	287	282	280	282	286	280	280

3.3 As can be seen from the graph below, Torbay's cared for population has largely followed a downward trend with a more significant decrease between July and November 2024.



Rate of cared for children per 10, 000 children on 31st March each year

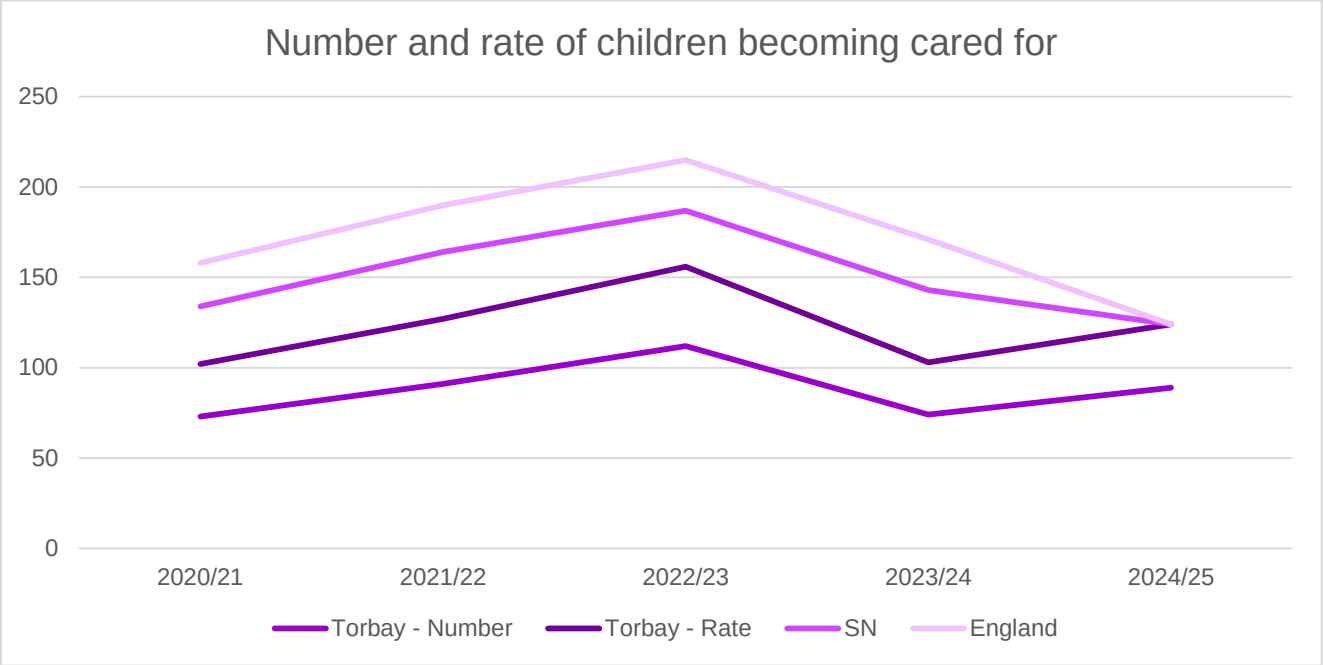
	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Torbay	142	139	126	117	124	118	111
Statistical Neighbours	83	97	98	103	96	109	Not Released
England	65	67	67	70	71	70	Not Released



3.5 The rate of children becoming cared for has increased in 2024-25, with 89 new children becoming cared for compared to 74 children in 2023-2024, however this remains a significant reduction compared to the 2022-2023 figure of 112 children. This the number of children becoming cared as a rate per 10,000 of all children and young people in Torbay to 35, which is below our Statistical Neighbours and is now more aligned to the national average. However, due to the legacy of historically high numbers of cared for children, Torbay's rate of cared for children per 10,000 children (see above) is projected to remain high for some years to come. It will therefore be important not only to ensure only those children whose safety and best interests demand it become cared for and that legal permanency is continuously sought as part of the cared for review process, for example plans of reunification where safe and possible, Special Guardianship conversion where possible and continued exploration of a child's wider family network in consideration of kinship placements.

Children becoming cared for children

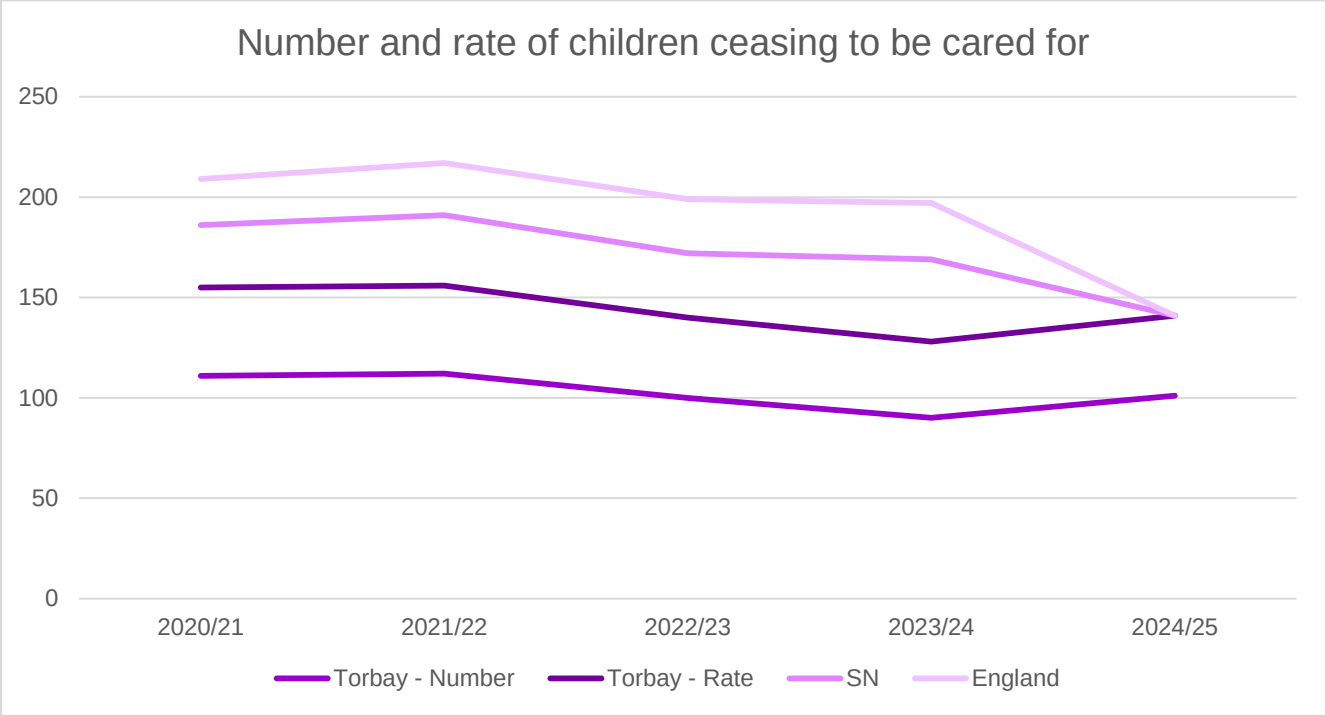
	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Torbay - number	135	73	91	112	74	89
Torbay - rate	53	29	36	44	29	35
SN - rate	36	32	37	31	40	Not released
England - rate	26	24	26	28	28	Not released



3.6 We have had a 5% increase in our figures for 2024/25 where children have ceased to be cared for compared to 2023-24. The trajectory for our children continues to remain favourable compared to our Statistical Neighbours. This is important for Torbay's children to ensure as many as possible are safely discharged from care into either parental care, the care of extended family, through adoption or they have reached an age of majority where they are now adults and transition to independent care. The IRO plays a key role in ensuring plans are progressed, that the voice of the child is captured and that there is no drift and delay for children / young people.

Children ceasing to be cared for children

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Torbay - number	143	111	112	100	90	101
Torbay - rate	55	44	44	40	38	40
SN - rate	29	31	35	32	41	Not released
England - rate	25	23	26	27	28	Not released



3.7 The proportion of children placed within foster care has decreased from 75% in 2023/24 to 72% in 2024/25. This is now below the national average of 74%. As the number of Torbay cared for children placed in residential settings has not significantly increased, this means that other placement types such as placed with family, parents or placed for adoption has increased, thereby decreasing the proportion of children in foster care placements.

3.8 There were 10 children adopted throughout the year 2023/24 out of 101 total children who ceased to be cared for, equating to 10%. This compares very positively with the Torbay figure of 4% in 2022/23 and 3% in 2021/22 and demonstrates the strength that Torbay is showing in leading the way across the South West Peninsular regarding adoption performance. Adoption performance is incredibly important as this form of legal permanence provides children with stable and loving homes whereby they develop lasting attachments to promote their holistic wellbeing and encourage confident, bright and secure futures,

Cared for children on 31st March 2025 by placement type

Placements at 31st March 2024		*Number*	*%*
Foster placement with relative or friend	*Inside local authority*	21	8%
	Outside local authority	14	5%
Placement with other foster carer:	*Inside local authority*	88	31%
	Outside local authority	79	28%
Secure unit		0	0%
Homes and hostels (residential care, K2 code)		17	6%
Hostels and other supportive residential placements (H5 code)		11	4%
Residential schools		0	0%
Other residential settings (codes R1, R2, R3, R5)		1	0.4%
Placed for adoption (including placed with former foster carer)		11	4%
Placed with own parents		18	6%
In lodgings, residential employment or living independently		0	0%
Other placements (Z1) (DfE guidance suggests use for unregulated foster care only)		8	3%
Supported Accommodation for CFC and Care Leavers aged 16-17		8	3%
Unregistered carer/provider: awaiting alternative		3	1%
Unregistered carer/provider: best interest		1	0.4%

The national picture is as follows:

	2021/22	2022/23	2023/24
Foster care (U codes)	70%	54%	Not released
Placed for adoption (A codes)	3%	3%	Not released
Placed with own parents (code P1)	7%	9%	Not released
Children's homes (code K2)	16%	21%	Not released
Hostels / Semi-independent living accommodation not subject to Children's Homes regulations (code H5)			
Secure units (code K1)			
Residential schools (code S1)	0%	0%	Not released

Cared for Children on 31st March 2025 by Placement Type and Provision is as follows:-

Placement type	Own provision	Other LA Provision	Private	Voluntary / Third Sector	Total children in placement type
U1 Foster placement with relative(s) or friend(s) – long term fostering	18	0	0	0	18
U2 Fostering placement with relative(s) or friend(s) who is/are also an approved adopter(s) – fostering for adoption /concurrent planning	0	0	0	0	0
U3 Fostering placement with relative(s) or friend(s) who is/are not long term or fostering for adoption /concurrent planning	16	0	1	0	17
U4 Foster placement with other foster carer(s) – long term fostering	39	1	27	0	67
U5 Foster placement with other foster carer(s) who is/are also an approved adopter(s) – fostering for adoption /concurrent planning	4	0	0	0	4
U6 Foster placement with other foster carer(s) – not long term or fostering for adoption /concurrent planning	54	4	38	0	96
Number by provider type	131	5	66	0	203
% by provider type	65%	2%	33%	0%	100%
England % by provider type, 2024	75%	0%	17%	8%	100%

NOTE: *The national data groups several codes together (K2 children's homes, H5 supported living and K1 secure units), so comparisons are not straightforward, but in general the national and local pictures are similar.*

In-house foster care

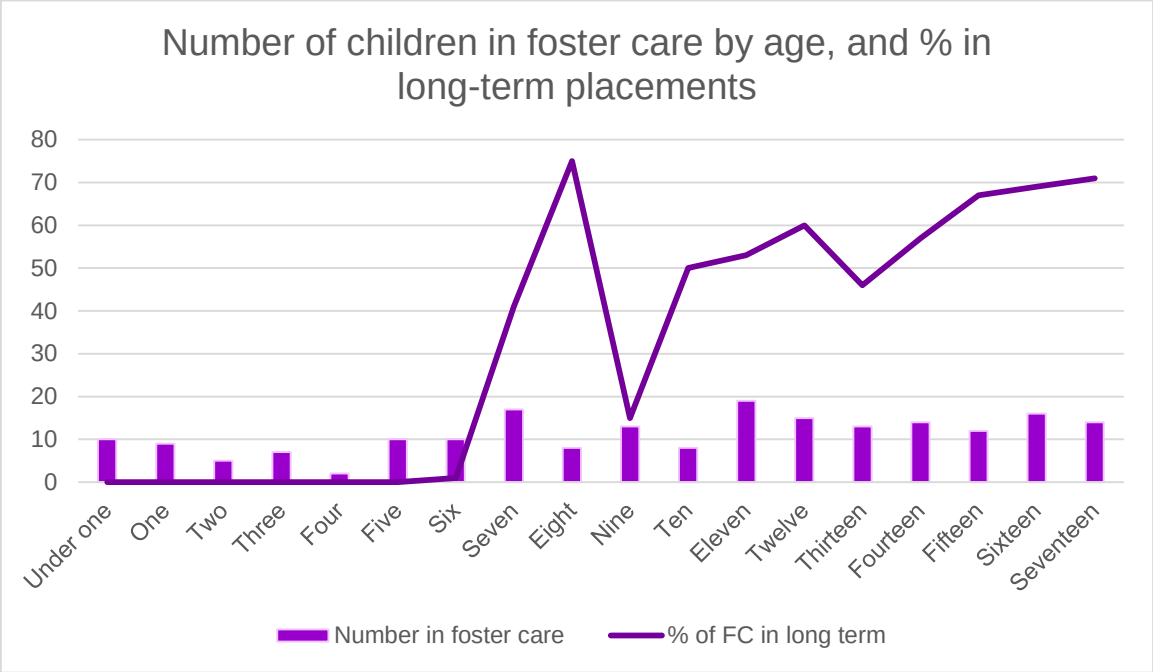
3.9 As of 31st March 2025, 65% of children in foster care in Torbay were residing with 'in-house' provision. This is lower than the national average of children placed within in-house provision level of 75% as well as being lower than last year's figure of 77%. There remain challenges with in-house foster placement sufficiency connected to various factors such as retirement, the ageing profile of long-term foster carers and the challenges in recruiting new foster carers. These challenges compounded the national placement sufficiency challenges. However, with

the recent introduction of Mockingbird and the Regional Fostering Hub we hoping to mitigate the impact of this moving forward.

