

## neighbourhood plans

---

**From:** Pickhaver, David  
**Sent:** 15 December 2017 17:00  
**To:** neighbourhood plans  
**Cc:** Future Planning; Pickhaver, David; Luscombe, Adam  
**Subject:** Paignton Neighbourhood Plan Regulation 16 Response by Torbay Council as LPA  
**Attachments:** Torbay comments on Draft PNP\_31\_05\_2017.docx; Paignton\_NP\_Reg15RepsLPA\_15Dec.docx

Dear sir/madam

Please see attached Reg 16 representation by Torbay Council as the Local Planning Authority on the Submitted Paignton Neighbourhood Plan. I have also attached the LPA's response to the Reg 14 Pre Submission Draft. As LPA, we request to be involved in the Examination process.

Regards  
David Pickhaver

David Pickhaver  
Senior Strategy and Project Officer  
Strategic Planning  
Spatial Planning  
Torbay Council  
Postal address: Electric House, Castle Circus, Torquay, TQ1 3DR  
Tel: 01803 208814  
Fax: 01803 208882  
E mail: [David.Pickhaver@torbay.gov.uk](mailto:David.Pickhaver@torbay.gov.uk)  
Web site: [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan)

*Information in this message is confidential and may be legally privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender and please delete the message from your system immediately. The views in this message are personal, they are not necessarily those of Torbay Council.*

---

**From:** Pickhaver, David  
**Sent:** 31 May 2017 13:53  
**To:** 'D Watts' <dwdw@paigntonneighbourhoodplan.org.uk>; 'submissions@paigntonneighbourhoodplan.org.uk' <submissions@paigntonneighbourhoodplan.org.uk>  
**Cc:** 'David & Christine Watts' <dwdw.cw@blueyonder.co.uk>; Luscombe, Adam <Adam.Luscombe@torbay.gov.uk>; Gunther, Andrew <Andrew.Gunther@torbay.gov.uk>; Brooks, Tracy <Tracy.Brooks@torbay.gov.uk>  
**Subject:** Torbay comments on Draft PNP\_31\_05\_2017

Dear David  
Please see Torbay Council's representation on Paignton Neighbourhood Plan. I would be grateful if you could acknowledge its receipt, please.

I understand that the TDA will be making comments on behalf of the Council as land owner and the TDA's other remits.

Kind regards  
David

David Pickhaver  
Senior Strategy and Project Officer  
Strategic Planning  
Spatial Planning  
Torbay Council  
Postal address: Electric House, Castle Circus ,Torquay,TQ1 3DR  
Tel: 01803 208814  
Fax: 01803 208882  
E mail: [David.Pickhaver@torbay.gov.uk](mailto:David.Pickhaver@torbay.gov.uk)  
Web site: [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan)

*Information in this message is confidential and may be legally privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender and please delete the message from your system immediately. The views in this message are personal, they are not necessarily those of Torbay Council.*



**Please reply to:** Adam Luscombe  
Team Leader – Strategy and Project Delivery  
Spatial Planning  
Electric House (2<sup>nd</sup> Floor)  
Torquay  
TQ1 3DR

The Independent Examiner appointed to examine Paignton Neighbourhood Plan.  
c/o Torbay Council  
(Sent by email –  
[neighbourhood.plans@torbay.gov.uk](mailto:neighbourhood.plans@torbay.gov.uk))

**Telephone:** 01803 208804  
**E-mail:** [future.planning@torbay.gov.uk](mailto:future.planning@torbay.gov.uk)  
**Date:** 15 December 2017

---

Dear Sir/Madam,

### **Publication response to the Paignton Neighbourhood Plan (Regulation 16)**

Torbay Council welcomes the opportunity to provide comments on the Submitted Paignton Neighbourhood Plan at this Regulation 16 stage. We note that the community has undertaken significant time and effort over a number of years in creating a plan and the Paignton Neighbourhood Forum should be commended for their efforts.

The comments provided by the Local Planning Authority at this stage follow on from previous comments made on preceding versions of the Plan, both formally at Regulation 14 stage as well as informally at earlier stages of the plan's production.

The LPA has previously complimented the Forum on the clarity and professional presentation of the Submitted Plan. Nevertheless the LPA must maintain its objection raised at Regulation 14 stage, and before, that the Plan is not in general conformity with the strategic policies of the Adopted Torbay Local Plan; principally because it makes no site allocations but also because the net effects of some of the policies would be to promote less development than the Adopted Local Plan. The LPA has offered, and continues to offer, to work with the Forum to bring forward allocations based on the evidence base set out in the Local Plan, and to assist with additional SA work.

An additional concern is that the lack of a Policies Map makes the plan difficult to interpret. The LPA has offered to assist the Forum in the preparation of a Policies Map.

In respect of Local Green Spaces allocated as part of the plan proposal, the LPA wishes to make clear that a separate response by the Torbay Development Agency on behalf of Torbay Council, in its capacity as landowner where relevant, has been made. Notwithstanding this response, the LPA believes that there are proposed Local Green Spaces contained within the plan proposal which may meet the criteria outlined in the National Planning Policy Framework (paragraph 76 and 77). This representation from the LPA does include objection to a limited proportion of Local Green Spaces where it is felt that they are not in general conformity with the Local Plan.

The attached statement and schedule sets out the LPA's concerns in more detail. The LPA would like to underline that in its view that these objections can be resolved through modifications to the plan, although these would require further public consultation.

The LPA would welcome the opportunity to be present at any Hearings organised as part of the Examination and/or submit additional information to elaborate further, if it is deemed that this is required as part of the Examination process.

The LPA looks forward to the progression of the Paignton Neighbourhood Plan.

Yours sincerely,

**Adam Luscombe**

Team Leader – Strategy & Project Delivery

## **Paignton Neighbourhood Plan (Reg 15 Submission version)**

### **Regulation 16 Representation by Torbay Council as Local Planning Authority.**

#### **1. Introduction**

1.1 This statement sets out Torbay Council as Local Planning Authority's (LPA's) comments on the Submitted Paignton Neighbourhood Plan (Regulation 15 Version). It supplements the representation made by Torbay Council (as LPA) on the Pre-submission (Reg14) draft, which were submitted on 30<sup>th</sup> May 2017, as well as previous correspondence between the Forum and LPA. Separate representations will be submitted by the Torbay Development Agency on behalf of the Authority's landownership and housing interests.

1.2 The LPA has worked with the Neighbourhood Forum and again acknowledges the very significant amount of hard work that the volunteers have put into the Submitted Neighbourhood Plan proposal. Whilst there have been disagreements between the Forum and LPA, the Paignton Neighbourhood Forum has always expressed its views, which it is accepted are honestly held, in a professional way and avoided making personal attacks. This is appreciated.

1.3 It is noted that Paignton Neighbourhood Forum's and area's status was unanimously (re)approved by full Council on 7<sup>th</sup> December 2017 when the regulation 5 and 8 Applications were considered. Members had before them a very detailed 37 page report which touched on, albeit indirectly, on some of the matters relating to the Submitted Local Plan. Nevertheless the Council resolution on the Regulation 5 and 8 Forum and Area Status indicated that Forum renewal was without prejudice to the LPA's representations of the Submitted Plans.

1.4 The following sets out the LPA's officers' professional advice that the Submitted Neighbourhood Plan presents a lower rate of growth than the adopted Torbay Local Plan and would establish a more restrictive planning regime than set out in the Local Plan. Nevertheless the following is intended as constructive advice, within the intention of convincing the Independent Examiner that Modifications are needed to the Plan in order for it to fulfil the basis conditions.

1.5 For the avoidance of doubt, the LPA is well aware that the "basic conditions" are not the same as Local Plan tests of soundness. In summary they require a neighbourhood Plan to:

1. Have regard to national policies and advice contained in guidance issued by the Secretary of State (e.g. the NPPF)
2. Have Special regard to the desirability of preserving any Listed buildings or its setting or any features of special architectural or historic interest that it possesses.
3. Have special regard to the desirability of preserving or enhancing the character or appearance of any conservation area
4. Contribute to the achievement of sustainable development
5. Be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

6. Not breach, and is otherwise compatible with, EU Obligations
7. Comply with such matters as are prescribed in Regulations.

1.6 In the LPA's view policies in the Adopted Torbay Local Plan 2012-30 are capable of being strategic, but particular attention is drawn to:

- All Spatial strategy and policies for strategic direction (Part 4, Policies SS1-14).
- All Strategic delivery area policies (Part 5, "SD" Policies).
- Policies in "Part 6 Policies for managing change" which contain strategic elements, as assessed against NPPF156 and the PPG (Part 41-074-20140306). The degree to which these are strategic will depend also on the scale and nature of proposals/ Neighbourhood Plan policies.

## **2. The LPA's Main Concerns in More Detail**

2.1 It is disappointing that Paignton Neighbourhood Forum opted not to have an NPIERS Health Check of the draft Plan, as this may have helped resolve some of the concerns set out in this statement. Similarly, the Forum has largely rejected the representations made by the LPA at the regulation 14 Pre-Submission consultation stage. Given that these go to the heart of the disagreement between the Forum and LPA, this comes as no surprise: the matter is one that the Independent Examiner will need to adjudicate upon, taking all the evidence into account.

2.2 Nevertheless the LPA is keen to work with the Forum to ensure that a Plan is prepared that is capable of being made.

2.3 Whilst the Submitted Neighbourhood Plan is professionally written and well presented, the LPA must retain its serious objection that the Plan as submitted is not in general conformity with the strategic policies of the Adopted Torbay Local Plan 2012-30 and presents a strategy that does not pay sufficient regard to National Policies set out in the NPPF.

2.4 The LPA's objection has been discussed with the Forum on various occasions already and formally set out in the LPA's Reg 14 response of 14<sup>th</sup> May 2017. The LPA has raised the matter with the Forum on several other occasions including former Head of Planning, Pat Steward's letter of 21 January 2016, and emails of 19<sup>th</sup> November 2015, 16<sup>th</sup> December 2015, and May 11<sup>th</sup> 2016.

2.5 The principal objection is that the Submitted Neighbourhood Plan does not make site allocations for either employment or housing land. Combined with the restrictive nature of other policies, including extensive restrictive allocations such as Local Green Spaces, rural character area etc., promotes a lower level and

decelerated rate of growth than the Local Plan, contrary to the basic conditions<sup>1</sup> and paragraph 184 of the NPPF.

2.6 It is also contrary to the Government’s intention set out in the Housing White Paper and elsewhere to boost housing supply. The Forum has formerly objected to the Torbay Local Plan on the basis that it does not support the growth strategy set out in the Local Plan, and this view is maintained in the documents that accompany the Neighbourhood Plan submission.

2.7 The result, if the Plan is made, will be a legally binding development plan which is more restrictive of development than the Local Plan. The Independent Examiner will need to come to a view about whether a more restrictive view of growth is justified in the face of Torbay’s environmental constraints, in the face of National policy and local need. However, in the LPA’s view such an approach is contrary to Paragraph 184 of the NPPF.

2.8 The issue will inevitably need to be scrutinised at the Neighbourhood Plan Examination, and the LPA reserves the right to present additional evidence to that examination. However the LPA points out that the level and phasing of growth is set out in the Local Plan, which has been through Examination and adopted.

2.9 Subsequent to the Local Plan’s adoption, the 2014 based Household Projections were released in 2016. These are higher than the 2012 based Projections that informed the background evidence to the Adopted Torbay Local Plan.

2.10 The unalloyed 2014 based Household Projections are for 8,219 additional households between 2012-30. Adjustments will need to be made to translate households into housing numbers, which usually results in an upwards shift.

**DCLG 2014 Based Household Projections (Published July 2016)**

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
<b>Households</b>	59.412	59.751	60.307	60.671	61.123	61.563	62.01	62.466	62.94	63.411
<b>Per year increase</b>	339	556	364	452	440	447	456	474	471	471

Year	2022	2023	2024	2025	2026	2027	2028	2029	2030
<b>Households</b>	63.882	64.357	64.832	65.311	65.782	66.264	66.731	67.178	67.631
<b>Per year increase</b>	475	475	479	471	482	467	447	453	433

<sup>1</sup> Town and Country Planning act 1990, Schedule 4B as inserted by Section 116 of the Localism Act 2011.

2.11 The Forum is aware of and has made representations to DCLG's consultation on establishing a standardised objectively assessed need (OAN) for each area. Whilst this is a draft document, it is noted that the suggested OAN figure for Torbay is 588 dwellings per year, which is higher than the Local Plan's "policy on" housing requirement (albeit lower than the OAN assessed by the Local Plan Inspector as being around 615 dwellings per year).

2.12 The above point is not intended to unseat the Local Plan housing requirement of 8,900 dwellings between 2012-30. However, more recent evidence of OAN suggest that the figure remains justified in order to meet demographic need and there is no justification to draw back from it on the assertion that jobs have not been created, or on the assumption that future Projections will be lower than 2014 based Household Projections (as argued in Figure 2.4.1 of document 3 "Supporting Evidence" and Section 3 plus Appendix 4 of Document 1 "Basic Conditions Statement").

2.13 At the time of writing, the most recent NOMIS figures for job creation are from 2015. These show a slight fall in employment from 2012, but it is too early to assess the impact of the South Devon Highway, which opened in December 2015. In addition, the above demographic data would indicate that the Local Plan's housing target remains justified in terms of OAN.

2.14 Whilst the Forum has not objected to the Local Plan's employment creation target, the Submission Neighbourhood Plan does not make site allocations for employment land, which threatens to undermine the delivery of the Local Plan's target of 30,100 sq. m of employment floorspace as set out in Policy SDP1 of the Adopted Local Plan.

2.15 The Forum's position is understood to be that there is no requirement under the Localism Act 2011 or subsequent legislation to compel Neighbourhood Forums to make site allocations, and that employment take-up does not justify releasing more housing land. However the Torbay Local Plan *does* require the Neighbourhood Plans to allocate sites, and sets out this strategy in Policy SS1, SS5 (in relation to employment sites), SS12 (housing) and SS13 (maintaining a five year housing land supply). Policies SDP1-3 provide a broad framework for Paignton Neighbourhood Plan, whilst a pool of sites is contained in Appendix C. The Local Plan Inspector, Mr Keith Holland expressed concern about the reliance on Neighbourhood Plans to make site allocations, but nevertheless found the Plan Sound, with appropriate Modifications. He nevertheless noted that if the Neighbourhood Plans were not made, the Council could find itself without a five year supply, which could reduce Torbay's ability to control development. The Inspector's Report is available online at <http://www.torbay.gov.uk/media/7598/ph24.pdf> . In addition the NPPF and PPG (41-043-20140306) indicate that "every effort" should be made to meet local needs through the neighbourhood planning process.

2.16 Part of the Forum's argument for not making site allocations is that there is a stock of sites, including windfall sites (5 or fewer dwellings) capable of meeting the requirement for years 6-10 of the Plan period (Appendix 1 of document 3 Supporting evidence). The Local Plan housing trajectory and five year supply position, but assume that 130 dwellings a year



will arise from windfall sites. Over the Plan period the actual figure has been 97 dwellings per year as set out below.

Year	Windfall Completions
12/13	90
13/14	99
14/15	112
15/16	99
16/17	86
Total	486
Average	97 per year

2.17 In terms of the current stock of housing sites, the LPA has assessed that there is a stock of 2,282 deliverable dwellings against a five year supply target of 2,822. Consequently, the Council is now unable to demonstrate five years supply of deliverable sites, which has consequences both for the Neighbourhood Plans and decision making.

2.18 Policy SS11 of the Local Plan sets out a number of remedies to this, including preparation of a site allocation development plan document. Preparation of a site allocation DPD will take considerable time and staff capacity which has shrunk significantly following adoption of the Local Plan. Preparing a site allocations DPD would inevitably raise issues around the overall growth levels and pace of development, as well as other strategic and practical development management issues. Such arguments have been raised in the Neighbourhood Plan's accompanying evidence, such as

Appendix 4 of the Basic Conditions Statement and Part 2.2 of the Supporting Evidence document. The first five year review of the Local Plan is in any case due in 2020, and the LPA will commence preparation of the first review evidence base in early 2018 in order to carry out the first review on time.

2.19 Torbay, in common with many other areas, has a pressing need for affordable housing. The unaffordability of housing is a factor in boosting the DCLG draft OAN figure above household projection levels. There are currently over 1,000 households on the waiting list for affordable housing. The refusal to make site allocations and reliance on small windfall sites will reduce the availability and choice of affordable housing, which is likely to significantly affect working people on low incomes.

2.20 The other option, which is more likely given that preparation of a DPD will take time, is for decision takers to carry out development management and other planning functions on the basis of the LPA not being able to demonstrate a five year supply. The implications of this is now well rehearsed, since the Courts have provided extensive judgements on the interpretation of NPPF 47, 49 and 14<sup>2</sup>. Because the submitted Plan does not make site allocations, it will not be able to benefit from Gavin Barwell's Ministerial Statement of 12 December 2016 (HCWS346).

### 3. Policies Map

<sup>2</sup> Supreme Court (Lord Carnwath) Suffolk CDC vs Hopkins Homes etc. [2017] UKSC37  
 Court of Appeal (Lindblom LJ) Barwood Homes  
 Court of Appeal (Lindblom LJ) in St Modwen Developments [2017]EWCA Civ 1643

3.1 The LPA previously advised that the Plan would be much more legible with a policies map setting out proposals for each area. Whilst the Submitted Plan contains sections for each area, it is difficult to see easily which policies or proposals apply to each area, which could result in matters being missed in development management. In many instances the inset maps are at too small a scale to see exact boundaries. From the writer's experience with another LPA, Development Management Officers' time is limited and matters will get missed if not presented in a legible form. This is not in anyone's interest.