3.10 42% of children living in foster care were placed in long-term placements as per the National Definition at the end of the year, a decrease from 49% in the previous year but still higher than the 2023 figure. This figure correlates to the increased number of children who remained Staying Put this year, whereby 12 out of the 15 were previously long term matched to their foster carers. The remaining 3 were in foster placements but did not meet the criteria for being long term matched. We are hopeful that more robust planning around convening stability meetings at pertinent points and the implementation of the new and updated Disruption Policy, that we will see an increase to this number in the 2025/26 reporting.

Number and % of children in long-term fostering placements by age

Age	Number of CFC	Number in foster care	Number in long-term FC	% of FC in long-term
0	13	10	0	0%
1	16	9	0	0%
2	7	5	0	0%
3	7	7	0	0%
4	2	2	0	0%
5	12	10	0	0%
6	10	10	1	1%
7	18	17	7	41%
8	8	8	6	75%
9	16	13	2	15%
10	11	8	4	50%
11	19	19	10	53%
12	18	15	9	60%
13	19	13	6	46%
14	16	14	8	57%
15	25	12	8	67%
16	30	16	11	69%
17	33	14	10	71%
Total	**280**	**202**	**85**	**42%**



3.11 The number of babies aged under 1 becoming cared for children as a percentage of all newly cared for children has decreased to 20% from 23% the previous year. The higher percentage of babies becoming cared for in 2024/25 compared to any other age group strongly suggests that care proceedings are being initiated in a timely manner and children are being safeguarded at the outset of their lives. It also indicates the effective use of the Unborn Baby Panel for tracking purposes and assessments being completed pre-birth to inform care planning. The impact of investment and focus into enhancing the quality of the edge of care services from our Building Futures team, who also assist in understanding the strengths and areas of perceived risks in any family unit and provide input into pre-birth assessments.

Work is however needed to understand why there has been a 12% increase in children 11 years and older becoming cared for, compared to last year's figures given the correlation between late entry into care and poor outcomes such as their ability to achieve placement stability. However, of note, 10 of those 31 children becoming cared for aged 11 and older were aged 16 and 17 yrs, 8 of which 10 were Unaccompanied Asylum Seeking Young People.

Number of children becoming cared for in 2024/25 by age

Age year	Number of children becoming cared for	%
0	19	20%
1	7	7%
2	5	5%
3	4	4%
4	3	3%
5	4	4%
6	7	7%
7	4	4%
8	6	6%
9	1	1%
10	6	6%
11	4	4%

Age year	Number of children becoming cared for	%
12	5	5%
13	5	5%
14	3	3%
15	4	4%
16	6	6%
17	4	4%
Total	97	

3.12 Looking at the proportion of children ceasing to be cared for by the end reason of 2024/25 compared to the England average, Torbay's proportion of children adopted was higher than the national average (10% compared to 9% nationally). The proportion of young people Staying Put post 18 was also much higher than the national average (21% compared to 13% nationally). The proportion ceasing to be cared for due to a Special Guardianship Order being granted was much higher than the national figure (24% compared to 13% nationally). The majority of Special Guardianship Orders made in 2024/25 made were to connected people (24 out of 28), with the remaining four children being made subject to Special Guardianship Orders granted to the child's previous foster carers. Overall, this demonstrates a very positive picture for cared for children in terms of permanency outcomes for our children and young people. This improvement correlates with Torbay's mature use of family network decision making meetings and enhanced efforts to explore all viable family placements for children, including commissioning appropriate services to support these arrangements of care.

Children who ceased to be cared for in 2024/25 by end reason

End reason and code	England 2023/24	Torbay	
		Number	%
Accommodation on remand ended (E14)	-	2	2%
Adopted (E11, E12)	9%	12	10%
Age assessment determined child aged 18 or over (UASCs) (E15)	1%	0	0%
Aged 18 and remained with current carers (inc under staying put arrangements) (E17)	16%	24	21%
Care ceased for any other reason (E8)	8%	17	15%
Care taken by another local authority (E3)	6%	0	0%
Child moved abroad (E16)	-	0	0%
Died (E2)	-	0	0%
Left care to live with parents, relatives or other person, who had no parental responsibility (E13)	6%	1	1%
Moved to independent living (with no formalised support) (E6)	3%	2	2%
Moved to independent living with supported accommodation (E5)	13%	1	1%
Residence order or child arrangement order granted (E41)	3%	12	10%
Returned home to live with parents or other person with parental responsibility which was not part of the care planning process (E4B)	3%	0	0%
Returned home to live with parents or other person with parental responsibility which was part of the care planning process (E4A)	17%	16	14%
Sentenced to custody (E9)	1%	0	0%
Special guardianship order to former FCs who are relatives or friends (E45)	11%	19	16%
Special guardianship order to former FCs who are not relatives or friends (E46)		4	3%
Special guardianship order to relatives or friends who were not former FCs (E47)		5	4%

End reason and code	England 2023/24	Torbay	
		Number	%
Special guardianship order to people who were neither relatives or friends or former FCs (E48)		0	0%
Moved to residential care funded by adult children's social care (E7)	1%	2	2%
Total	**100%**	**117**	**100%**

For special guardianship orders specifically –

	2022/23	2023/24	2024/25
The number of children leaving care as a result of a Special Guardianship Order in the year	14	18	28
The number of children ceasing to be looked after in the year	100	90	117
% of children leaving care as a result of an SGO	14%	20%	24%

3.13 The number of children who returned home this year has increased to 14%, compared with 10% last year. This has been supported by a piece of cross service work to enhance our reunification policy and associated support, including a triangulation of social work care planning with Building Futures interventions as well as IRO oversight. The service have also focused on the identification of reunification viability, the timeliness of Schedule 3 assessments and the development of bespoke support packages to promote stability and positive long term outcomes for children who return home.

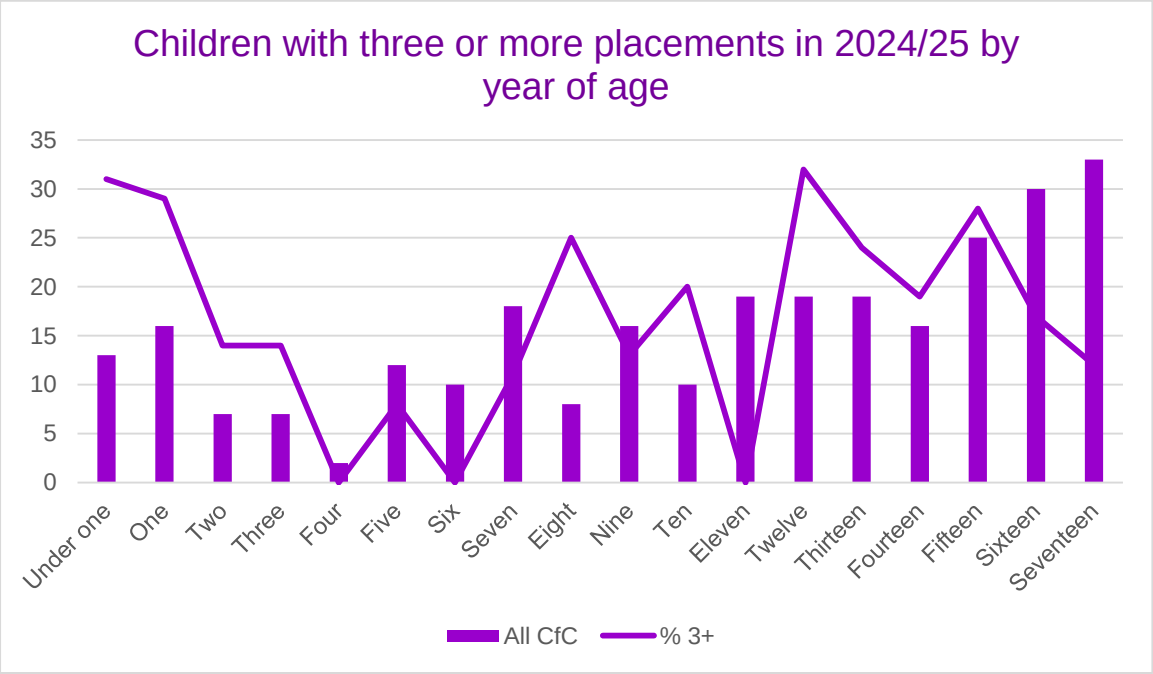
3.14 The number of young people aged 18 that remained in their foster placements as a Staying Put arrangement has increased this year (21% for 2024-25 compared to 18% for 2023-24). This inevitably provides stability for these young people as they transition into adulthood. However, this needs to be balanced against the impact on placement sufficiency going forward, given our rates of children residing within in-house foster care placements having reduced as 7 in house fostering placements are no longer available as at 31st March 2025 due to the staying put arrangements in place.

3.15 Short-term stability has improved slightly in 2024-25 with 16% of children having three or more placements compared with 20% in 2023-24, this still does not compare favourably to the national figure and Statistical Neighbours which both stand at 10%. As can be seen from the table below, the age group most likely to experience instability is the 14+ cohort (taking the three and below out of the equation where placement changes are usually due to planned moves from emergency to foster care and then final placement such as to a connected carer). With the efforts the fostering recruitment strategy and the introduction of our new and more robust Disruption Policy, we are hopeful this will impact positively on short term stability for those children who experience multiple placement moves within a 12 month period.

Short-term stability at 31st March 2025 by age

Age year	*All CfC*	*3+ placements*	*% 3+*
0	*13*	*4*	*31%*
1	*16*	*2*	*29%*
2	*7*	*1*	*14%*
3	*7*	*1*	*14%*
4	*2*	*0*	*0%*
5	*12*	*1*	*8%*

Age year	All CfC	3+ placements	% 3+
6	10	0	0%
7	18	2	11%
8	8	2	25%
9	16	2	13%
10	10	2	20%
11	19	0	0%
12	19	2	32%
13	19	6	24%
14	16	3	19%
15	25	7	28%
16	30	5	17%
17	33	4	12%
Total	280	44	16%



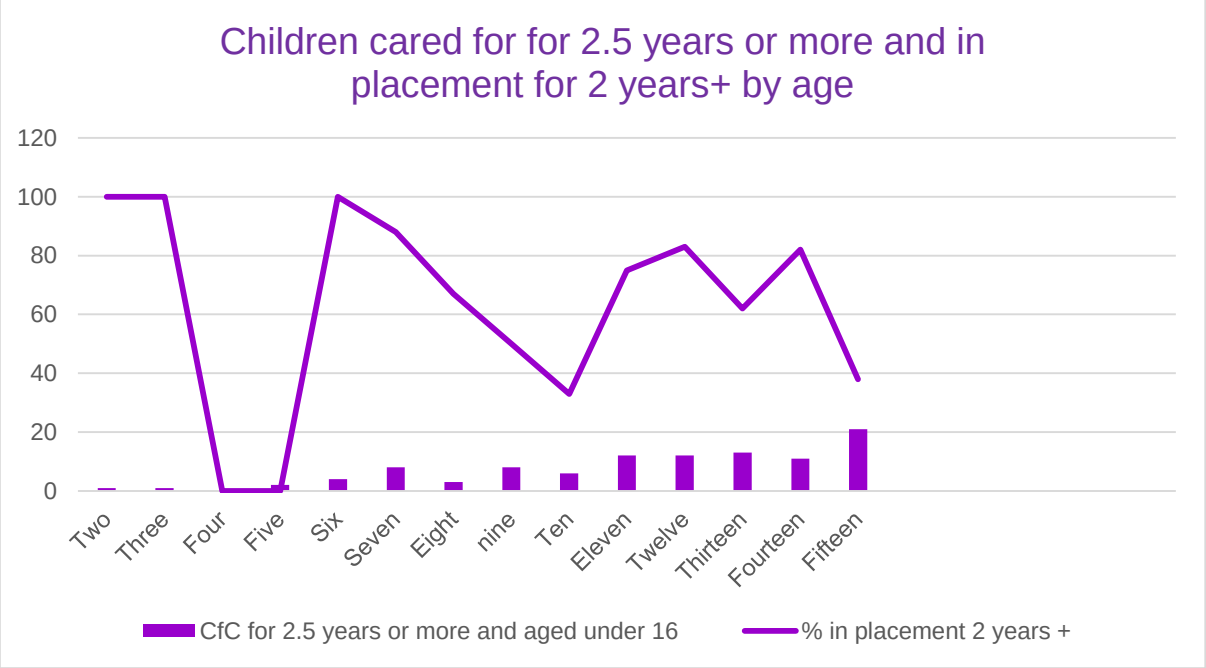
3.16 Long-term placement stability for cared-for children is defined as cared-for children for 2.5 years or more and who are aged 15 or under, the proportion who have been in the same placement for 2 years or more, or who are currently placed for adoption and their current placement plus their previous one totals two years or more. Whilst previously recognising the increased percentage of children in long term placements, overall long-term stability stands at 64% as of 31st March 2025, compared to 41% at the same time last year, which marks a significant improvement for Torbay. Whilst this figure remains slightly below the national rate and Statistical Neighbours performance at 68%, the gap has significantly reduced and evidences a positive trend for Torbay. There are noticeable improvements for children aged 2 and 3 years, with stability over the year for this age at 100% compared with 0% in 2023/24.

3.17 Further to the above, foster care sufficiency challenges and resilience support needs are acknowledged and the impact this will have had on stability for the 12 and 14-year-old cohort in particular. Work is being undertaken including the recent implementation of Mockingbird and preventative stability intervention for fostering placements through the Building Futures team. It is also important to consider children's views and where reunification is being expressed as an aspiration by a child, then this is considered appropriately, and decisions made through robust assessments of need, strength and risk. IROs will need to ensure the

planning is appropriate and timely to promote opportunity for proactive reunification work to take place prior to any move where possible. To support this matter, the IROs have continued to challenge more robustly where there is identified and delay in Schedule 3 assessments being completed and/or in progression to the legal arena when the discharge of a Care Order is deemed safe, proportionate and congruent with the wishes of our children and young people.