3.2 The LPA has offered to provide the required map for a fixed price of £1,000 which is below cost price (taken from Neighbourhood Planning's Frontrunner budget).

#### **4. School Site**

4.1 The LPA's letter of 30<sup>th</sup> May 2017 refers to the pressing need in Paignton to identify school sites equivalent to 3 forms of entry at primary level. This is likely to be in the form of one 1FE and one 2FE schools. The Education and Schools Funding Agency have been investigating sites in or near Preston for a 1FE school following the full Council's refusal of Parkfield. The submitted planning application at White Rock/Inglewood (P/2017/1133) also contains a proposal for a school site.

4.2 Introducing a modification to the Plan to accommodate a school site would provide a very significant community benefit. The LPA wishes to maintain a dialogue with the Forum on the matter.

#### **5. Phrasing**

5.1 May policies still retain a blanket statement that "Proposals that prevent (the above stated criteria etc.) from being achieved will not be approved". The LPA has argued for a positive statement that proposals which do contribute...will be approved. In addition there are some Policies where it would be unreasonable to expect every application to meet the list of criteria set out in the Policy. These are identified in the accompanying schedule.

5.2 Policy PNP1 and annexes is very long and should be split into several policies in order to assist with the Plan's legibility. This will increase the number of Policies, but will make the Plan clearer. Unfortunately, the LPA believe that the length of the appended policy accompanying PNP1 contribute to the thrust of the Plan which is to resist development, rather than to provide a supportive framework for sustainable growth.

5.3 As a stylistic point, the Government has indicated that it intends to publish a new NPPF. On this basis it is probably better not to quote the NPPF in upper case policy, although it could be referred to in the Written Explanation.

#### **6. The way forward**

6.1 The above objection is not intended to detract from the LPA's view that the Plan is well written and concise, and represents a great deal of hard work by volunteers who want the best for their area. The attached schedule (Appendix 1) to this statement summarises the LPA's representations at Reg 14 Stage and how these have been addressed (or not) in

the Submitted Plan. It is recognised that a number of amendments were made to policies prior to the Regulation 14 consultation.

6.2 Whilst the LPA objects to the Submitted Neighbourhood Plan in its current form, it is capable of being modified by making clear site allocations for housing or employment, either by drawing on the pool of sites identified in the Local Plan or by introducing additional sites. It has previously been noted that there is a degree of conflict with some of the Local Plan Appendix C sites and the Neighbourhood Plan's proposed Local Green Spaces, particularly at Oldway Mansion. However, these issues are not intractable and it is likely that some compromise could be reached if the TDA and Forum recognise that each body has objectives which need to be fulfilled.

6.3 As previously set out, the LPA has offered to assist with the additional SA/HRA work that making clear site allocations would entail, as well as producing a Policies Map.

6.4 The above sets out the LPA's view of the Submitted Plan. Torbay Development Agency will be submitting separate comments on behalf of Torbay Council as landowner (not LPA).

## Appendix 1 Schedule of Detailed Comments on Paignton Neighbourhood Plan Policies

The final column indicates a traffic light (RAG) summary as follows: **Red** = Objection, **Amber** = some concerns (object in current form, but Policy capable of modification), **Green**= Support (n.b. some support comments have caveats). This is intended as a general summary and should be read in the context of the response column.

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
General phrasing		As a general point, the Council would suggest that policies should be worded positively i.e. "permission will be granted where...." Since this is more in accordance with the Presumption in favour of sustainable development.	This point remains. It is acknowledged that the Forum has considered this point and some "positive" phrasing has been introduced where the Forum sees fit e.g. PNP1. However the bulk of policies remain worded negatively i.e. proposals that do not....will be refused.	<b>Concerns</b>
PNP1: Area Wide Policy- More Jobs	17	Support the positive emphasis of this policy. Under Point C the employment sites should be allocated.	Comment as per Reg 14 Draft. Employment sites should be allocated.  A brief definition of "spaceless growth" in the explanation would be helpful.	<b>Object</b> (due to lack of allocation)
PNP1 Area Wide Policy- More Homes	17	Note the overarching comment above. The Council would prefer a reference to a housing target retained at point (e). Under Point (e) Housing sites should be allocated.	Comment as per Reg 14 Draft. Housing sites should be allocated and a target given (4,200 as per Policy SDP1 of the Local Plan).	<b>Object</b> (due to lack of allocation)
PNP1 Point F: HMOs	17	Support the intention and wording of point (f). As a point of information, the Article 4 Direction on Class C4 HMOs has not been implemented and would not in any event	Point F is supported. The Neighbourhood Plan is not capable of empowering an Article 4 Direction that the Council has not enacted.	<b>Support</b> with caveat

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
		<p>affect large HMOs (which need planning permission).</p> <p>It is noted with thanks that the wording of point (f) has been amended in line with earlier suggestions,</p>		
PNP1 (h) and (i)	17	<p>Keeping jobs, homes and retail in balance is supported; but it may not be practical to review accurately on an annual basis, particularly as NOMIS figures are several years behind the present. Annual Survey of Hours and Earnings data may not be particularly accurate at a small area level.</p> <p>As noted above, the policy should not be used to ration housing delivery for reasons other than infrastructure constraints.</p>	<p>As noted at Reg 14 stage it is not possible to monitor jobs on an annual basis as accurate data is not available. Housing development cannot respond on an annual basis. Whilst the LPA has sympathy for the intention of points (h) and (i) they are likely to be tantamount to a phasing that promotes less growth than the Local Plan.</p> <p>The issue of jobs/housing balance may be better addressed at the Local Plan first review, although as noted above there would have to be very good reasons for an LPA to assess OAN as being less than its household projection.</p>	<p><b>Object</b> in the context of no site allocations and restrictive phasing.</p>
PNP1 (K) Drainage	17		<p>Advice from the Peer Review of Torbay's Development Management service advised that it would only be proportionate to seek full drainage details from major applications prior to granting planning permission.</p>	

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			The criteria could be added to the clauses in Annex 3 as a standalone policy.	
Annex 1 to PNP1	20	<p>Local Green Spaces, Rural Character Areas and the proposals for Local Food are substantive issues and consideration should be given to whether they would be better placed in their own policies rather than an annex to PNP1.</p> <p>The designation of <b>Rural Character Areas</b> is a sensible way of providing a level of protection less than LGS to wider rural character areas.</p> <p>This Policy should be considered in the Light of Local Plan Policy C1 and development considered suitable to the 'Countryside area'. Reference to the Torbay <a href="#">Landscape Character Assessment</a> would be helpful.</p> <p>The Rural Character Areas policy should not impose a level of protection akin to a "green belt" and the comment above about positive phrasing of policies in relevant.</p>	<p>The matters set out in this policy are weighty and ought to be standalone policies for ease of interpretation. If made, the policies will be used by decision makers and stating them as individual policies will assist in referencing them and make the considerations more legible.</p> <p>It is noted that Annex 1 contains significant policies that militate against development. Coupled with the Forum's refusal to make site allocations, this contributes to the LPA's objection that the Neighbourhood Plan promotes less development than the Local Plan and is not in general conformity with it.</p> <p>The LPA has not objected to <b>Rural Character Areas</b>, and notes that a reference to the Landscape Character Assessment of Torbay has been included as a footnote. A hyperlink would be even better <a href="http://www.torbay.gov.uk">www.torbay.gov.uk</a> <a href="http://www.torbay.gov.uk/council/policies/planning-policies/evidence-base-and-monitoring/">http://www.torbay.gov.uk/council/policies/planning-policies/evidence-base-and-monitoring/</a></p> <p>As previously noted Rural Character Areas should not be interpreted as de facto green belts, and the</p>	<p><b>No objection in principle.</b></p> <p><b>Objection</b> in the context of no site allocations and some site specific objections</p>

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
		<p><b>Local Green Spaces</b> (LGS) have a weight akin to green belts (NPPF 78) and should therefore be used sparingly. LGS should not be applied to land that has development potential.</p> <p>The Torbay Development Agency will comment specifically on LGS that impact on Council landholdings. Oldway Mansion's designation as a LGS conflicts with proposals for the site.</p> <p>There is a slight difference in protection afforded to LGS in this Policy verses other Policies e.g. PNP9 Victoria Park point (a)</p> <p>With these caveats, the policy wording for LGS is sensible.</p> <p>The intention of the additional text on <b>local food</b> production and agriculture in is supported. It is noted that the wording has been re-phrased to relate largely to matters that require planning permission.</p> <p>Point (a) Little Blagdon Farm appears to conflict with the adopted masterplan for Collaton St Mary. You will also need to</p>	<p>need to "demonstrably conserve or enhance" is a significant test.</p> <p>Point (b) Should not rule out biodiversity offsetting in all instances, although the LPA would support it being a last option (NPPF 118).</p> <p>Whilst the LPA has sympathy with the intention of the policy to promote small scale ecological farming, this will often not be within the scope of planning control. (Although it is noted that emerging Plan has previously been amended so this is a general observation and not an objection.</p> <p><b>Local Green Spaces (LGS).</b> This is a sufficiently weighty matter to be a standalone policy. The single list of LGSs is welcomed. Whilst a map is provided, and plotting them on a policies map would assist in the Plan's interpretation. At present the LGSs are spread about Part 7 of the Plan, and reproduced at a small scale, which makes interpretation difficult.</p> <p>The LPA has always taken the view that LGS will need to be assessed on their conformity to NPPF 78. This states that they will not be appropriate for most areas and that they should not be used where the land is subject to development proposals.</p>	