Long-term stability of placement at 31st March 2025 by age

Year of age	Children cared for - 2.5 years or more and aged under 16	In placement for 2 years or more	%
2	1	1	100%
3	1	1	100%
4	0	0	0%
5	2	0	0%
6	4	4	100%
7	8	7	88%
8	3	2	67%
9	8	4	50%
10	6	2	33%
11	12	9	75%
12	12	10	83%
13	13	8	62%
14	11	9	82%
15	21	8	38%
Total	**102**	**65**	**64%**



3.18 The percentage of children who have been subject of health checks in the last twelve months has improved from 81% in 2023/24 to 87% as of the end of March 2025. The percentage of

children who have been subject of dental checks in the last twelve months however has decreased from 60% in 2023/24 to 48% as of the end of March 2025. Whilst health assessments are similar to the national figure (89%), dental checks fall short of this (79%). There is an acknowledgement that, within Torbay, identifying an appropriate dentist with capacity is currently very challenging and this is the focus of ongoing work in conjunction with our Public Health and ICB partners. Furthermore, there has also been a reduction in health professionals attending cared for children's reviews which may have had an impact on identifying and reporting the health needs of our cared for children. The Head of Service is actively working with health to address these challenges through escalation to the Designated Nurse and the Health Steering Group. However, it is acknowledged that a large amount of our cohort of adolescent cared for young people choose to opt out of any form of health check and do not want certain professionals at their cared for meetings. Nevertheless, the IROs are often best placed to encourage this cohort to address their health needs as they often have the most established relationship with our young people due to stability within the team offering consistency of involvement. Health indicators are now regularly monitored by the IROs including during their mid-point reviews and any outstanding actions are raised appropriately with the social worker and team manager informally and by way of Dispute Resolution process if necessary.

Health and Dental Checks and Immunisations

	2024/25			England average 2023/24
	Cohort	Number	%	
Health assessments	280	244	87%	89%
Dental checks	280	134	48%	79%
Immunisations	280	166	59%	82%

3.19 The proportion of cared for children for whom an Strengths and Difficulties Questionnaire score was received has improved significantly this year, standing at 87% at end of March 2025. Last year, this figure stood as low as 8%. This figure is now significantly above the national average of 77%. Significant work was undertaken to address the issue and this has clearly been a successful area of focus. This is subject to ongoing monitoring and review by the senior leadership team and virtual school colleagues.

3.20 The gender split for missing episodes within our cared for children cohort in 2024/25 has seen a widening of the ratio between boys and girls with 57% of the missing episodes being related to girls as opposed to 43% for boys. In 2023/24 the ratio was 43% girls to 57% boys.

Missing Episodes by Gender, 2024/25 figures

	Number	**%**
Children with an episode of missing or away from placement	**37**	**N/A**
Female	21	57%
Male	16	43%
Number of children cared for at any point in the year	**399**	**N/A**
Female	182	46%
Non-binary	0	0%
Male	217	54%

3.21 37 cared for children had an episode of missing within the year, which equates to 12% of all children cared for in 2024-25. This is a decrease compared to the 2023-24 figure which stood

at 46 children but in percentage terms remains static at 12% due to the reduction in cared for children. This figure is only 1% higher than the National figure of 11% and marks evident progress in terms our exploitation response.

3.22 As with previous years, more than half of children who went missing had one or two episodes, 57% compared with 65% in 2023/24. The number of children with chronic missing episodes (31+ episodes) decreased to just one child in 2024/25 from three children in the previous year.

Cared for children going missing

Episodes of missing - Torbay 2024/25	No of children	%
1 or 2	21	57%
3 to 5	11	30%
6 to 10	2	5%
11 to 15	1	3%
16 to 20	0	0%
21 to 30	1	3%
31+	1	3%
Total children	**37**	

NOTE: The above figures do not include episodes of 'away from placement', as opposed to missing.

Cared for children going missing

Duration of missing incidents	% of incidents of missing	
	Torbay 2024/25	England 2022/23
Incidents where duration is less than 1 day	68%	35%
Incidents where duration is between 1 and 2 days	22%	56%
Incidents where duration is between 3 and 7 days	8%	0%
Incidents where duration is between 8 and 10 days	0%	0%
Incidents where duration is between 11 and 15 days	0%	0%
Incidents where duration is between 16 and 20 days	0%	8%
Incidents where duration is between 21 and 30 days	0%	1%

Incidents where duration is more than 30 days	0%	0%

3.23 The proportion of children placed more than 20 miles away from the address from which they came into care has remained somewhat static: 34% in 2023/24 and down to 32% in 2024/25. The national average figure is 21% and therefore Torbay is sitting significantly above this. It should be noted that the definition does not include Unaccompanied Asylum-Seeking children, as they have no noted home address within the UK.

3.24 Torbay's position in regards to being an outlier relating to children placed at a distance is a reflection of placement sufficiency in the immediate locality, as well as this being reflective of some deliberate decision-making in respect of placements aligned with the wishes and feelings of young people, particularly our Unaccompanied Asylum-Seeking Children who often have a strong preference for a more urban setting which is better aligned to meeting their cultural needs.

Distance from home

	2021/22	2022/23	2023/24	2024/25
The number of children in care placed more than 20 miles from where they used to live	91	97	100	89
The number of children in care on 31st March	299	314	298	280
% placed more than 20 miles from where they used to live	30%	31%	34%	32%

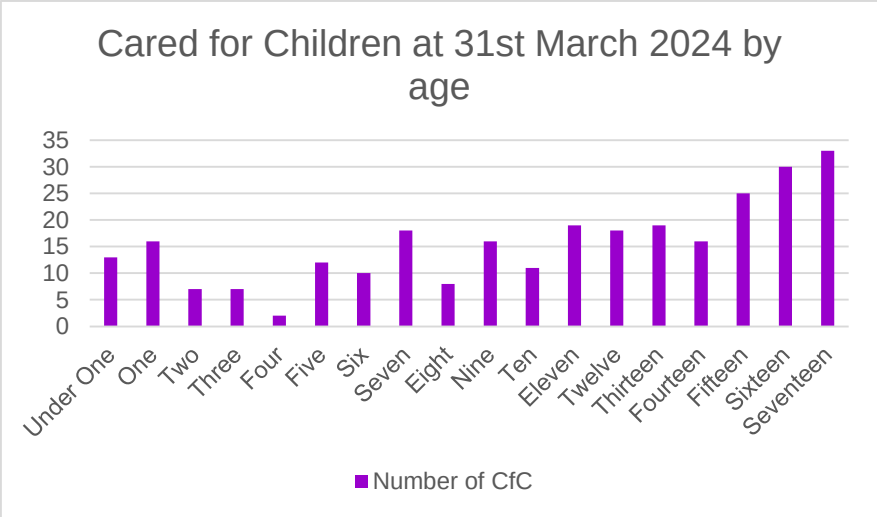
3.25 Children aged between 10 and 15 continue to be the highest represented within the Torbay cared for population as at 31st March 2025 with children under 1 years old being the lowest represented. This is in line with the national average for year 2023/24. Torbay has a lower proportion of children aged 16 and 17 than the national figure. However, this will most likely align with the national average next year with the rising cohort of 16 year olds.

Cared for children age ranges by %

	England	Torbay		
	2022/23	2022/23	2023/24	2024/25
Under 1 year	5%	5%	6%	5%
1 to 4 years	13%	13%	13%	11%
5 to 9 years	18%	18%	19%	23%
10 to 15 years	38%	40%	41%	39%
16 years and over	26%	25%	21%	22%

Age year	All CFC	% by age
0	**13**	**5%**
1	**16**	**6%**
2	**7**	**3%**
3	**7**	**3%**
4	**2**	**1%**
5	**12**	**4%**
6	**10**	**4%**

7	18	6%
8	8	3%
9	16	6%
10	11	4%
11	19	7%
12	18	6%
13	19	7%
14	16	6%
15	25	9%
16	30	11%
17	33	12%
Total	280	



3.26 The 2023-24 IRO annual report noted that there were 55% of boys compared to 44% of girls in Torbay's cohort of cared for children on 31st March 2024. This gap between boys and girls has decreased in 2024-25 to 52% boys, and 48% girls.

3.27 White British remains the largest represented ethnicity (84%) as at the 31st March 2025 (which reflects the ethnic profile of Torbay being predominantly White British), compared to the national average which now stands at 71%.

Cared for children by ethnicity

	England	***Torbay***	
	2023/24	2023/24	2024/25
White	71%	87%	84%
White and Asian, Black African or Black Caribbean	10%	8%	10%
Asian or Asian British	5%	1%	0%

Black or Black British	7%	1%	1%
Other ethnic groups	5%	2%	4%
Refused or information not yet available	1%	1%	0%

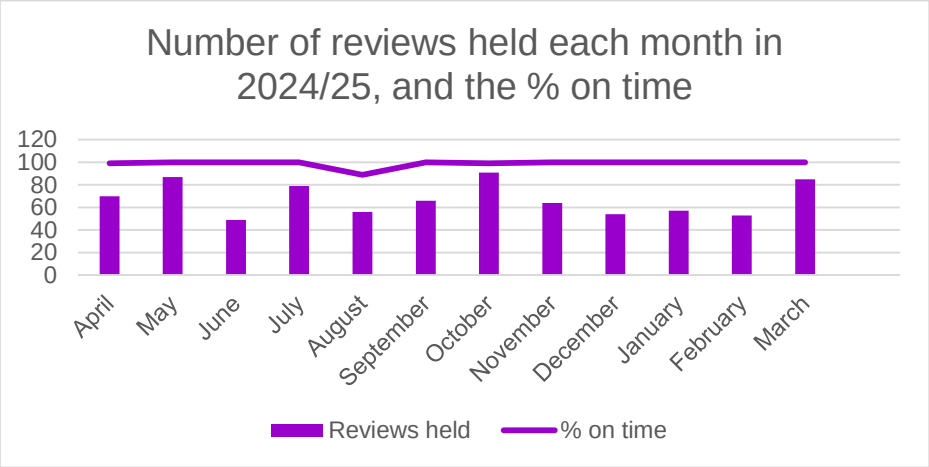
4. Timeliness of Review Records Completion

4.1 811 cared for reviews were held between 1st April 2024 and 31st March 2025. This is an increase from the 740 reviews held in 2021-22 and 803 reviews held in 2022-23. Additionally, there was a significant decrease in the number of reviews not being held within timescales, which for 2024-25 had decreased to 8 from the 32 in 2023-24. From the data, we can see that six of these eight occurred in the month of August 2025 which is a very challenging time for the IRO service in convening quorate meetings as this falls within the summer holiday period where many schools cannot be in attendance and there is a high level of annual leave amongst the wider professional group. However, overall, the figures reflect the timeliness of reviews as a service wide strength but also that additional reviews are being held to support placement stability and changes to care plans.

Review timescales		**2020/21**	**2021/22**	**2022/23**	**2023/24**	**2024/25**
Numerator	The number of reviews taking place in the year which were **not** held on time	84	95	44	32	8
Denominator	The number of reviews taking place in the year	685	816	740	803	811
%		**12%**	**12%**	**6%**	**4%**	**1%**

Reviews over the year in Torbay

Month 2024/25	**Reviews held**	**On time**	**% on time**
April	70	69	99%
May	87	87	100%
June	49	49	100%
July	79	79	100%
August	56	50	89%
September	66	66	100%
October	91	90	99%
November	64	64	100%
December	54	54	100%
January	57	57	100%
February	53	53	100%
March	85	85	100%
Total	**811**	**803**	**99%**



4.2 The service has continued to look at timeliness of completion of review records and sees this as a key measure of impact in order for children's plans to be progressed effectively. The reviews and records that drive plans need to be available to support moving plans forward and to ensure that the impact of the plan for children is maximised. The HOS is working closely with operational Heads of Service and the Divisional Director for Safeguarding to further promote the timeliness and maintenance of progress made.

4.3 Work to ensure timeliness of reviews has continued throughout 2024-25, building on previous work. This year there has been a significant increase in cared for reviews held within statutory timescale to 99%, from 96% in 2023-24. The positive progress here has seen the service exceed the overall local target of 95% reviews held in timescale.

4.4 An effective system remains in place in terms of sustaining the timeliness of reviews. The only time that a review can go out of timescale is when there is clear evidence that this is purposeful delay or in the child's best interest, for example to enable a child to attend and participate. This delay must be agreed by the HOS and in the event all other options have been explored. This robust approach will hopefully enable us to reach and maintain the target of 95% or above. Efforts are also being made to schedule reviews further in advance of their statutory due dates to enable sufficient time to reschedule within timeframes, in the event this is required.

5. Voice of the Child and Young People Participation

5.1 A primary objective of the IRO role is to ensure children are central to decisions about them and that their voice is evident within their care plans. A key element in delivering this objective is the measure of the young person's participation in the statutory review of their care plan and care arrangements.

5.2 Across the year from April 2024 - March 2025, 90% of our cared for children aged 4 years and over participated in their reviews. Although this is an increase on last year's figure of 87% and that of the 2022-23 figure of 79%, there continues to be room for improvement and plans are in place to encourage more children not only participate in their reviews but to also co-chair them in line with our commitment to deliver restorative review processes. The stability within the IRO service will encourage more children and young people to participate in their reviews as IROs are often the most consistent professional in a cared for child's life and someone with whom they can build trusting relationships with. Development work is being undertaken within the IRO Service around robust management of ensuring advocacy for our children.