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
		<p>ensure that the additional allotments proposed in c) are deliverable.</p> <p>Whilst the intention behind point (d) is noted, it is likely to encounter legal difficulties. It may also militate against the aspiration in the NPPF and Housing White Paper to expedite development.</p>	<p>The LPA made initial comments on the LGS in an email of 20<sup>th</sup> October 2016.</p> <p>As an aid to decision making, the written explanation could include evidence that an applicant would need to provide to show that the LGS is no longer used. (This is a general comment, not an objection).</p> <p>Specific comments on individual LGSs are as follows:</p> <p><b>PLGS01 Paignton Green.</b> This appears to still cover the toilet buildings at the south of the area, although it is difficult to see from the map on P70. The LPA previously advised that these be removed.</p> <p><b>PLGS04 Queens Park</b> See policy PNP10 below. It is noted that Queens Park is an appendix D site (PNPH17). It is understandable that the Forum do not wish to see the area developed, but alternative sites should be identified. This is without prejudice to comments that the TDA may wish to make as landowner.</p> <p><b>PLGS14 Parkfield.</b> The LPA's comments of 20/10/16 have been partly superseded by Council's refusal of the site for a school. However the LGS designation does appear to sit uneasily with the use</p>	



Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>of Parkfield. The LGS should not interfere with enhanced recreational use of the centre, and a safeguard to this effect should be stated.</p> <p><b>PLGS20 Oldway Mansion.</b> It is accepted that Oldway mansion and its grounds are of value to the community and are of wider historic interest. Oldway Mansion is a Grade 11* Listed Building and the Gardens are also listed. Securing the future of Oldway is of strategic importance to the Bay. The LGS covers an extensive area and washes over the whole of the Oldway complex, including significant developed areas and parts of Oldway proposed for enabling development. A solution to the area will need to incorporate enabling development in order to secure the longer term conservation of Oldway, and on this basis the LPA must maintain its objection to the blanket LGS.</p> <p>This should not be seen as a blanket objection to PNF's desire to save this important heritage asset and the Forum should work with the TDA to agree a form of words that will allow these objectives to be met.</p> <p><b>PLGS24 Occombe Woods.</b> It has recently been brought to the LPA's attention that PLGS24 Occombe Woods is in part within private ownership</p>	

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>and the LPA would question whether this portion of land is of sufficient merit to warrant LGS status in the face of likely landowner objection.</p> <p><b>PLGS32 Clennon Valley.</b> It is very difficult to see which areas are covered given the small scale of the map on p83 of the Plan. There is strong community support for the protection of Clennon Valley. However the LGS designation should not prevent the area's use for recreational purposes and associated development such as pitches. The leisure centre appear to be outside the LGS, which is welcomed.</p> <p><b>PLGS34 Quay West Corner.</b> The LPA has previously suggested that the area is more appropriately designated as an Urban Landscape Protection Area (ULPA) rather than an LGS, but does not see the matter as being of strategic significance.</p> <p><b>PLGS57 Westerland Valley.</b> This area appears to be part of an extensive tract of land, particularly as it runs to the boarder with the South Hams and</p> <p><b>PLGS54 Great Parks.</b> It appears to seek to create a de facto green belt rather than meet the criteria in NPPF77. It is also with in the Rural Character Area</p>	

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>in Policy PNP19/Figure 6.10, which may be the more appropriate designation.</p> <p><b>PLGS58 Yalberton Valley</b> also appears to be an extensive tract of land, although it is recognised that parts of it are of demonstrable local value.</p> <p><b>PLGS59-62 Collaton St Mary.</b> The LPA does not object specifically to these LGSs, but they should not prevent the realisation of the Future Growth Area (Policies SS2, SDP3 of the Local Plan and adopted SPD). However insofar as the proposed LGSs identify parcels of land in, or close to, the Future Growth Area that are of demonstrable value to the local community; then they appear compatible with the Local Plan's proposals. (See also Policy PNP24 below)</p> <p><b>Local Food</b> Production Issues are noted at Reg 14 stage. Point (d) may not be practical or safe if land is contaminated. Whilst the aspiration is supported, the LPA would not be able to enforce temporary food production, and it could militate against such sites being deliverable development sites. The point would be better stated as an aspiration.</p> <p>The LPA objects to the proposal for a local food hub at <b>Little Blagdon Farm</b> as this could conflict with Policy SDP3 of the Local Plan. It should be made</p>	

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			more flexible to propose a Local Food Hub in the Collaton St Mary Future Growth/Masterplan area.	
Annex 2 Design Guide	27	The issues covered in this Annex are substantial and may be better placed as separate policies rather than an Annex.	The issues covered in this Annex are substantial and may be better placed as separate policies rather than an Annex.	<b>In principle support</b> with caveats

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
		<p><b>Design:</b> The intentions of this section are supported. They need to be proportionate to the scale of the proposal.</p> <p><b>Biodiversity and Treescape</b> Seeking net biodiversity gains is supported. The Forum should consider the viability impacts of the required residential facilities, but this is intended as a general observation and not an objection to this policy.</p> <p><b>Residential facilities (Including low carbon section).</b> The intention of these criteria is supported. Again, a general comment, the Forum should consider the impact on development viability.</p> <p><b>Criteria (O)</b> Homezone design is in principle supported, but where possible applications should make provision for sufficient off street parking (Local Plan Policy TA3 refers).</p>	<p>As noted requirements should be proportionate to the scale of development, and the comments made at Reg 14 remain relevant.</p> <p>There is a great deal of “good stuff” in the design principles, but they should not be imposed in an over rigid way, as a rigid interpretation would go beyond national and local validation requirements. Some details are very prescriptive e.g. point 19 requiring 240 litre bins. This be better placed in guidance rather than upper case policy.</p> <p>If applied inflexibly some of the criteria could impact on development viability, for example points 13-14 requiring any tree lost to be replaced by three trees.</p> <p>Point 13 “Treescape” should also take account of the quality/ecological and visual value of trees as well as numbers.</p> <p>Point 20. A minor clarification is needed to confirm whether one or two cycle spaces peer dwelling are required (The Local Plan seeks two).</p> <p>The Design Guide is silent on car parking, and the LPA would not object if the Forum sought to strengthen the guidance in Policy TA3/ Appendix F</p>	

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>of the Local Plan. The Forum will recall that it made representations on parking at the Local Plan.</p> <p>The criteria for designing out crime are particularly supported.</p>	
Annex 3 to Policy PNP1: Surface Water	30	The emphasis on sustainable drainage is supported. Given the importance of the issue of surface water, consideration should be given to whether it should be a dedicated policy rather than an annex.	<p>The Forum would be the first to acknowledge the importance of flooding issues. Accordingly Policy should be a standalone policy rather than an annex. The emphasis on sustainable drainage and water sensitive urban design is supported.</p> <p>Point a) is supported but should be proportionate to the proposal and take into account site specific matters such as contamination and ground conditions.</p> <p>Point d) waterless toilet systems will need to be interpreted proportionately- the LPA would not be able to refuse a planning proposal simply because it did not incorporate waterless toilets, except in the most exceptional of circumstances.</p>	<p><b>No objection</b> with caveat about site conditions and soil closets. The annex should be a standalone Policy</p>
PNP2 Town Centre	33	Support the positive tone of the policy. Reference to improving permeability between the Garden Town, seafront and Old Town is supported.	<p>Support as per Reg 14</p> <p>The Neighbourhood Plan should refer to the adopted Town Centre Masterplan, which is a supplementary planning document, e.g. in the text</p>	<p><b>Support</b> (subject to provision of a Policies map).</p>

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>on P32. The SPD is also relevant to the other town centre policies.</p> <p>Although a small scale map of the town centre is produced at Figure 6.3, this would be much more legible if shown on a Policies Map.</p>	
PNP2-11 Town centre sites	33-42	<p>The inclusion of design led policies for town centre locations is supported. It is recommended that you liaise with the TDA/Council to ensure that these help deliver Policy SDP2 and town centre masterplan.</p> <p>The Council is likely to support funding of some urban realm proposals through CIL, should s106 prove to be an inadequate funding mechanism. The Regulation 123 list would need amending to include specific items. The Forum may also consider including some urban realm items to spend the Neighbourhood Portion of CIL on.</p>	<p>As per Reg 14 stage comments and specific comments below.</p> <p>It would be useful to refer to the adopted Town Centre Masterplan SPDs.</p>	<b>Support</b> town centre focus but should not prevent town centre regeneration
PNP3 Paignton Harbour	34		As noted above the Policy should not prevent regeneration proposals for Paignton Harbour, but the criteria in PNP3 are supported.	<b>No objection</b> with caveat