Participation in reviews, 2020/21 to 2024/25

Review participation		2020/21	2021/22	2022/23	2023/24	2024/25
Numerator	The number of reviews taking place in the year where child was aged 4+ at the date of review where child participated in the review (all codes except PN4 and PN7)	401	527	484	611	602
Denominator	The number of reviews taking place in the year where child was aged 4+ at the date of review	467	641	614	705	667
%		**86%**	**82%**	**79%**	**87%**	**90%**

Participation in reviews – all categories of participation

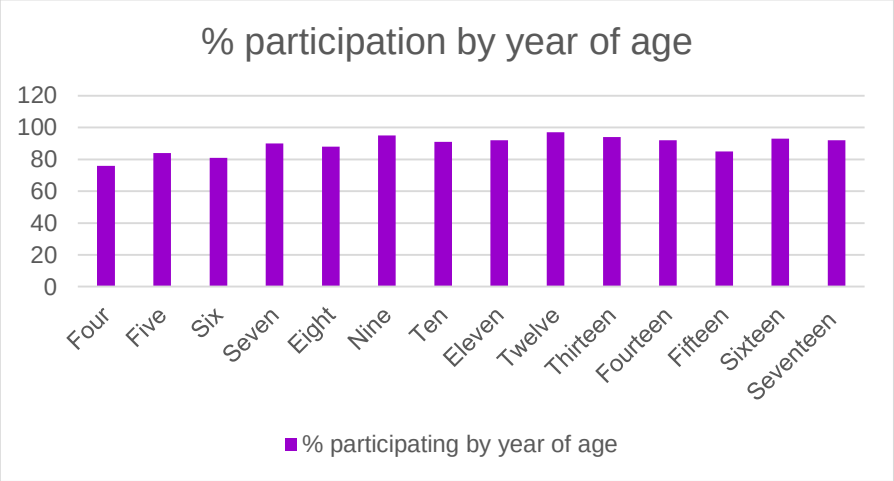
Detailed review participation	2022/23	2022/23 %	2023/24	2023/24 %	2024/25	2024/25 %
Child under 4 at the time of the review (PN0)	126	17%	98	12%	115	14%
Child physically attends and speaks for him or herself (PN1)	185	25%	199	25%	187	23%
Child physically attends and an advocate speaks on his or her behalf (PN2)	14	2%	21	3%	17	2%
Child attends and conveys his or her view symbolically (non-verbally) (PN3)	2	0%	2	0.2%	2	0.2%
Child physically attends but does not speak for him or herself, does not convey his or her view symbolically (non-verbally) and does not ask an advocate to speak for him or her - attendance without contribution (PN4)	6	1%	2	0.2%	0	0%
Child does not attend physically but briefs an advocate to speak for him or her (PN5)	140	19%	297	37%	310	38%
Child does not attend but conveys his or her feelings to the review by a facilitative medium (PN6)	143	19%	89	11%	86	11%
Child does not attend nor are his or her views conveyed to the review (PN7)	124	17%	92	11%	60	7%

Participation by age

Age of child	Reviews	Attended and participated		Attended, did not participate		Did not attend or participate		Did not attend, participated		Participated	
		Number	%	Number	%	Number	%	Number	%	Number	%
4	21	1	5%	0	0%	5	24%	15	71%	16	76%
5	31	1	3%	0	0%	5	16%	25	81%	26	84%
6	32	2	6%	0	0%	6	19%	24	75%	26	81%
7	40	1	3%	0	0%	4	10%	35	88%	36	90%
8	32	3	9%	0	0%	4	13%	25	78%	28	88%
9	37	11	30%	0	0%	2	5%	24	65%	35	95%

10	35	6	17%	0	0%	3	9%	26	74%	32	91%
11	49	10	20%	1	2%	3	6%	35	71%	45	92%
12	36	9	25%	0	0%	1	3%	26	72%	35	97%
13	50	15	30%	0	0%	2	4%	32	64%	47	94%
14	61	21	34%	1	2%	3	5%	35	57%	56	92%
15	59	25	42%	1	2%	8	14%	25	42%	50	85%
16	94	47	50%	1	1%	6	6%	40	43%	87	93%
17	90	54	60%	0	0%	7	8%	29	32%	83	92%
Total	**808**	**206**	**25%**	**4**	**0%**	**59**	**6%**	**396**	**49%**	**570**	**71%**

NOTE: The participation column in the above is the sum of those attending and participating, or not attending but participating indirectly (via an advocate or other trusted adult). This does not include the 3 children with participation listed as Null.



6. Dispute Resolution and Escalation

6.1 One of the pivotal roles of the IRO is to raise issues affecting cared for children with the social work service, for example when performance issues, care planning challenges and resource issues are affecting the child or young person's needs being met and preventing their plans from progressing.

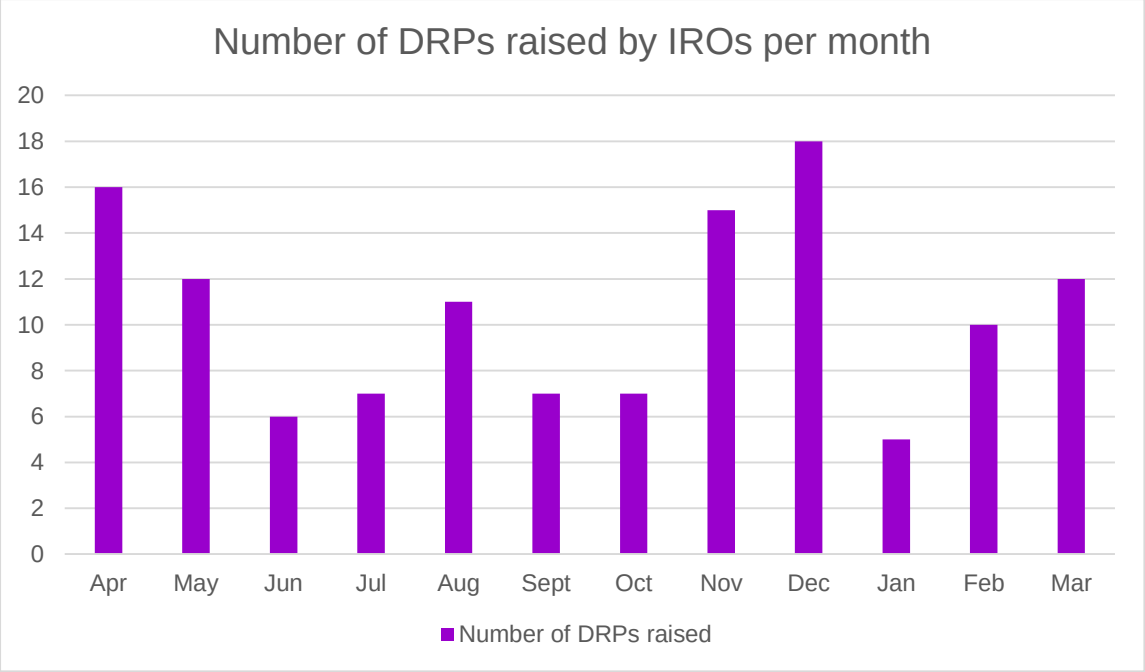
6.2 There is an established Dispute Resolution and Escalation process available in Torbay's procedures and practice standards, which is due to be updated in June 2025. IROs continue to seek resolutions to issues informally through a relational and collaborate approach and dialogue with the social worker or their manager before and at each stage of the procedure. If, however, no resolution is achieved in a timely manner (five working days), the issue is escalated to the formal DRP process to ensure timely action by social workers to directly improve the quality of our children's lived experiences. We are currently undertaking work to ensure that the IRO challenge and advocacy is clearly evidenced for our children within their social care records and the service are seeking to address cultural beliefs within operational practice in regards to this process being seen as punitive and blaming. As an IRO service, we strongly believe that the IRO role is not just one of a reviewer however the role is a critical safeguard for the child's voice and care plan. Every delay in responding to an IRO challenge

is potentially another day of our children living with uncertainty. As such, ensuring prompt responses to IRO challenge is a key area of focus for the service in 2024-25.

6.3 Between April 2024 to March 2025, there were 126 formal DRP escalations completed across all of the IROs which is significantly less than the 2023-24 figure of 174. The service expect to see an increase to this in 2025-26 as part of our service response to enhancing participation and supporting contextual safeguarding practices, such as delays with exploitation toolkits being updated within timescales. However, the work being undertaken to seek to resolve IRO challenges informally and to support a cultural shift in responses to DRPs may well balance this figure. In terms of trends and patterns, there does not appear to be any identifiable ones when reviewing the monthly figures over the last three years, with each month being variable.

Number of Dispute Resolution Processes raised by IROs each month

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
2022/23	0	5	1	3	16	9	12	14	8	7	7	18
2023/24	20	1	N/A	N/A	8	11	10	19	9	38	20	38
2024/25	16	12	6	7	11	7	7	15	18	5	10	12



7. Achievements and Impact of the IRO Service and Summary of Progress

7.1 The IRO Service is continuing to make steady and purposeful improvement against many of its key activities. Children and young people continue to be provided with an IRO within three working days of becoming cared for or within two days of notification to the service, and changes in IRO have reduced and have been kept to a minimum during the year.

7.2 The IRO service continues to challenge through formal and informal escalation whenever there are concerns about children's care plans not being effective or there is delay in plans being progressed. In addition, the IRO footprint on children's files has continued to improve. The introduction of mid-point checks is now embedded into IRO practice and provides the

service with enhanced oversight to ensure any issues are addressed at an earlier point. The IRO service have now had changes made to the social care system, allowing for informal IRO challenges to be recorded and captured more effectively.

7.3 The Head of Service has been in post since December 2021 and the Service Manager since January 2023. Furthermore, the IRO service is now entirely staffed by permanent workers who are committed to Torbay and the children they work with. This has provided invaluable stability and consistency for the service and has significantly supported positive impact and outcomes for our cared for children.

7.4 Performance with regards to statutory reviews continues to improve and is now 99% within timescales, well above the National Average and exceeding our own target of 95%.

7.5 Performance meetings continue to be convened on a regular basis, with data being reviewed from a child's lived experience perspective. The meetings have developed over the course of the year with IROs reflecting upon what impact they are having on children's outcomes and where their practice can be further enhanced including service development work with other services around the importance of the DRP process in ensuring our cared for children consistently receive the service they deserve.

7.6 The IROs have continued to develop good links internally and externally. with each IRO being the link into other services throughout the statutory care services within Torbay. These links have now extended to partners such as Health and in particular Education where a significant amount of joined up work is being carried out with the Virtual School to improve educational outcomes for our cared for children. The Service Manager attends the TSCP contextual safeguarding forum with a view to developing a contextual child protection model; this project work is now approaching its final stages and will be implemented later in 2025. The IRO service is also represented at Adopt South West's Adoption Panel and was involved in the Mockingbird implementation group which has now gone live.

7.7 The IRO profile within Torbay has continued to develop over the last year and the service continue to work within the framework of restorative practice, including the 'language that cares' relational language policy. Their high level of support and challenge is further evident on children's files through case recordings, midpoint reviews and cared for children's review minutes.

7.8 The IROs have been setting a positive example with regards to audit completion, with 100% in timescales for the service across the year 2024-25. This contribution through an IRO lens is vital in ensuring we are contributing to a culture of learning and continuous development across children's services.

8. Independent Reviewing Service Performance Planning Procedure

8.1 The IRO data set includes the following:

- Timeliness and timescales for CFC reviews
- Timeliness of completion of review records and sharing of key decisions and outcomes
- Availability of social work reports and plans for children
- The participation and attendance of children and young people at reviews
- Whether the child has the appropriate plan for permanence
- Whether a midpoint review has been undertaken and progress of planning

- Details as to escalations both formal and informal
- Timeliness of health assessments

8.2 The data set is reported to the Head of Service for Safeguarding, Early Help and Business Intelligence on a monthly basis and is used as a basis for scrutiny and discussion during the monthly performance meetings.

8.3 Areas for learning and improvement are identified during the performance meetings and the minutes and plans shared with the Divisional Director for Safeguarding and the Head of Service for Quality Assurance. The areas for learning and improvement are also identified through thematic discussions with IROs around their experiences as well as the quality assurance auditing processes which regularly focus on specific areas such as advocacy and participation. These help to shape our discussions within performance meetings to agree ways of working and to 'close the loop' by responding to the learning identified for the service. Feedback from other professionals, parents/carers and our children is also shared and utilised within the IRO team to support learning, development and improvement.

8.4 Supervision is an essential activity for providing support and development to individual IROs and to work towards creating consistency across the service in terms of practice, process, and overall service performance. The team's supervision consists of both case and personal supervision. Case supervision includes looking at children of high concern, children who are placed at home under placement with parents regulations and potential delays in achieving permanence.

9. Progress Against Areas for Development noted in the 2023-24 Annual Report

i) **Practice Improvement –** One IRO is a member of the Adoption Panel for Adopt South West. Another IRO was part of the Mockingbird implementation group. Further areas for practice improvement have been identified and incorporated within the 2024/25 development plan as set out below.

ii) **Apply more Learning from DRPs –** Themes from DRPs have been identified using Power Bi and this has been used as a means of highlighting areas for practice development to be fed into the Practice Improvement Forum (PIF). Two IROs presented to the All Staff meeting on the importance of child participation within their cared for reviews.

iii) **IRO Oversight to be Further Enhanced –** Midpoint reviews are now firmly embedded within IRO practice. These are signed off by both the Service Manager and Head of Service which also provides enhanced oversight. EDS notifications are followed up by IROs. Placement notifications / information and missing notifications are followed up by IROs. The Service Manager attends the exploitation performance surgery for continued oversight of this critical area of practice. Furthermore, IROs are expected to ensure that Initial Health Assessments are completed in timescale for children who are newly cared for. The Service Manager and Head Of Service continues to have oversight to these matters. IRO challenge has been much more evident this year and plans are in place to further enhance this.

iv) **Increased participation -** There is a need to continue to work with Operational Services to ensure that children and parents have access to social work reports in a timely way before reviews. IROs continue to attempt to make direct contact with a young person prior to their cared for review. IROs have formed positive

relationships with their children/young people and routinely visit those young people who are in unregulated and unregistered placements outside of Torbay to provide additional support and ensure planning continues to be effective. Gaining parent and child feedback is paramount to ensuring adequate feedback loops are present within the participation system. This will require a 'relaunch' of the online feedback form.

v) **Data -** The IRO Power Bi dashboard is now live and is embedded in practice and used routinely. This data forms part of the monthly performance meetings. There is now a DRP dashboard where themes can be analysed at performance meetings and fed back to the operational teams.