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
PNP4 Seafront (i) Vue Cinema	35	No objection to the long term aspiration to relocate the Vue cinema from the Esplanade. Consideration should be given to whether the location (of a relocated cinema) should be to a town centre location.	See comment in relation to PNP2-11 above.  The relocation of the Cinema is an aspirational policy, and may not be practical for financial reasons. The Forum may wish to consider guidelines for alternative locations (e.g. within the town centre etc.). This is a general observation.	<b>No objection</b> with caveat
PNP5 Torbay Road and PNP6 Station Square "Gateway"	36 and 37	Particularly support the intention to bring the Paignton Picture House back into use, improve links to the seafront and make more of Torbay Road's potential.	Support, subject to caveat noted above. Car club parking provision needs to be considered flexibly and may not be enforceable.	<b>Support in principle</b> with caveat
PNP7 Victoria Square	38	Whilst the intentions of this policy are supported, it should not prejudice more comprehensive redevelopment schemes should proposals arise for redevelopment.  Policy PNP7 (b). The Council would prefer this to refer to a proper review of parking, rather than requiring equivalent replacement of parking. Both Victoria Square and Crossways car parks are under-utilised and provide a poor visitor experience. A reduced size car park which provides a more pleasant environment may well meet the objectives of PNP7.	As per Reg 14 comments, the Policy is supported but should not prejudice wider redevelopment.	<b>Support in principle</b> with caveat



Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
PNP8 Crossways	39	<p>Whilst the intentions of this policy is supported, it should not prejudice more comprehensive redevelopment schemes of these sites should proposals arise.</p> <p>Consideration should be given to making the policy more flexible to allow for a range of potential regeneration options for Crossways. For example, criteria (a) could relax the retention of primary and secondary frontages if this achieved a more successful redevelopment. Criteria (c) could seek to retain the pedestrian link <u>where possible</u>.</p>	<p>As per Reg 14 comments, the Policy is supported but should not prejudice wider redevelopment.</p> <p>Consideration should be given to whether retail frontage onto Hyde Road remains necessary- it is noted that this something over which Neighbourhood Forum reasonably has discretion.</p> <p>Point (c) the pedestrian link between Torquay Road and Hyde Road is not a public right of way, and is unlit at night. Consideration should be given to whether the criteria allows flexibly to retain or improve safe and clear permeability between Torquay Road and Hyde Road, rather than requiring the specific link to be retained: it probably does if “the” was replaced with “a”.</p>	Support in principle with caveats
PNP9 Victoria Park	40	Noted. See general comments about LGSs above.	<p>No objection as it is noted that Victoria Park is of significant community value.</p> <p>Given that the Government is considering issuing a new NPPF it is probably better not to quote direct paragraphs from the 2012 iteration in upper case policy. Designating it as an LGS should be sufficient.</p>	Support with caveat

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			C (ii) should not prevent genuine outdoor recreation oriented development e.g. improvement ok skating facilities.	
PNP10 Queens Park	41	Noted. It is no surprise that the Forum do not wish to promote this site for development (PNPH17), but you will need to show how housing can be provided in general conformity with the Local Plan (see main comments).	See PNP9 above. The LPA notes that this is a site indicated for development within the Local Plan Appendix D. It has not raised an objection to the LGS designation because the LPA recognises that the site has constraints and is of community value (NPPF74 applies).  However, this shortfall will need to be made up by site allocations elsewhere.  This is separate from comments that the TDA may wish to make.	<b>No objection</b> with caveat
PNP11 Old Town	42	Policy is supported. In particular the improvement of accessibility and permeability through sustainable modes of travel is supported.  The list of financial contributions at (a)-(f) will need to be sought in accordance with the CIL Regulations Test of Lawfulness.  The use of contributions to help fund urban realm improvements is supported. The note above about providing flexibility between	Policy is supported. The issue of ensuring lawful use of financial contributions is noted as a general observation.	<b>Support</b>

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
		S106/CIL/Neighbourhood Portion is relevant here, subject to the need to avoid “double dipping of s106 and CIL.		
PNP12 Getting Around	44	Support policy. This encourages permeability between the seafront, Garden Suburb and Old Town and is fully supported.  Thank you for reinserting “separated” in criteria (d) (rather than “autonomous”).	Policy is supported. The meaning of point J) could be clarified in the explanatory text.	Support
PNP13 Housing Opportunities in the Town Centre	45	Fully support the provision of housing opportunities in the town centre.  It may be an issue for the development industry, rather than the Council, to comment on in detail, but point (c) restriction of first occupation to local residents or employees may not be supported at Examination, for example if it goes beyond the scope of the NPPF. It may be more appropriate to require a proportion of homes to be provided as starter homes to people living in the area for 5 years or with other strong local connections. It is appreciated that the St Ives High Court Ruling is relevant. However it is not clear	The principle of town centre housing opportunities is supported.  Criteria a). The intention of retaining residential accommodation in town centres is supported. However, the criteria should be phrased more flexibly, because it would be undesirable for the loss of housing to automatically prevent an otherwise sustainable town centre development proposal  Criteria C). The Council has raised concerns that the restrictions in point c) may be unduly restrictive. They may have the unintended consequence of encouraging more greenfield development, where the Neighbourhood Plan does not propose such restrictions on occupancy (although parts of	Concerns

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
		<p>whether an equal justification exists in Paignton. In any event, criteria (c) will impact on the viability of town centre development.</p> <p>There is also a potential anomaly of imposing more stringent occupancy conditions on town centre housing than elsewhere, given that town centres are generally sustainable locations for housing.</p> <p>The inclusion of criteria (d) on flood risk is fully supported.</p>	<p>adjoining Neighbourhood Plans do propose restrictive occupancy conditions e.g. at Edginswell).</p> <p>The Council already operates a Local Connections Policy as part of Devon Home Choice for affordable housing, and it would be difficult to administer a two tier system.</p>	
PNP14 Core Tourism Investment Area	46	<p>Support thrust of Policy PNP14. The Council considers that the policy strikes a fair balance between allowing flexibility in the use of accommodation, whilst safeguarding the holiday character of the area.</p> <p>I note that Criteria (b) has been amended to incorporate a “reasonable prospects test”, which is supported.</p> <p>The boundaries of the Neighbourhood Plan CTIA are wider than for the Local Plan and encompass some of the areas formerly designated as Principal Holiday</p>	<p>The LPA’s comments at Reg14 continue to apply. The boundaries of the Neighbourhood Plan CTIA are more extensive than the Local Plan and cover areas of guest houses etc. on Beach Road, Kernow Road etc. Under the previous Torbay Local Plan 1995-2011 these were part of the “Principal Holiday Accommodation Area”</p> <p>The LPA took the decision in 2011 to de-regulate these areas in recognition that the character of resorts was changing and there was (at that time) an oversupply of small guest houses/hotels whereas demand was switching to modern purpose build, often branded, hotels or luxury apartments.</p>	<p><b>No objection</b> (subject to caveats and renaming )</p>

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
		<p>Accommodation Areas (PHAAs) in the former Torbay Local Plan 1995-2011.</p> <p>To avoid confusion Policy TO2 of the Local Plan, I would recommend that the area is renamed, for example to Paignton Seafront Holiday Area or similar.</p> <p>However, I consider that the policy is in general conformity with Policies TO1 and TO2 of the Local Plan.</p>	<p>Policy PNP14 of the Neighbourhood Plan does represent a certain retrenching of the pre-2011 PHAA position. However the LPA has not objected because the Policy does incorporate a reasonable prospects test (point b) and criteria a), c), and d) are fully supported by the Council.</p> <p>To avoid confusion with the Local Plan CTIA Policy (TO2), PNP14 should be re-named e.g. Paignton Esplanade and Garden Suburb Tourism Area, or similar.</p> <p>Showing the area on a Policies Map will improve the Plan's legibility.</p>	
PNP15 Flood and Sea Defences	48	Support	Policy is supported	<b>Support</b>
PNP16 Victoria Street	49	Support	<p>Policy is supported in principle. Some of the points are aspirational and it may be inappropriate to refuse permission if a proposal does not contribute to them e.g. e) open air markets and f) street fronting open air outlets.</p> <p>The retention of street trees should be commensurate to their ecological, townscape and historic environment value.</p>	<b>Support</b> in principle but alert the Forum to possible unintended consequences.