10. Areas for Development 2025-26

i. **Increased Participation/Advocacy** - To further improve on participation, IROs need to ensure that, as part of their pre-review preparation, advocacy has been offered and implement where appropriate and all necessary discussions and actions around this are clearly recorded on the child's file by the allocated social work team. A DRP is to be raised immediately if this hasn't happened, as it is really important that we involve and empower children in their planning and ensure their wishes and feelings are fully appreciated within decision making processes. Use of interpreters is key for seeking the views of our children where English is not their first language.

ii. **DRP consistency** - This process needs to be fully understood by the operational teams so that it can be applied effectively. The IROs need to ensure that they are consistent in terms of when a DRP is raised and when it needs to be escalated, for example when a practice standard has been breached or when a human rights issue has been identified. There is some work for the IRO service to undertake to promote a positive culture across operational teams as to the essential function that IROs and the DRP process play in our children's lives, as the DRP process is a tool for advocacy and action as opposed to a tool used for blame. The DRP policy is to be updated by June 2025 and is to be presented by the IRO service in forums such as Team Meetings and the all Staff Meeting, if deemed appropriate. The Service Manager and Head of Service will be tracking and monitoring DRPs as well as working with the systems team to ensure Power Bi DRP reporting is effective in supporting oversight.

iii. **Practice Improvement** - IROs will be encouraged to develop a particular area of interest with a view to not only improving their own practice, but that of others. Better links with education via the Virtual School and health now need to be further included in participation over the coming year. A further area of service focus will be IROs evidencing their oversight of children and young people at risk of exploitation, including providing challenge to social work teams for high risk children with overdue exploitation toolkits, ensuring strategy meetings following missing episodes are being undertaken in accordance with the defined timescales and relevant policies and ensuring those children who are placed out of our area have the appropriate exploitation oversight.

iv. **Disruption meetings** – A new Disruption Policy is coming into effect on 1st June 2025 and IROs will contribute to disruption meetings by attending and providing the chair with any themes that have been observed. The IRO Service Manager will chair these meetings and provide feedback in terms of any learning to the Learning Academy and Quality Assurance teams to ensure this is fed into strategic action planning. It is hoped that this new policy will lead to an improvement in terms of placement stability for our children and young people both in the short, medium and longer term arrangements of care.

Report authored by:	**Angela Hornby (Head of Service), and Lucy Reeves (Service Manager).**
Date:	**16th June 2025**

Acronym list:

CAFCASS (Children and Family Court Advisory and Support Service)

CP (Child Protection)

DD (Divisional Director)

DFE (Department of Education)

DRP (Dispute Resolution Procedure)

FTE (Full Time Equivalent)

HOS (Head of Service)

IRO (Independent Reviewing Officer)

SARS (Safeguarding and Reviewing Service)

SDQ (Strengths and Difficulties Questionnaire)

SGO (Special Guardianship Order)

SM (Service Manager)

SN (Statistical Neighbour)

UASC (Unaccompanied Asylum Seeking Children)

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TORBAY COUNCIL

Meeting: Children and Young People's Overview and Scrutiny Sub-Board / Cabinet

Date: 17 and18 November 2025

Wards affected: All

Report Title: Fostering Annual Report 2024 - 2025

When does the decision need to be implemented? For Information

Cabinet Member Contact Details: Cllr Nick Bye, Lead Cabinet Member Children's Services, nick.bye@torbay.gov.uk

Director Contact Details: Nancy Meehan, Director of Children's Services, Nancy.meehan@torbay.gov.uk

1. Purpose of Report

1.1 The Fostering Annual Report sets Torbay's vision for the Fostering Service, its core principles, its key aims, main priorities and actions, the role of the Fostering Service and its various functions, the Fostering Service organisational structure, recruitment performance information, an outline of the fostering recruitment and marketing strategy and campaign, improvements in terms of foster carer support and retention, information relating to number of initial enquires received in the period of the 1 April 2024 to the 31 March 2025 and the next steps for the service.

2. Reason for Proposal and its benefits

2.1 It is a statutory requirement established by the National Minimum Standards for Fostering for each Local Authority to produce and publish an Annual Report. This Annual Report should be considered in conjunction with the Fostering Service Statement of Purpose, required under the Fostering Services (England) Regulations 2011, which is available on Torbay's fostering microsite.

2.2 Torbay's vision is one whereby its people are able to thrive, and our fostering community is an integral part of the service provided to our cared for children. As outlined within Torbay's Corporate Parenting Strategy, we want our cared for and care experienced young people to be safe, happy and healthy, in order that they can reach their full potential, and as corporate parents, we wish to give our cared for and care experienced children and young people the access to all of the opportunities that good parents afford their children. The dedication and commitment of our fostering families plays a critical role in how we are able to achieve this vision.

3. Recommendation(s) / Proposed Decision.

Recommendation to Children and Young People's Overview and Scrutiny Sub-Board:

1. That the Children and Young People's Overview and Scrutiny Sub-Board endorse the Fostering Annual Report 2024/25 as set out in Appendix 1 to the submitted report.

Recommendation to Cabinet:

1. That the Cabinet endorses the Fostering Annual Report 2024/25 as set out in Appendix 1 to the submitted report and that it is published in accordance with Council's requirements.

Appendices

Appendix 1: Fostering Services Annual Report 2024/25

Background Documents

None

Supporting Information

1. Introduction

1.1 The Fostering Annual Report provides an overview of the activity within the fostering assessment and support service in the period of the 1 April 2024 and the 31 March 2025.

1.2 It includes an executive summary, a profile of the cared for children being supported by Torbay, a review of the key priorities and actions of the service, the role of the fostering service, an overview of the organisational structure, information relating to the fostering recruitment priorities, an overview of events attended, an overview of developments in relation to fostering, an overview of Special Guardianship support, and key priorities and actions.

2. Options under consideration

2.1 N/A – No other options have been considered.

3. Financial Opportunities and Implications

3.1 N/A

4. Legal Implications

4.1 It is a statutory requirement established by the National Minimum Standards for Fostering for each Local Authority to produce and publish an Annual Report. There are no legal implications as a result of the decision to endorse this Annual Report.

5. Engagement and Consultation

5.1 A priority of the Fostering Service has been to enhance and develop the opportunities for participation, engagement and consultation with our fostering families.

5.2 Fostering families are encouraged to share their views regularly and in a variety of ways, from attendance at the quarterly Fostering Forums, through quarterly thematic surveys and through direct one to one conversations and communications with the fostering service and senior management.

6. Purchasing or Hiring of Goods and/or Services

6.1 N/A

7. Tackling Climate Change

7.1 N/A

8. Associated Risks

8.1 Should this report not be endorsed Torbay will not be compliant with the statutory requirements in line with the National Minimum Standards for Fostering. There will no change in terms of the fundamental function of the service however the report would not be published, and could not be transparently shared with our foster carers which would limit the ability of the service to share learning in respect of patterns and trends, and achieve clarity with our fostering families about the priorities for improvement.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	There is no differential impact.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	There is no differential impact.		

Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact.		
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact.		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact.		
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the	There is no differential impact.		

	South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.			
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact.		
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact.		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	There is no differential impact.		

Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact.		
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact.		
Human Rights impacts		There is no differential impact.		
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact.		

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None

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Change a child's future
torbay.gov.uk/fostering
Foster with Torbay
Funded by UK Government
Fostering SOUTH WEST

As a service, we aim to be:

F – forward-thinking and focused on the continued professional development of our staff and our carers
O – open to transparent communication and participation with our fostering families
S – safe, secure and stable
T – trustworthy and reliable
E – encouraging and proactive in respect of our fostering families' education and training
R – robust in respect of statutory and regulatory compliance
I – innovative in terms of service organisation and development
N – nurturing, supportive and caring
G – guided by best practice

Contents

1. **Executive Summary**
2. **Profile of cared for children**
3. **Key Priorities and Actions of the Service in 2024/25**
4. **The Role of the Fostering Service**
5. **Organisational Structure**
6. **Fostering Recruitment Performance**
7. **Fostering Recruitment and Marketing Strategy and Campaign**
8. **Events**
9. **Fostering Support**

10. **Special Guardianship Support Team**

11. **Key Priorities and Actions of the Service in 2024/25**

1. Executive summary

This document is intended to read alongside the revised Torbay Fostering Statement of Purpose 2024-25.

Torbay Council have continued to revise their sufficiency strategy. The aims of the Sufficiency Strategy 2021-25 are summarised below:

Torbay's Sufficiency Strategy

Torbay Council's vision is to provide sufficient care in the community and high-quality placements for children and young people in its care which meet their needs and offer the necessary support to enable their aspirations to become their reality.

Torbay aims to:

- Strengthen the delivery of edge of care, early help, early intervention, and prevention services.
- Increase the numbers of in-house foster carers and review our existing bank of carers to develop and match their skills to the needs of our children.
- Reduce the use of out of local area provision which may disadvantage our children and young people.
- Increase the number of adopters who can adopt children who are known to be harder to place.
- Provide young people who are leaving care with a variety of placement choices and support to independence.
- Provide a robust commissioning framework which is effectively responding to the sufficiency challenges and driving up standards.
- Improve the overall data capture and data management of cared for children to better inform this strategy and improve accurate responses to sufficiency challenges.

- Raise our aspirations for educational attainment and other outcomes for cared for children.
- Continue to build on the strength of the Torbay Corporate Parenting Board.

This report will identify some of the improvements and challenges made in terms of performance, participation, fostering recruitment and the implementation of a restorative model which incorporates our fostering families.

This is a report of the Fostering Service and covers the period of 1st April 2024 to 31st March 2025.

This report will address the roles and functions of the Fostering Service and should be read in conjunction with the Fostering Statement of Purpose 2024-25.

Throughout 2024-25 the Fostering Service has continued to ensure that there are a range of placement options for children which offer both high quality and cultural appropriateness.

Please note, for the purpose of this document, the word ‘placement’ is used throughout. In line with the implementation of the restorative model, it is fully recognized that this word may not be the right choice for individual children; however, each child will wish for the place where they live to be called something different, and home can have powerful connotations for cared for children and young people and therefore ‘placement’ is used in this instance.

2. Profile of cared for children

As of the 31st March 2025 Torbay were corporate parents to 280 cared for children; this overall figure also incorporated nine Unaccompanied Asylum Seeking Children (UASC) who Torbay had welcomed either as part of the National Transfer Scheme or through representation as UASC by residents placed at local asylum hotels. The number of cared for children decreased over the year 2024-25 and stood at 280 as of 31st March 2025, compared with 297 at the same point the previous year. The decrease was due to a combination of preventative work that reduced the number of children becoming cared for in the year along with a substantial reduction in Unaccompanied Asylum Seeking Children (UASC) presenting in Torbay.

There is evidence to suggest that permanency for Torbay's cared for children has continued to improve with further progress in adoptions and staying put arrangements coupled with SGOs all outperforming statistical neighbours and national averages.

There were 10 children adopted throughout the year 2024/25 out of 101 total children who ceased to be cared for, equating to 10%. This compares favourably with the Torbay figure of 4% in 2022/23 and 3% in 2021/22 and demonstrates the strength that Torbay is showing in leading the way across the South West Peninsular with regards to adoption performance. 35 young people ceased to be cared for in the 2024/25 year who were aged 18 or over at that point. 18 of those were in foster placements at the point they ceased to be cared for. Of those 15 remained Staying Put with their foster carers. That is 83% of children in foster care ceasing to be cared for aged 18 or over who Stayed Put.

As of 31st March 2025, 64% of children in foster care in Torbay were living in 'in-house' provision. Although this is close to the national average of 67% and significantly lower than last year's figure of 77%, there remain challenges with in-house foster placement sufficiency connected to factors such as the aging profile of long-term foster carers who have retired and the challenges in recruiting new foster carers against a backdrop of a cost of living crisis. 42% of children in foster care were in long-term placements at the end of the year, a decrease from 49% in the previous year which is a reflection of more robust permanency planning and tracking through Permanence Panel. Long-term matching also allows decisions to be made with children and their foster carers around reduced visiting which in turn allows cared for children to experienced childhoods that feature less intrusion from the Local Authority.

The number of children placed more than 20 miles away at 35% is still significantly above the statistical neighbours and national average at 20%. The figure of 35% for 2024-25 is higher than the previous year which was 34% in 2023/24, and 31% in 2022/23. There are many reasons a cared for child might be placed out of county and at a distance from the address they lived in at the point of becoming cared for, and significant analysis of our cared for population identifies many of these reasons to be in line with the distinct and bespoke wishes and feelings or best interests. For example, 13% of those children are placed for adoption, and 9% placed with family or friends in the locality of their address; similarly, in line with their wishes and feelings, 1% of this cohort are Unaccompanied Asylum Seeking Children (UASC) who have expressly asked to be placed in more urban areas. Those children and young people who require specialist settings, such as secure or residential provision, 10 out of 11 children, are placed within twenty miles away from the address they lived in at the point of becoming cared for also.

Torbay continue to recognise the increased vulnerability of children placed at a distance from Torbay, and this is reflected in the Out of County Placement Protocol which advises of the specific role of the Social Worker, Team Manager and Senior Leadership Team in supporting these cared for children and tracking and monitoring their placements, as well as particular expectations in terms of placement and care planning. This Protocol is updated on a quarterly basis.

Torbay continues to focus on expanding the range of foster placement options available to our children. This understanding of the needs of our cared for children is used continuously to inform and enhance our fostering recruitment strategy and planning which continues to be focused on expanding the in-house placement options available to:

- Cared for children between the ages of 13-17.
- Cared for children who require placements alongside their siblings.
- Cared for children with additional or complex needs.
- Cared for children who are transitioning from residential settings into fostering families.
- Unaccompanied Asylum Seeking Children (UASC).

As outlined in previous Annual Reports, it remains imperative that placement sufficiency, and in particular the development of our in-house fostering provision, remains a key strategic priority and the work with the regional fostering hub and the implementation of the Mockingbird project are just two examples of how this work will continue to develop over 2025-26. There is a continued need for a collective view that our cared for children have a right and a need for high quality, safe placements in their local area.

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Cared for children on 31st March 2025 by placement type:

Placements at 31st March 2025		Number	%
Total in-house placements		137	49%
Foster placement with relative or friend	Inside local authority	25	9%
	Outside local authority	9	3%

Placements at 31st March 2025		Number	%
Placement with other foster carer:	Inside local authority	113	40%
	Outside local authority	51	8%
Secure unit		0	0%
Homes and hostels (residential care, K2 code)		18	6%
Hostels and other supportive residential placements (H5 code)		11	4%
Residential schools		0	0%
Other residential settings (codes R1, R2, R3, R5)		1	0%
Placed for adoption (including placed with former foster carer)		13	5%
Placed with own parents		20	7%
In lodgings, residential employment or living independently		8	3%
Other placements (Z1) (DfE guidance suggests use for unregulated foster care only)		11	4%

NOTE: The national data groups several codes together (K2 children's homes, H5 supported living and K1 secure units), so comparisons are not straightforward, but in general the national and local pictures are similar.