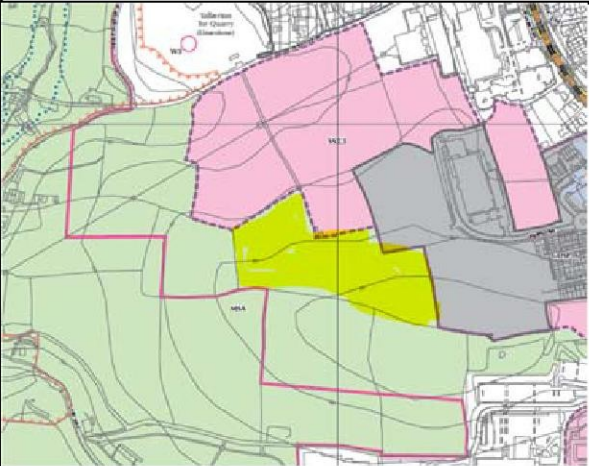
Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>Whilst the Council does not necessarily object to food and drink outlets within Victoria Street- which is Primary retail frontage in the Local Plan; the Neighbourhood Plan in its current form could allow unrestricted food and drink use (Use Classes A3-A5) in Victoria Street. If this is not the intention of the Neighbourhood Plan then a minor modification should be introduced to clarify the matter.</p> <p>As you are aware, unless the LPA consider the matter to be strategic, the Neighbourhood Plan will when made carry more weight than the Local Plan.</p> <p>Apologies – this should have been raised at Reg 14 stage. But the Forum should give consideration to the Policy which could have “unintended consequences”</p>	
PNP17 Transport Gateway improvement	50	Support	<p>Policy is supported. It would be helpful for the area to be shown on a Policies Map rather than relying on small inset maps.</p> <p>The Policy should not undermine other regeneration proposals – although it does not appear from the wording that it is likely to.</p>	Support
PNP18 Supporting	51	This policy would be better titled <u>“Supporting the Vitality and Viability of the Town Centre”</u> . Whether traders are local or	The Policy should be reworded to reflect land use planning issues rather than referring to independent traders. As set out at Reg 14 stage, the Policy	No objection in principle but the policy needs

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
Independent Traders		<p>not is unlikely to be a material planning consideration, and the policy wording refers (correctly) to retail use rather than the user.</p> <p>The intention of this policy is supported, however the policy may need to be clarified to specify what the Forum view as primary and secondary facilities, possibly in the explanatory text. I consider you probably mean Primary: A1 Shops; Secondary: A2, A3 and compatible D1 and D2 uses (etc.).</p> <p>Consideration should be given to allowing as wide a range of uses as possible to enable the town centre to remain viable and vital in the face of the threats facing town centres.</p>	<p>should clarify what uses will be acceptable in each area.</p> <p>It is noted that the policy refers to Primary and secondary areas rather than frontages.</p> <p>As noted above PNP16 would appear to allow food and drink uses within the Primary Shopping Area. In the LPA's view, it is no longer likely to be appropriate or desirable to require Class A1 shops only in Primary Areas. Nevertheless, there is likely to be a balance to be had to retain a substantial presence –say 50%- of shops to ensure that such areas do not lose their retail function entirely.</p> <p>The shopping area appears to be broadly in conformity to the Local Plan town centre boundary TC2. There are small parts of Winner Street/Totnes Road that are included in the NP but not the Local Plan. The LPA do not regard this as a strategic matter, so long as there are good reasons for including these small areas.</p> <p>This is a matter that, when made, the Neighbourhood Plan will carry more weight on than the Local Plan. Accordingly consideration should be given to whether:</p>	<p>rewording and clarification.</p>

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<ul style="list-style-type: none"> <li>• There is scope to reduce the Primary area to allow a wider range of supportive uses.</li> <li>• There is scope to reduce the primary and shopping boundaries to allow residential development.</li> </ul> <p>As stated elsewhere, showing the areas on a Policies Map will significantly improve the Plan's usability.</p>	
PNP19 Safeguarding open countryside	52	Support in principle. See comments on PNP1 Annex 1. The policy will need to be consistent with Local Plan Policy C1, and provide a level of protection proportionate the landscape character or other strategic considerations such as maintaining green wedges etc.	<p>The LPA does not object in principle to Policy PNP19, but it should not be used to impose a de facto green belt. It could usefully be merged with Annex 1 of PNP1 (as a standalone Policy).</p> <p>The summary of the Landscape Character Assessment in Figure 6.10 and Table 6.2 is a useful addition.</p> <p>There should be a differentiation between the value of the Neighbourhood Plan's rural character area and AONB, with the later designation being afforded a higher level of protection. Both the NPPF (paragraphs 28, 54, 055) and Policy C1 of the Local Plan allow for limited development in rural areas, and the Neighbourhood Plan must have regard/ be in general conformity with these.</p>	<b>No objection- in principle</b> but the policy needs rewording and clarification.



Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>As a general point, is it probably best to avoid quoting directly from the NPPF in upper case Policy, particularly as the NPPF is due to be revised.</p> <p>Some LGSs may be more appropriately covered by this Policy.</p> <p>The Policy should not be used to resist Future Growth Areas, particularly at Collaton St Mary (area 1L).</p> <p>A policies map would help identify the areas in question. There appears to be an area of Yalberton left undesignated in the Neighbourhood Plan, whereas the Local Plan shows it as countryside area (Shown below). It may be that the Forum consider that this land should be undesignated: however given its elevated position it appears more likely to be a mapping oversight that could be corrected through a minor modification.</p>	

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			 <p data-bbox="1133 863 1756 975">The Neighbourhood Plan will need to identify development areas in order for Policy PNP19 to carry weight.</p>	
PNP20 Great Parks	55	Support	Support reference to the Masterplan	<b>Support</b>
PNP21 White Rock and nearby areas.	21	Support in principle. Employment may also come from smaller employers as well as major organisations. This policy should be read in the context of the comment that the Local Plan Inspector rejected a rigid	Policy PNP21 sets a positive framework for employment, which is supported. The Local Plan also proposes significant housing development in this area (which is largely committed development) and the Neighbourhood Plan should acknowledge	<b>No objection- in principle</b> but the policy needs rewording and clarification.

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
		phasing of new homes to follow increases in jobs numbers.	<p>that the areas contains residential as well as employment development.</p> <p>The penultimate paragraph appears to be written specifically to prevent current planning application P/2017/1133 Inglewood, to which it is understood that the Neighbourhood Forum is objecting.</p> <p>This application is a departure from the Local Plan and therefore the LPA does not object in principle to this statement. However the area is outside the Paignton Neighbourhood Plan area, and therefore falls outside the Paignton Neighbourhood Plan's jurisdiction.</p> <p>The Neighbourhood Plan would be in a stronger position to include such restrictive policies if it allocated sufficient land to meet the Local Plan requirement.</p>	
PNP22 Western Corridor	58	<p>The encouragement of active travel is fully supported. The Policy Explanation should recognise that the Western Corridor is also a key highway network.</p> <p>The replacement of "autonomous" with "separate" cycle paths is supported.</p>	<p>As noted at Regulation 14 stage, the Policy should recognise the Western Corridor as a key part of the Major Road Network.</p> <p>The LPA support the principle of a Park and Ride facility. Policy SS6.8 (iii) promotes such a facility at Occombe Farm. In order to progress the matter a site will need to be identified and funding</p>	<p><b>Support- in principle</b> but the policy needs rewording and clarification.</p>

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>mechanism indicated (in conjunction with the Local Transport Plan).</p> <p>Parking for 2 car club spaces would be better placed in Annex 2 to Policy PNP1 (which should be a standalone Policy). However, the requirement is likely to be difficult to secure and enforce in practice.</p> <p>Paragraph 6.118 As noted Tweenaway Cross has been upgraded. However other upgrading the Western Corridor is supported. Seeking developer contributions towards the Western Corridor is supported and could usefully be stated in upper case Policy- although it is already covered in the Local Plan.</p>	
PNP23 Yalberton to Blagdon Valley	60	No objection, subject to this not encroaching on Future Growth Areas in Local Plan Policy SS2/SDP3.	<p>The LPA has not objected to this Policy per se, so long as it does not prevent the implementation of Future Growth Areas to the West of Paignton. The Policy would appear to be a more suitable way of achieving the community's goals than applying a blanket LGS.</p> <p>Designation of conservation areas is a separate process to the preparation of development plans. On this basis point d) is more appropriately stated</p>	<b>No objection</b> in principle but the policy needs rewording and clarification.

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>as a community aspiration rather than a development plan policy.</p> <p>Policy PNP23 is a restrictive policy, and is only likely to have traction if Paignton Neighbourhood Plan indicates areas where growth can take place.</p>	
PNP24 Collaton St Mary Village	63	<p>This Policy should not conflict with the realisation of Policies SS2 and SDP3 of the Local Plan, as well as the adopted Masterplan. The area would benefit from being indicated on a Policies Map.</p>	<p>Collaton St Mary is a Future Growth Area in the adopted Torbay Local Plan (Policies SS2 and SDP3) and has an adopted Masterplan (SPD).</p> <p>The LPA does not object to the Neighbourhood Plan providing design principles or guidelines, however the purpose of PNP24 in its submitted form appears to be to “ring fence and preserve” the village (para 6.131) rather than guide the implementation of the Local Plan and adopted Masterplan.</p> <p>As such Policy PNP24 as submitted is not in general conformity with a strategic policy in the Adopted Local Plan and promotes less growth than it.</p> <p>The Policy should be significantly modified to safeguard community aspirations, but also acknowledge that the area is subject to a proposal for significant growth in the Adopted Local Plan.</p>	<p><b>Object</b> in its current form. The Policy needs to positively address development opportunities.</p>

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>For example it could focus on the following:  Reinforcing the village centre and identity (point b);  protecting key landscape and other local features (point c- in this context it is worth noting that the LPA has not objected to all proposed LGSs in the area, in recognition that some of these can be incorporated into the development area); d) provide safeguards against flooding, (Point e) guide the development of the brownfield areas (Torbay Holiday Motel and Ocean BMW areas), (Points g,l,k) Provide advice on infrastructure requirements.</p> <p>The points seeking to limit growth to a low “organic” level (point a), prevent “development creep” (point h), prioritising the needs of local residents at all times (point j) should be dropped or significantly revised.</p> <p>Note that these points are made by the council as Local Planning Authority. The TDA is likely to submit representations on behalf of Torbay Council as a landowner in the area.</p>	
PNP25 Clennon Valley	264	Support policy, but it should make reference to providing <u>sport and recreation</u> facilities as well as tourism facilities.	It is disappointing that Clennon Valley’s important role as a sport and recreation hub has not been acknowledge by this Policy. For the avoidance of doubt, the LPA is not proposing major development	<b>No objection in principle</b> but the policy needs rewording and clarification.

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
		Criterion (a) could refer to the <u>ecological value</u> of the waterway.	of Clennon Valley, and acknowledge the value of the lakes and valley system.  With a relatively minor Modification- to acknowledge the importance of sport and recreation, including the velopark, sports pitches and sports centre, the Policy can be brought into general conformity with the Local Plan.	
PNP26 Clifton with Maidenway	65	Support	Support. As a general observation, the former Police Station on Southfield Road (CDSP9) is within this area and should be made a clear allocation.	<b>Support</b> (with caveat)
PNP27 Preston		The Torbay Development Agency, acting on behalf of Torbay Council's assets will provide detailed comments on Oldway Mansion, and are likely to raise objections to point (b).  The range of facilities in points (c) and (d) are supported, but may require some form of additional funding.	Policy PNP27 needs a Policies map.  As per the comments above on Oldway Mansion, Policy PNP27 needs to promote development-potentially that already approved in order to secure the long term future of the Mansion and listed park and gardens.  It is not clear whether point d) refers to the potential housing sites PNPH1 and PNPH2 at the top of Preston. However, these are relatively	<b>Object</b> The Policy needs to positively address development opportunities.

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>unconstrained sites that are suitable for residential development.</p> <p>Policy PNP27 proposes a range of community and tourism uses, for which the community's aspirations are noted. However, some of these are not within the gift of the development plan. For example keeping Preston Green toilets open is a matter for corporate funding: the Neighbourhood Plan would be more likely to secure this outcome if it allowed or promoted for some form of enabling development.</p> <p>It is not clear where the proposal for stabling facilities at Parkfield came from or how practical it would be, given that is in the urban area with limited opportunities for horse riding. Such a facility would be better located within a rural location.</p> <p>The Policy could make reference to the need for a school site in Preston or nearby.</p> <p>The LPA support the intentions of c) (iv) particularly in the light of comments above. But it would advise as a general observation that reefs are not always successful and would have HRA implications in the Marine SAC.</p>	



Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
Part 7 Community Partnership Areas	67-93		Part 7 of the Neighbourhood Plan provides a useful background for each community Partnership area, but is not a substitute for having a Policies Map.	<b>Support in principle</b> , but object that no Policies map is provided.
Part 8 Delivery  (Also touches on matters in 1. Basic Conditions Statement, 3. Supporting Evidence)	94-98		<p>Please see introductory text. As the Neighbourhood Plan states, the first review of the Local Plan is due in 2020/21. Whilst the Local Plan seeks to match new jobs and homes, it does not set out a strict rationing system for releasing new homes, as implied by the Neighbourhood Plan. Nor would this approach be consistent with the NPPF, or justified in view of later evidence of housing need (see above).</p> <p>Table 8.1 of the Neighbourhood Plan (which is elaborated on in the Basic Conditions Statement) is based on the Local Plan, but appears to introduce a phasing system which is not based on infrastructure delivery, but appears to seek to relegate the more controversial sites (such as Preston Down Road (PNPH1-2), Collaton St Mary (FGA SS2.2- although in the LPA's view these are <i>allocated</i> in the Local Plan).</p> <p>The Neighbourhood Plan does not make site allocations, which reduces the certainty of delivery</p>	<b>Object</b>

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>of some of the sites within the “yellow” columns 4-15 in Table 8.1. Curiously, it does not seek to expedite other sustainable brownfield redevelopment opportunities (e.g. PNPH12-20) or seek to identify additional brownfield sites.</p> <p>In the LPA’s view, some greenfield development is necessary to meet needs, hence the Local Plan’s Future Growth Areas. The LPA’s position will need to be reconsidered at the 2020/21 review. However, without prejudice to this, the LPA must advise that:</p> <ul style="list-style-type: none"> <li>• Current unalloyed Household Projections (2014 based) indicate that the Local Plan’s headline housing figure is a minimum that could be justified in terms of OAN. The draft government OAN figures suggest a higher figure than the current Local Plan requirement, although clearly these may be revised). There is also a pressing need for affordable housing, with over 1,000 households on the waiting list.</li> <li>• The LPA is not seeking its neighbours to accommodate its housing needs before 2030. The Local Plan (and the 2013 SHLAA/ELR on which it is based) do not assess that this will be necessary. Nor would</li> </ul>	

Policy	Page no.	Comment on Reg 14 Draft	Reg16 Response to Submitted Plan.	Traffic Lighting
			<p>it be consistent with the Council's overall growth strategy which is reflected in the Local Plan.</p> <ul style="list-style-type: none"> <li>• The most recent assessment of housing land supply suggests that Torbay currently has around 3.96 years of housing land supply. This assessment sought to adopt a "reasonable prospects" assessment of whether sites are deliverable (as advised in the St Modwen Court of Appeal case by Lord Justice Lindblom ([2017] EWCA Civ 1643) and applied a 5% buffer. In the LPA's view, it is therefore an objective assessment of 5 year supply.</li> <li>• Government policy, stated in the Housing White Paper, NPPF and numerous other places is to increase housing supply. Whilst Torbay is subject to constraints, these are not so severe as to immunise the area from the wider need to increase housing supply.</li> </ul>	



David Watts  
Chairman  
Paignton Neighbourhood Forum  
Weston Villa  
34 Totnes Road  
Paignton TQ4 5JZ

**Please reply to:** Spatial Planning  
2<sup>nd</sup> Floor, Electric House, Castle Circus,  
Torquay, TQ1 3DR

**My ref:** AL/dp/PNP

**Your ref:** -

**Telephone:** 01803 207693

**E-mail:** [Adam.luscombe@torbay.gov.uk](mailto:Adam.luscombe@torbay.gov.uk)

[future.planning@torbay.gov.uk](mailto:future.planning@torbay.gov.uk)

**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)

**Date:** 30 May 2017

---

Dear Mr Watts

### **Paignton Neighbourhood Plan, Pre-Submission Consultation Draft**

Thank you for preparing the pre-submission Consultation Draft of the Paignton Neighbourhood Plan and suite of supporting documents. These clearly represent a great deal of time, effort and dedication by the Neighbourhood Forum.

As has been set out a number of times previously, Torbay Council has a number of overarching concerns. The Draft Neighbourhood Plan does not make site allocations and is therefore not in general conformity with the Adopted Torbay Local Plan (2012-2030). In addition, the Neighbourhood Plan appears to seek to re-assess Torbay's objectively assessed need, with a view to reducing housing numbers or postponing development on some sites until after the Local Plan review in 2020. In the Council's view this is likely to be tantamount to promoting less development than required by the Local Plan, contrary to paragraph 184 of the NPPF.

Notwithstanding these concerns, the Neighbourhood Plan is clearly written and concise. I have included a detailed table of comments at appendix 1, which builds on David Pickhaver's comments sent by email on 16<sup>th</sup> March 2017 relating to Draft Version 14-2 of the Plan. Key points that I would alert the Forum to are;

- That the Plan would be significantly more legible if accompanied by a Policies Map;
- Some policies, particularly some Local Green Spaces conflict with development aspirations;
- The restriction of occupation of town centre dwellings in PNP13 (c) will impact on viability and the delivery of town centre regeneration.
- As a general point, the phrasing "Proposals that prevent...will not be approved" may be better phrased in the positive i.e. "proposals that achieve...will be approved". This would be more in line with the NPPF (especially paragraph 14).