The national picture is as follows:

	2021/22	2022/23	2023/24
Foster care (U codes)	70%	54%	67%
Placed for adoption (A codes)	3%	3%	2.5%
Placed with own parents (code P1)	7%	9%	6%
Children's homes (code K2) and secure unit (code K1) combined	9%	10%	10%

Residential schools (code S1)	-	-	-
Other residential (adult residential care homes, NHS provision, family centres, mother and baby units, YOIs or prison - R codes)	1%	4%	3%
Independent living (code P2)	2%	5%	7%
Other (mostly unregulated foster placements with family / friends, code Z1)	2%	4%	5%

NOTE: The national data groups several codes together (K2 children's homes, H5 supported living and K1 secure units), so comparisons are not straightforward, but in general the national and local pictures are similar.

3. Key Priorities and Actions of the Service in 2024/25

The key priorities and actions of the service in 2024/25 have been:

- Continuing to identify and enhance ways to capture the voice of our fostering families and use this feedback to improve and enhance fostering assessment and services. ***This action is ongoing and forms a foundational aspect of the Regulated Service Plan.***
- Expanding and developing the Corporate Parenting Offer for fostering families, cared for children, care experienced young people, parent/carers and Special Guardians throughout the year. ***Ongoing.***
- Reviewing the training provided to foster carers on a regular basis. ***Ongoing.***
- Running high quality and varied support groups, both internally to provide foster carers with therapeutic and emotional support. ***Ongoing.***
- Providing bespoke and individualised plans of support, to enhance placement stability, inclusive of out of hours support from the Building Futures Together team and intensive support programmes which last up to sixteen weeks, when needed to stabilise the placement. ***Ongoing.***
- Reviewing the Fostering Recruitment Strategy. ***Achieved.***

- Home for Good finalised their contract after three years of commissioning by Torbay Council. Home for Good is a national Christian fostering and adoption focused charity working to inspire Christians to foster or adopt and equipping the church communities to support those who are caring for vulnerable children. Home for Good works with local authorities to develop and strengthen connections with local churches around foster carer recruitment and retention so they can best meet their obligations as corporate parents to the children in their care. Home for Good made 1 referral in 2023/24 which progressed to assessment. Prior, in 2023-24, one family was identified through the charity and subsequently approved through Panel. ***Achieved.***

- Enhancing the impact of our Quarterly Fostering Forums, to ensure that they provide a direct platform for collaboration on our model and implementation of services and provide an open portal of discussion relating to current live issues/events between our carers, social workers, managers, the Virtual School and the Head of Service. The Participation team also regularly attend Foster Carer Support Groups and meet with our Cared for Council. This also supports the development of our collaborative working response, with our carers, thereby embedding the restorative and co-produced approach to our improvements. ***Achieved.***

- Torbay Council received Fostering Friendly accreditation from the Fostering Network in May 2023. We launched this during our Fostering and Social Worker Celebration Event on all social media channels and the Council website. We continue to actively promote this to local business groups and the plan is to continue to roll this out more widely in the Torbay community. ***Achieved.***

- Celebrating the commitment and achievements of our fostering families through the Letters of Thanks scheme, the Children's Celebration event and our fostering communications. ***Ongoing.***

- Audits focused on the bridging to adoption process and the voice of foster carers were undertaken, with the learning feeding into service improvement. ***Achieved.***

- Considering and implementing the new reforms of Stable Homes, Built on Love. The principle of kinship care has featured heavily in developing enhanced training for our connected carers with our foster carers. We are also committed to the Mockingbird approach of foster care which will develop supportive networks and a stronger sense of community for our children and young people in Torbay and also for their foster carers and connected carers. ***Ongoing.***

- Family Hubs have been launched and are now part of each of the three towns which make up Torbay. This means that there is community support that is accessible in each area, including universal support for fostering and kinship families. The support offered by the Special Guardianship team through the Hubs will continue to be promoted as a priority in Torbay. ***Ongoing.***

Torbay Mockingbird Constellation

Torbay Council has partnered with the Fostering Network to deliver the Mockingbird Family Model. This is an innovative extended family model that aims to improve the stability of fostering placements for our cared for children/young people and strengthen the overall relationships between carers, children/young people, fostering services and birth families. Our goal is especially to ensure that sibling attachments and relationships are supported to thrive.

Mockingbird is an alternative way of providing foster care. It involves 6-10 foster carers becoming part of a group with other foster carers who are part of a wider constellation of satellite foster homes. The satellite homes in turn are supported by a central hub home, which provides advice and support to all the satellite homes.

The hub home and the satellite homes are supported by the fostering service which provides a worker to take on a liaison role across the whole Constellation.

The hub home provides children and their carers with support including sleepovers where appropriate and shared social activities on a 1 x monthly basis for all members of the constellation.

Torbay also plans to use the Mockingbird model as part of our foster care recruitment promotion for the future. We currently have a project lead who is working closely with the Fostering Network, with our immediate colleagues from within Torbay's fostering service and with several other key colleagues who are actively involved in ensuring we are driving our ambition of the successful implementation of Mockingbird within Torbay.

The aim of the Mockingbird family model is to improve placement stability for children who are looked after, prioritise sibling connection, promote active child protection, support permanence and improve the support provided to foster carers, so that foster carers feel more supported, valued and less isolated.

The model fits with Torbay's approach of putting families at the centre of finding solutions and solving problems using restorative approaches. From a number of evaluations carried out, including by the UK Government, the positive impacts of the Mockingbird project, includes: Reduced placement breakdown, Improved placement stability, Improved sibling contact, Improved experience of peer support, Improved experience of birth family contact, Improved levels of carer recruitment / retention, Improved process / experience of respite care, Improved skills, confidence and role satisfaction for foster carers, Building a network of strong / authentic relationships able to replicate support of extended family.

Our first Mockingbird constellation in Torbay was launched on the 20th of February 2025. The constellation entailed of a Hub Foster Family, and 10 satellite foster families, 8 of these are full time foster carers and two are only approved as respite foster carers. There are 11 children part of the constellation and two children cared by the Hub carers permanently. The constellation and hub carers meet regularly and communicate well with the liaison Social Worker. The constellation capturers mainly foster carers in Brixham area which makes it easier in terms of the proximity and the support required for children and carers. Our ambition is to develop Mockingbird to include Paignton and Torbay so that we have one constellation in each area of Torbay. We are working closely with the Fostering Network in meeting the fidelity model required and provide the support required to foster carers and children.

4. The Role of the Fostering Service

The Fostering Service continues to develop and improve practice to meet the needs of cared for children in Torbay in line with the requirements of National Minimum Standards 2011 and Fostering Regulations. Torbay Fostering Service aim a range of fostering placements which meet the needs of our cared for children: Whilst there are universal standards within our fostering offering of care there are individual specialisms/focuses that carers can offer to our children:

Emergency Fostering Placements

- These are carers who can offer a fostering family home at short notice, and for short period of time at point of need in an emergency.

Short-Term Fostering Placements

- These are carers who are able to offer a fostering family home on a short-term basis; this could be for anything up to two years, for children who are cared for subject to proceedings and who need a safe and secure home whilst decisions are made about their care. These carers may then be involved in bridging to adoption, support to reunification, transition to other family care arrangements, transition to a longer term fostering placement or bridging to independence.

Long Term/Permanent Placements

- These are carers who can offer a fostering family home to children whose plan is one of long-term fostering, and when final decisions have been made that a child cannot return home to the care of their parent/s or previous caregiver. These long-term placements offer security and stability for children for their minority and often into their adulthood. These carers make a long-term commitment to a child, and are often

matched as a long-term permanent placement for the child following a year in placement, through the Permanence Panel supported by an up to date assessment and recommendation of the child's allocated social worker.

Respite Placements /Stay Overs

- These are carers who are able to offer a fostering family home to children, who are often in a long-term matched placement, as part of their plan of stability and permanence within that placement, to provide appropriate support to long term carers. At times, these placements may be use as a short-term measure, and as part of the bridging process to alternative placements for a child at point of need.

Parent and Child Placements

- Torbay currently offer limited parent and child placements however we have identified several carers who have an interest in offering this type of placement and are actively looking to support progression of this interest by supporting focused training opportunities and a development programme to move this forward and expand are service offer and expertise within our fostering families. Currently we are meeting this need of our service through specialist placement agencies that offer this level of expertise. These are carers with specific training who can offer placement to parent/s and child/ren. These may be young parents, under the age of sixteen, or parents of any age, who require intensive support, guidance, and modelling to developing their parenting capacity in a safe environment.

Placements for Unaccompanied Asylum Seekers

- These are carers who are able to offer a fostering family home to unaccompanied asylum seeking children and young people, to enable them to adjust fully to being in a new country, and provide a nurturing safe base from which these young people can begin to recover from their experiences and forge a life for themselves in their new surroundings and communities.

Sibling placements

- These are carers who are able to offer a fostering family home to sibling groups, not only in respect of providing accommodation, which is suitably sized for the sibling group, but carers who are suitably skilled to manage the presenting needs of each child within a sibling group of two or more children.

Resilience placements

- Resilience foster carers are carers who can offer a fostering family home to support young people aged 10-18 years who currently live in residential care and/or who may have particularly complex needs, or young people who may be in the youth justice system. For those who have the knowledge, skills and experience to care for a child with these needs, it's a unique fostering opportunity where carers provide long term, family-based placements, with the intention of fostering one young person and supporting them into adult life. We are developing our capacity in this area of care through our fostering recruitment strategy to assess suitably skilled potential carers through this route, in addition to exploring opportunity of training and development from our existing cohort of carers to expand on their current offer.

Staying Put Placements

- These are carers who can offer a home to those care experienced young people aged eighteen and above who they have previously fostered.

All our foster carers are supervised and supported by Social Workers within the fostering service, and this also includes our Connected Carers who are afforded opportunities to engage in training and support alongside other foster carers to ensure their support. The overall aim of the Fostering Service is to provide a range of high quality, safe and aspirational foster care placements that meet the array of needs of Torbay cared for children.

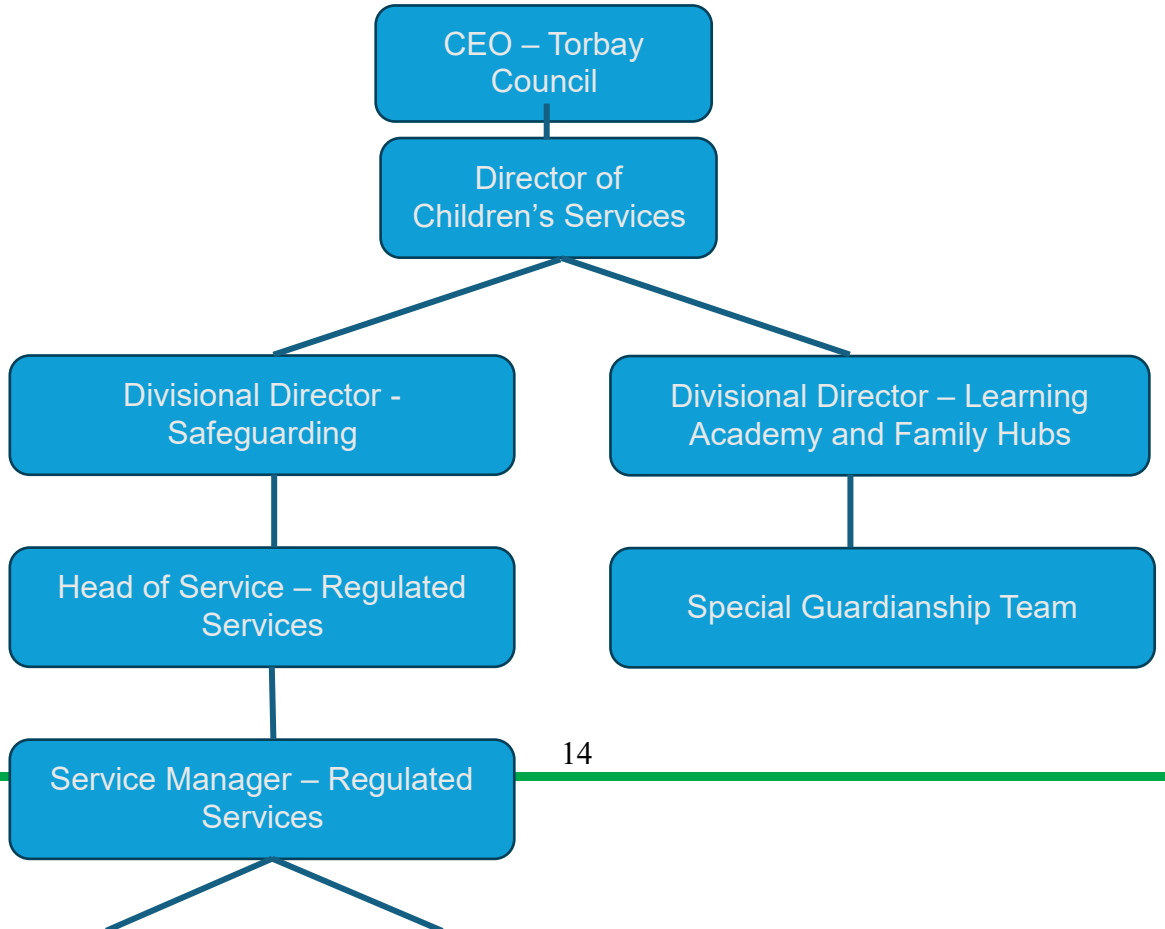
Torbay Fostering Service's objectives for service provision are:

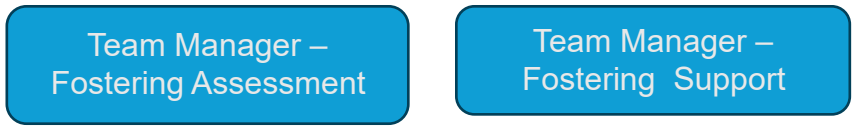
- We want cared for children to live in an environment which is warm, stable and consistent to meet their needs.
- We want cared for children to have access to fostering homes which provide a safe, secure and nurturing base from which they grow into confident and happy young people who have aspirations for their future.
- We want cared for children to feel supported to achieve the best possible outcomes, not only in the short term but in the medium to long term too.
- We want cared for children to feel fully involved in their planning.
- We want cared for children to feel like they have a voice in the development of services designed to support them.
- We want social workers to understand the value of the fostering role and how their actions and practice can support the delivery of high-quality fostering services.
- We want to provide Social Workers with the relevant training and development opportunities to help them to under this.
- We want to provide fostering families with high quality and individualised training and development opportunities.
- We want to provide support of our fostering families which is personalised and inclusive of appropriate support for out of hours response.
- We want to continue to recruit fostering families who have a wide range of skills and experience, who can offer homes to a wider range of cared for children, including sibling groups, older children or those children who may have additional needs.

- We want to continue to recruit fostering families from a diverse background who can offer a range of homes for cared for children, thereby enhancing the quality of the matching process.
- We want to be a service which demonstrates its core values of equality and the value of diversity through its operational actions as well as its strategic review of practice, policy, training and development.
- We want to be a service which is compliant with the statutory, regulatory and legislative framework under which we work within daily.
- We want to be a service which recognises learning opportunities and ensures that service delivery is robustly monitored, reviewed and developed.
- We want to develop a team approach, which centres on the child and their needs, and which ensures that all involved in supporting a child are focused on the achievement of best practice.

5. Organisational Structure

Torbay Fostering Service is based at Children's Services, Tor Hill House in Torquay, and sits under Regulated Services. The Fostering Service consists of two teams: Fostering Assessment and Fostering Support. The governance structure is as follows, with the service sitting within the Safeguarding directorate:





Day to day management and development of services is overseen by the two Team Managers, who are both Social Work qualified managers with a combined 50 years experience in Social Work with children and families. Both Team Managers oversee a team of staff, inclusive of fostering assessment Social Workers, fostering Supervising Social Workers, Community Care Workers, Business Support Officers and a Recruitment and Events Co-Ordinator to support the delivery of service. Operational delivery is overseen by the Head of Service for Regulated Services, supported by the Divisional Director of Safeguarding.

Our Fostering Assessment Team focuses on recruitment activity, assessments of prospective foster carers and support for prospective fostering families going through the Panel approval process. They also deliver the pre-approval 'Skills to Foster' training programme offered to adult applicants and a specially created workshop for their children to attend to support the development of skills through the assessment process.

The Recruitment and Events Co-Ordinator role is an officer who works closely with the Fostering Assessment Team Manager, Communications team and other professionals to understand our local demographic and support them to view the potential skills people may have for fostering, thereby contributing to the development of a wider range of fostering families and skillsets.

Our Fostering Support Team focuses on the support and supervision offered to approved foster carers, support through the Annual Review process, ongoing or updating assessments and investigations, participation and feedback work, training and development and the implementation of support groups and other celebratory and collective opportunities for our cared for children and their fostering families.

Torbay has its own Fostering Panel that meets regularly to make recommendations for the approval of foster carer candidates as well as to receive reviews of approval. The panel also consider other matters that are brought to them by the social work team. The panel is independent and has a chair alongside members to enable the function of the panel. The panel is supported by a Panel Advisor who provides expert advice to the panel on arising matters.

Torbay Children's Services also has its own Learning Academy and works with a number of Universities to offer social work placements for students as well as offering a robust and supportive programme for Newly Qualified Social Workers employed by Torbay, some of whom may work within the Fostering Service and contribute to the service offer to our families.

All the Managers and Supervising or Assessing Social Workers hold social work qualifications and are registered with the Social Work England.

All staff working at Torbay have access to a wide range of continued professional development and training opportunities which are coordinated and promoted by our Learning Academy.

The Social Work staff establishment on 31st March 2025 comprised of:

- Two permanent Team Managers
- Two permanent Assistant Team Managers

- Four full time Social Workers (Fostering Support)
- Four part time Social Workers (Fostering support)
- One Mockingbird Liaison Social Worker
- One Community Care Worker providing services across the fostering service

- Four assessing Social Workers full-time (Fostering Assessment)
- Two part time Social Workers (Fostering Assessment)
- One Recruitment, Retention and Events Co-Ordinator

- One Fostering Panel Chair
- Fostering Panel members – 12 members

Fostering Panel Advisor (this role is undertaken by the two Team Managers).

6. Fostering Recruitment Performance

During 2024/2025 the fostering service received a total of 67 initial enquiries, (two more than the previous year), and as a result of these enquiries 9mainstream fostering households were approved. This is an increase of 120% approved fostering households compared to last year.

Years	**Number of enquiries**	**Approvals**	**Conversion**
2014- 2015	118	29	24%
2015- 2016	65	10	15%
2016- 2017	42	3	7%
2017 - 2018	86	10	12%
2018 - 2019	45	4	9%
2019 - 2020	51	2	4%
2020 - 2021	111	20	18%
2021 – 2022	99	9	9%
2022 – 2023	111	8	7%
2023 - 2024	65	4	6%
2024 - 2025	**67**	**9**	**13.4%**

The conversion of enquiries to approval during 2024/25 has increased by 1.4%, from 6% in 2023/2024 to 7.4%.

There were two fostering households unable to attend fostering Panel as planned in 2024-25 due to a significant delay with the applicant's GP Surgery undertaking medicals. This was supported by the Integrated Care Board so that this could eventually be resolved.

As a baseline expectation, the Fostering Service aim to increase the net number of fostering households by a minimum of ten per year. As of the 31st March 2025, Torbay supported 78 mainstream fostering families and approved nine families in the 2024-25 financial year. There was a total of 11 families that left fostering due to personal circumstances including retirement. Therefore, the current mainstream net total number of fostering families increased by two in Torbay in 2024-25, meaning a continued deficit in new foster carers against our local sufficiency target.

There are a number of factors which have impacted upon this performance. Factors such as the cost of living and individual financial considerations continue be cited by both prospective and current fostering families as influencing factors when making the decision to begin to or continue to foster. Nationally, sufficiency and recruitment continue to be a challenge and a number of government led initiatives, aligned to the ambition of Stable Homes Built on Love, that have been implemented to address this. Despite continued attendance at events and fostering drop-in sessions, as well as us now being part of The Fostering South West Hub, only 67 initial enquiries were received in 2024-25. Typically, only one in ten initial enquiries will convert into approvals, and therefore the lower generation of enquiries has had a direct impact on the number of fostering families who have been recruited in this financial year.

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Ten applicants progressed from the point of Initial Enquiry to the stage whereby they were due to be allocated a Social Worker, or had been allocated a Social Worker and the assessment had begun, however they subsequently withdrew or were withdrawn. This is a slightly lower number than the previous year of eleven, with the breakdown as below:

Withdrawn in full Assessment	6
Withdrawn before allocation	4
Reasons:	
Management Decision	4
Due to family circumstances	5
Due to health concerns	0
No contact	1
Went to IFA	0

Went to Adopt South West	0

There was a total of 50 prospective applicants who withdrew having made an initial enquiry. The majority of this number comprises of applicants who did not contact us again or who did not respond to our attempts to contact them. There were also a number of prospective applicants where fostering was no suitable, or did not progress due to ill health, a change in jobs, moving and one who planned to look at adoption. There were four prospective applicants who withdrew after a positive Initial Visit. Two couples decided to remain with their IFA, and the remaining applicants were unavailable. There were 8 Initial Visits on hold as of 31st March 2025 of applicants that appeared appropriate to progress to progress to an Initial Visits, but who were not quite ready to go to this next stage.

There was a total of 5 Initial Visits which had a negative outcome, with the majority of these not having enough relevant experience or transferable skills to foster. When this is the case, we support with opportunities to gain experience with children, including opportunities within Torbay's Enabling Service and at South Devon College. We also offer opportunities to link in with current Torbay foster carer mentors, who can share experiences with them and give them first hand testimony. We also signpost to free on-line courses to gain valuable insight into the lives of children who have experienced trauma. Other factors included lack of physical space that could not be resolved, and single carers who upon further investigation did not have the capacity to care for another child alongside their own.

The fostering service is also responsible for the assessment and supported of Connected Kinship Carers and prospective Special Guardians. The proportion ceasing to be cared for due to a Special Guardianship Order being granted in 2024-25 was significantly above the national figure, at 28 Special Guardianship Orders granted at 25%, compared to 11% nationally. The majority of SGOs made in 2024/25 made were to connected persons. Overall, this demonstrates a positive picture for cared for children in terms of permanency within a forever family during childhood.

In the year 2024/25, the fostering assessment team undertook a total of 68 Connected Carer and Special Guardianship assessments to explore the viability of permanence through Kinship Care. This is a slight decrease by 5 from the previous year which saw 73 such assessments completed. As of the 31st March 2025, 7 Cared for Children were living with Connected Carers under Regulation 24 arrangements on a temporary basis pending the outcome of approval at fostering panel and with permanence plans for a Special Guardianship arrangement.

Numbers of Foster Carers (as at 31st March 2025):

As of 31st March 2025, the total number of approved fostering and Staying Put households was 78 which is comprised as follows:

Total Beds	135

Current Placements	97 (inclusive of 9 Staying Put)
Vacancies	2
Respite Beds	20
Voids	16

In March 2025, the total number of approved fostering households was 78. This is a decrease of seven mainstream carers overall from the 85 as of the 31st March 2024.

Throughout 2024/2025 financial year there have been **1** case go through the Independent Review Mechanism (IRM) process.

From 1st of April 2024 to 31st of March 2025, 10 mainstream fostering families resigned, and one was deregistered for the reasons as outlined below:

Mainstream Foster Carers

- 3 families retired.
- 2 resigned due to health issues.
- 3 families have decided that they do not want to continue with fostering.
- 1 family relocated to a different country.
- 1 family was deregistered due to concerns.

Connected Carers

- 24 Form C Carers were awarded SGOs.
- 2 SGOs were granted to foster carers.
- 1 SGO was granted to a child living in a Section 38(6) arrangement.

7. Recruitment and Marketing Strategy and Campaign

Fostering recruitment remains a key strategic focus within Regulated Services. Whilst continuing to recognize the immense skill and expertise contained within our current fostering family cohort, there is an ongoing need to expand the placement sufficiency and variety we are able to offer our cared for children. Whilst the number of cared for children continues to decrease overall, the needs of cared for children do not and there is specifically a need to develop our in-house ability to provide placement options for: older children; children with additional needs; children with complex needs; young people bridging out of residential provisions; Unaccompanied Asylum Seeking Children; sibling groups.

Torbay's aim is to increase our fostering family cohort by a net increase of ten new fostering families per year, to ensure that we have sufficient, local in-house provision to meet the needs of all of our children; the Strategy incorporates a profile of our cared for children, and their evolving needs (for example the increased need for fostering families who can support Unaccompanied Asylum Seeking Children). When considering an increase nationally in foster carer resignation, the drive and focus on increasing our in-house provision must continue. The Fostering Network have undertaken research which indicates that for every ten initial enquiries, only one will convert to an approval. On this basis, and in line with Torbay's target, we will need to generate 100 enquiries at minimum per year.

In the year 2024/25, an analysis of the recruitment and marketing activity evidenced that the majority of interest is created via a staff presence at activity and information sessions, which are advertised via the website and social media platforms. Having a face-to-face discussion is then prompting people to make online enquiries. Information sharing sessions are also a critical means of establishing an initial contact with prospective foster carers, and building relationships with them from the outset of their fostering journey. Insight analysis demonstrates that those a high proportion of prospective foster carers who make initial enquiries are those who have come into contact with the fostering service, either through first or second-hand experience of being a foster child or knowing someone who has fostered. As such, there is great power within social media campaigns for example in providing insights into being a foster carer, for those who already foster for Torbay.

Torbay's website was updated over the summer and the Fostering Service's rebranding went live in September which has had a real positive response from our foster carers. New pull ups for our events were also purchased.

As from April 2024, there was the introduction of a new regional fostering recruitment support hub for the South West. The regional hub is called Fostering South West and covers all Local Authorities. The new hub will work to improve the customer journey for prospective foster carers from initial enquiry through to applications. The aim is to help increase the conversion rate between initial enquiry and application.

The regional support hub is a centrally run front door across our regional local authority cluster and acts as the first point of contact for prospective carers making an enquiry. Once processed through the hub each Local Authority will pick up the enquiries and ensure the prospective foster carers have the information and support, they need. Fostering South West will continue to provide increased levels of support and share resources for the

benefit of children and fostering families. The new approach provides an efficient approach particularly in the early stages of prospective foster carers finding out information. The regional hub builds on and enhance the good work already being created by individual Local Authorities. The hub supports prospective applicants through their assessment process with their Local Authority and offers opportunities for additional learning, support and guidance to help in preparing them in their transition to become a foster carer with the purpose of increasing the number of applicants being approved to become foster carers.

The Fostering Recruitment Strategy outlines the following three year plan moving forward:

Month/Year	Targeted Marketing Activity	Frequency	Policy or procedure changes
April 2022 – March 2025	Offering our Foster Carers Refer a Friend incentive.	Ongoing	April 2022 – advised Foster Carers of the new incentive. Refer an Applicant Scheme now launched which will provide a £250 one-off payment to any existing foster carer who refers a fostering applicant, at the point the applicant is approved and accepts their first placement. This has already generated three high quality initial enquiries.
April 2024	Fostering South West goes live.	Ongoing	Links to Fostering South West to be included on all Torbay marketing material.
By July 2024	Update of the Fostering section on the Torbay Council Website and linked to the Family Hubs website. The update will be including up to date events, incentives, and restorative language.	Reviewed every three months	Fostering Service Manager, Fostering Retention, Recruitment & Events Coordinator to work with Torbay Council Web Team to update the current website and Family Hubs website.
June 2023 – September 2023	Consult with fostering families on the enhancement of the Family Hubs website, to ensure this is a one stop shop for fostering	Reviewed every three months	Fostering Service Manager, Fostering Retention, Recruitment & Events Coordinator to work with

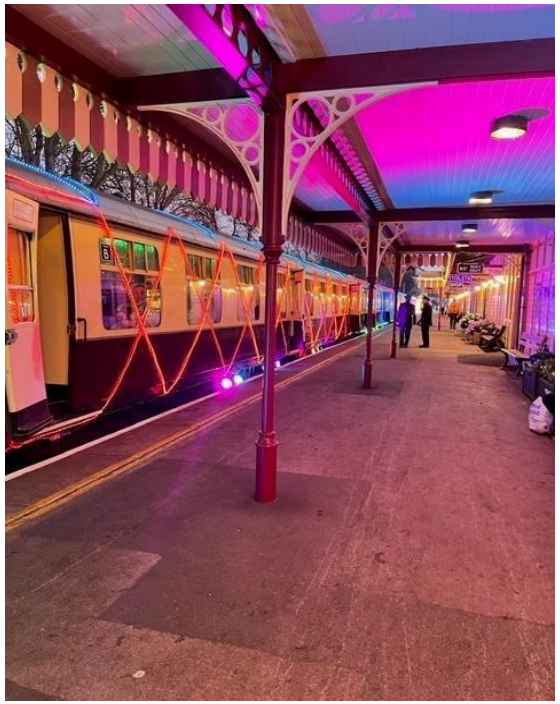
	families in Torbay in terms of signposting, advice and guidance.		Family Hubs lead to update the website.
March 2022 – ongoing	Weekly social media posts to promote Fostering with Torbay Council.	Weekly	A procedure for requesting for regular social media posts to be added needs to be created and implemented.
March 2023- Sept 2024	Developing the resilience of our fostering panel and panel advisors by a recruitment campaign to support development of panel membership and targeted training for Panel advisor role – lead by Fostering Service Manager.	One off	
Aug 2022 – ongoing	Running of Fostering Information Sessions on a monthly basis. This will be via Teams on an ad hoc basis if required.	Monthly	A new PowerPoint to be created and used during Information Sessions and the same information can be sent to all applicants awaiting an initial visit.
May 2023, 2024 and 2025	Children's Services and Fostering Celebration Event. This is to be run on or around Foster Carer Fortnight.	Annually	
March 2023, 2024 and 2025	Foster Carer Workshop with Children's Services Management, Chief Executive, councillors, and Foster Carers	Annually	
March 2023 onwards	Skills for Fostering training for new applicants Birth children Skills for Fostering training to be undertaken during assessment.	Monthly As and when	New training has been created and a new procedure has also been created and shared with the fostering assessment team and managers.

April 2023 onwards	Fostering Forums to be held at minimum quarterly and face to face.	Every three months	
February and March 2025	Social medica advertising		
March 2025	Implementation of Mockingbird first constellation.	Work ongoing.	Key policies and protocols are in progress.

8. Events

The Torbay Fostering Service have, as part of ongoing recruitment activity and the developed Corporate Parenting Offer, been able to attend and participate in the following 58 events in the year 2024-25

- Armed Forces Day
- Torquay United Event
- Lions Club Community Day
- Paignton/Torquay/Brixham town centres
- Paignton/ Torquay/Brixham/Newton Abbot/Churston Libraries
- Residents Engagement event, Brixham
- Devon County Show
- Torbay Air Show
- Caribbean Family Fun Day
- Galmpton Gooseberry Pie Fayre
- Hookhills Cherry Pie Fayre
- Teignmouth Regatta
- Babbacombe Farye
- Care Leavers Wellbeing Event
- Eat Festival
- Mayfield School
- Winter Fest
- Career Fayre – Torquay
- Torbay Pride
- South Devon College Careers event
- Totnes Christmas markets
- Torquay town hall – Fostering Friendly Event.
- Celebration event for staff and carers
- Online information sessions



In 2025/26, we have 28 planned events so far that we will be attending and providing a platform to promote our fostering service. These events will have representation from our fostering team and other staff members; in addition, current foster carers that have committed to support these events and share their experiences of being a foster carer with Torbay. The events increased in 2024-25 by 13 and therefore there has been a greater presence of the fostering campaign in and around Torbay in the last year.

9. Foster carer support

Performance

Torbay Fostering Service aim to provide the best possible care for children and maintain high standards in respect of children's care. In order to ensure that this is consistently achieved, Torbay have rigorous and comprehensive quality assurance frameworks in place, with audit activity across Children's Services taking place regularly.

The Fostering Service routinely provides reports in respect of the profile of the cared for children cohort and their placement types, information relating to vacancies and investigations, recruitment activity and performance, staffing considerations, training and development, service outcomes and aims and any other information relating to the performance of the service and the wellbeing of our fostering families and our cared for children.

Themes and patterns arising from Fostering Panels are tracked and monitored, with specific actions arising from any consistent areas for development. Compliance with policies and procedures is monitored by managers in supervision and audit and dip sample activity. All staff receive regular supervision, the frequency agreed according to their role, experience and need.

The performance of the service is also monitored within our regulatory framework, and by the Corporate Parenting Board, the Overview and Scrutiny Board, the Continuous Children's Improvement Board and the senior leadership team.

Areas of key quality assurance focus for the Torbay Fostering Service are:

*The numbers of cared for children, in relation to their plan of permanence.
*Placement stability, with a key focus on minimising disruption for cared for children and enhancing placement stability which involves monitoring the number of placement changes for cared for children.
*Placement sufficiency and the recruitment of new fostering families.
*Compliance, including foster carer training, DBS checks, timely Annual Reviews and fulfilment of basic training requirements.
*Timely and quality foster carer supervision.

*Purposeful and comprehensive placement planning meetings.
*The use of placement support and stability meetings.
*The timeliness and impact of unannounced visits.

The Fostering Service have consistently sustained good performance in the four Key Performance Indicators.

Fostering performance as of the 31st March 2025 stands at:

Foster carers with up-to-date training – 100%
Foster carers with up-to-date DBS – 100%
Foster carers with up-to-date medical – 97%
Foster carers with up-to-date Annual Review – 82%

The percentage of foster carers post one year who have completed the minimum (TSD) has increased from 64% on 31st of March 2024 to 100% on 31st of March 2025. Torbay has moved the completion of the TDS from an external agency delivering this training to an inhouse online system during the last year and foster carers receive and induction and support on accessing this in house system. The medicals decreased from 98% to 97% - this is due to delays in appointments not being available within the necessary timescale. There is also a compliance issue regarding medicals for 2 foster carers that are in the process of being addressed. The foster carers Annual Reviews 82% percentage reflects the reviews completed and signed off minus the reports that are in process to be presented at Panel or in the process of being signed off.

Performance against these key indicators is a regular focus of the monthly performance surgeries chaired by the Head of Service, Regulated Services.

Currently, Torbay Fostering Service offer:

- A general foster carer support group which is held monthly face-to-face.
- Monthly support groups around each social worker's caseload
- Foster Carer Forums which are held quarterly.
- Evening support groups and connected carers support groups
- Single foster carers support group.
- Wellbeing walks for foster carers
- Support Group for male foster carers

Foster carers receive financial allowances which value and respect their skills, learning and commitment. Detailed financial information and guidance around expectations are made available to each foster carer. In addition to the financial support, our foster carers benefit from local discounts and offers from providers that have made a commitment to support Torbay's foster care families as part of the Corporate Parenting Offer. Paignton Zoo have made a pledge to provide all of our foster carers an annual family pass in addition to other local attractions providing discounted rates to access to foster carers.

Out of hours support

Torbay Fostering Service currently also have access to an out of hours team which offers direct support to fostering families whereby issues in relation to placement instability have been identified; this is operating through our Building Futures Team and provides a weekly response until 9pm weekdays and a service on weekends 10-6pm Saturdays. In addition, the EDS (Emergency Duty Service) provides advice and support 24 hours, 7 days a week. This is a generic service and will provide a duty response in the event of an emergency.

Support during Allegations

Torbay Fostering Service also commission specialist support, for example mediation or advocacy services, in situations whereby this is required for foster carers through the allegation process. Fostering Service commissions, the independent individual support for foster carers from The Fostering Network to support them through the investigation process.

Training

At Torbay, we believe that every moment of the fostering experience provides rich opportunity for learning and development; we are committed to supporting fostering families to grow and learn and develop their practice and recognise that this will be on an individualised basis, with at times a bespoke training need.

Fostering families begin their training journey during the assessment and approval process and build on this learning as they move on to complete the Training, Support and Development Standards. Fostering families receive a full induction, in order to enable them to understand the expectations of the fostering role, the key principles and values which underpin the fostering role and how they can best meet the needs of the cared for children they may be supporting and caring for.

Foster Carer training includes:

Record Keeping for Foster Carers

Safer Caring
LADO Role and Allegations Against Foster Carers
PACE Training
Delegated Authority for Foster Carers
Paediatric First Aid
Introduction to attachment theory and practice
Grief, Loss and Change
Family Time Supervision
Bridging to Adoption and Permanency
Leaving Care and Transition
Skills to foster (as part of the assessment)
Restorative Practice Deep Dive for Foster Carers
Restorative Language Training
Blocked Care
Safeguarding Level 1 and 2
Introduction to Trans Awareness
Introduction to Domestic Abuse and Violence

Torbay Foster Carers have been able to access relationship and sexual health training, pre-teens and teens brain (Let's Talk) and Autism Foetal Alcohol Spectrum led by NHS in 2024-25.

In certain circumstances, Torbay Fostering Service will explore alternative types of bespoke training for individual or groups of fostering families, where this is an identified need.

10. Special Guardianship Support

As of March 2019, all Special Guardianship assessments and Special Guardianship Support had been held within the Fostering Service. In December 2023, Special Guardianship Support moved to Family Hubs and since this time there has been a joined-up approach between Special Guardianship Support and Regulated Services.

The following staff make up the Special Guardianship Support team:
1 Team Manager – FTE 1 fixed term since January 2024; FTC extended to March 2026 (with oversight for Special Guardianship Support and Breathing Space Service)

3 Community Care Workers

- Full time – FTE 1 fixed term since May 2024; FTC extended to October 2025 (to be moved to base budget within current redesign)
- 4 days – FTE 0.8 permanent
- 4 days – FTE 0.82 permanent

All Special Guardianship Order assessments are undertaken by Social Workers within the Fostering Assessment Team; all support for children subject to these Orders and their families is coordinated through the Special Guardianship Support Team. Referral routes, roles and responsibilities in relation to Special Guardianship Support have been reviewed and will updated Kinship policy and Local Offer as outlined within 'Championing Kinship Care; the national kinship care strategy' (DofE, 2023) and 'Kinship Care: statutory guidance for local authorities' (DofE, 2024).

A Special Guardianship Order tracker is being maintained, to include all those children subject to the Order, the status of the support being offered to them and the dates for review of the Special Guardianship Support plan. Additional reporting capabilities are also expected through Liquid Logic pending a review of the Special Guardianship pathways open for our Special Guardians. This will include trigger dates for the children at the age of fifteen years and six months, which will then prompt a letter explaining their rights to access from the Care Experience service.

Process for establishing sufficient reviewing of SGO Support Plans on an annual basis is under review. For those Special Guardians receiving active support from the team, more frequent reviews of the Special Guardianship Support plan are undertaken in line with the child, Special Guardian, and family need.

Special Guardianship Support team have completed 76 Adoption and Special Guardianship Support applications between April 2024 – March 2025.

An internal Special Guardianship Support working group was initiated in January 2024 in order to consider the support needs of our SGO children and Special Guardians. The working group has considered the findings of a survey completed by 15 Special Guardians and begun work on improving areas of support that Special Guardians have told us matter to them. Some priorities for the working group have been on hold pending publication of new Kinship Care statutory guidance and associated anticipated Kinship local offer. The working group has concluded.

In addition to 1:1 SGO support offered by the team, the following work is being undertaken to enhance support offer to SGO families in Torbay:

Co-production work has been undertaken through a survey, consultation relating to local offer, seeking feedback, and through research project undertaken by Exeter and Plymouth Universities on SGO support networks – final report pending.

Peer support is now well established via monthly support group and a WhatsApp group chat.

Quarterly SGO event days are continuing with positive response and feedback from SG families who attend.

SG training pathway has been created on iLearn.

SGO support is included within access to services information on Family Hubs Website – this will be expanded upon once the Kinship Local Offer is published.

Updated guidance regarding SGO support plans has been issued. There is an increase in these being directed to SGO Support Team Manager for QA, however this systemic change has not yet been embedded. Learning from complaints tells us that further guidance and training is required for SGO support plans.

In conjunction with the Learning Academy and the charity, 'Kinship', Special Guardians have access to specific training opportunities and also benefit from our growing Corporate Parenting Offer. In addition, Special Guardianship support groups are in place, and we will look to develop this over the next year and also through Torbay's ongoing Family Hub implementation.

11. Key Priorities and Actions of the Service in 2025/26

- Embed the Stable Homes Built on Love reforms including strengthening our offer to those children in a kinship arrangement.
- Strengthen the process of reunification with timely reviews and assessments to inform good quality planning.
- Relaunch the fostering website and associated branding with communications, and links to both Fostering South West and the Torbay Family Hubs website.
- Make the fostering brand recognised and effective and linked in with the Fostering Hub.
- Progress a community of foster carers for our children in Torbay within a Mockingbird community 'constellation' and continue to work with the Fostering Network.
- Embed the new process of the Fostering Hub and readiness for increased enquiries.
- A review of the Fostering Contract will be finalized, to support a relevant and up to date response to our inhouse fostering carers.
- Ongoing consultation with foster carers will take place over this year via thematic surveys looking at specific topic such as their participation within the professional groups working with the children, training and development, support systems within the inhouse fostering, developing back up carers and use of enablers and other support services.
- Continued development of our offer of Parent and Child placements, with a clear support and assessment plan.

- Whilst the number of cared for children reduces, there remains a vital need for greater variety in respect of the nature of in-house placements on offer to our cared for children, particular our older children, our sibling groups and our children who have additional or more complex needs. As such, recruitment must and does remain a key priority.
- Continue to implement the Former Foster Carer SGO Offer and secure Special Guardianship Orders in respect of identified children who could achieve enhanced permanence through this option.
- Increasing the numbers of cared for children engaged in the Cared for Council.

Report authored by:	**Colin Schumacher (Head of Service), Rebekah Shephard and Gina Powell (Service Managers)**
Date:	
Date of Review:	**1st April 2026**