The Torbay Development Agency (TDA) will be submitting comments on behalf of Torbay as a landowner and development agency. This letter is on behalf of Torbay in its role as local planning

[www.torbay.gov.uk](http://www.torbay.gov.uk)

torbaycouncil

@Torbay\_Council

+torbaycouncil

*forward thinking, people orientated, adaptable - always with integrity.*

If you require this in a different format or language, please contact me.

authority. Other Council departments may wish to provide additional comments.

However, I would highlight that a need has been identified for two primary school sites in Paignton, although the site currently being considered for one of these schools is within the Brixham Peninsula Neighbourhood Plan area.

### **Objectively Assessed Need**

The Neighbourhood Forum was extensively involved in the Torbay Local Plan Examination. It is fair to say that the Forum was a principal advocate of lower, or more phased, growth than promoted in the Local Plan. You presented extensive evidence to the Inquiry, as is of course your right to do. In considering the evidence, the Inspector assessed that Torbay's full objectively assessed need was around 11,000 - 11,500 dwellings between 2012-30 ([Inspector's Examination Report](#) October 2015, paragraph 34); and that the policy-on requirement was 8,900 dwellings ( Inspector's Report, paragraph 41). Whilst the Inspector expressed some doubt about the Council's Economic Strategy; he rejected an approach that restricted homes until jobs had been delivered (paragraph 27).

The Draft Neighbourhood Plan acknowledges the Local Plan requirements for homes and employment space (p10-11); but the following text in paragraphs 3.10 et seq. suggests a skepticism on the part of the Forum about the level of housing need in Torbay. This is expanded upon in Appendix 4 (pages 23-29) of the Basic Conditions Statement and section 2 (pages 6-19) of the Supporting Evidence document. Whilst the housing trajectory at Table A4.2.12 of the Basic Conditions Statement sets out a housing trajectory, it seems to postpone the delivery of some sites for reasons un-related to infrastructure. These include sites already allocated in the Local Plan under Policy SS2.

It is appreciated that the Forum's view is honestly held. However, we would respectfully point out that the Neighbourhood Plan is not a re-run of the debate about overall housing requirements that took place through the Local Plan. This was the subject of a full consultation process and a resolution provided by the Inspector's Report dated October 2015. There is a requirement for Neighbourhood Plans to support the strategic development needs set out in the Local Plan and to plan positively to support local development (NPPF 16, 184 and Planning Practice Guidance (PPG) 41-004-20140306).

The Local Plan Inspector's findings are relatively recent. However, the subsequent 2014 based DCLG Household Projections (published in 2016) indicate a slight increase from the 2012 based projections (to 8,200 additional households over the Plan period). Moreover, the recent Housing White Paper "[Fixing our broken housing market](#)" clearly seeks to build more homes and sees Neighbourhood Plans as a mechanism for increasing housing supply (paragraph 1.41-4). The purpose of this paragraph is not to re-open the debate about the Local Plan's housing requirement, but to set out that it is too early to assume that a review will reduce numbers in the face of a clear Government intention to increase housing supply. Moreover, the Council would not support a phasing of housing sites if this is not related to the provision of Infrastructure (which is the basis for the assessed phasing in the "SD" policies in the Local Plan). Such a rationing of sites is unlikely to accord with the Local Plan's growth strategy, or the presumption in favour of sustainable development.

### **Site Allocations**

The above concerns lead to a related point that the Neighbourhood Plan is not making site allocations. The Local Plan relies on neighbourhood plans for the allocation of housing and employment sites shown in Appendix C of the Local Plan. This is set out in Policies SS1 and SS13 of the Local Plan for housing, and Policies SS4 and SS5 for employment. I acknowledge that the word "identify" in Policies SS1 and SS13 would have been better drafted as "propose/allocate". However the context of the Policies is clear that the Council looks to neighbourhood plans to provide certainty on sites for years 6-10 of the Local plan (i.e. 2017-22). This context is also

provided by Policies SDP1, SDP2 and SDP3 of the Local Plan.

The Local Plan Inspector clearly expected that Neighbourhood Plans would contribute towards Torbay's housing supply and noted that if Neighbourhood Plans are not put in place then the five year supply position will be uncertain (paragraph 47, 49 and 56 of the [Inspector's report](#)). The Inspector indicates that the disadvantages of not having a five year supply should not be underestimated. Because the Neighbourhood Plan does not make site allocations, I am afraid that I must reiterate the objection that it is not in general conformity with the strategic policies of the Local Plan, and promotes less development than the Local Plan, contrary to Paragraph 184 of the NPPF.

The Neighbourhood Plan does show the "identified sites" from the Local Plan Appendix C in part 7 and Appendix 2 of the Supporting Evidence. However this is unlikely to be sufficient to meet the Local Plan requirements or provide sufficient certainty that these sites are deliverable within the definition of footnote 11 of the NPPF. In the Council's view, this could be remedied relatively easily by making these sites clear proposals and identifying them on a policies map. The Council has carried out HRA screening of these sites and is satisfied that mitigation measures can be put in place to avoid them requiring Appropriate Assessment (please see Appendix 2). Should the Forum need to identify additional or alternative sites, the Council has offered to assist with the additional HRA/SA work that would be required. This may be necessary, as I note that some of the Local Plan Appendix C sites are designated as Local Green Spaces in the Draft Neighbourhood Plan (e.g. PLGS 20 Oldway Mansion Gardens and PLGS 05 Queens Park).

If the Forum chooses to maintain its current position, then the Independent Examiner will need to consider whether a lack of site allocations renders the Neighbourhood Plan incapable of being made. If the Examiner does agree with the Forum that the Neighbourhood Plan cannot be required to allocate sites, this is likely to leave Torbay without a five year housing land supply. The Forum will be aware that the Supreme Court has now provided a definitive view on the impact of a lack of five year land supply (*Suffolk CDC vs Hopkins Homes* ( [2017] UKSC37). In addition I would point out that the protection provided by the Written Ministerial Statement of 12<sup>th</sup> December 2016 will not apply if the Neighbourhood Plan does not allocate sites for housing.

In paragraph 49 of the Examination Inspector's Report, the Council confirmed its intention to prepare site allocation documents if Neighbourhood Plans did not allocate sufficient sites. In addition, Policy SS13 of the Local Plan considers a range of measures that the Council will need to adopt in order to maintain a 5 year housing supply.

### **Policies Map**

Whilst the Neighbourhood Plan is generally a well set out and legible document, its legibility is significantly constrained by the lack of a policies map. This point relates in part the Council's wish to see site proposals. However it also relates to the wider usability of the Plan, which currently requires one to read through the entire document to ascertain what policies are relevant to a specific site. The Neighbourhood Plan is for use by the general public and as a development management tool. The Plan should assist applicants, case officers etc, and where sites are particularly complex, there is a risk that key policies may be overlooked.

Accordingly, the Council strongly urges the Forum to produce a policies map to be included in the Plan. The Council continues to offer assistance with the additional mapping work at a fixed price of of £1,000, which is a discounted rate representing the cost price.

### **Detailed Comments on Policies**

I have set out detailed comments on the Neighbourhood Plan policies in Appendix 1 to this letter. They are confined to the upper case Policies, although the issues noted above also apply. I recognise that the Government has given significant latitude to neighbourhood forums in setting neighbourhood plan policies (e.g. set out in PPG 41-001-21040306). Accordingly, the bulk of these comments are intended as advice rather than as objections. I have sought to make it clear where

the Council objects to the Plan in the main text of this letter above.

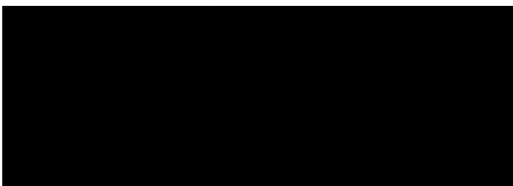
As I have acknowledged, the Neighbourhood Plan is well written, which reflects the huge effort that the Forum has put into the document. Whilst the Council must object that the Neighbourhood Plan cannot be made (adopted) in its current form, the issues are in my view capable of resolution.

There are a number of aspects which I feel would benefit from further discussion. With this in mind, I would like to offer the opportunity of a workshop style event with a couple of Forum Members and members of my team. We have carried out a workshop with Torquay and Brixham Peninsula Neighbourhood Forum members which we thought, and I believe they did too, was helpful to both parties. It helps us to understand why certain policies are included and what the intention of the policy is, and if necessary we can have an open discussion about how it might be improved upon.

Once the consultation responses to the Neighbourhood Plan have been considered, and the plan amended where appropriate to take account of those comments, as a Forum you may also find it useful to undertake a 'Health Check' service which is available through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). Further details are available from NPIERS ([npiers@rics.org](mailto:npiers@rics.org)). In our view using an independent examiner to undertake a Health Check before submitting a plan will give you an insight as to whether the draft plan meets the basic conditions and can give you the confidence to proceed.

I look forward to working with you to continue advancing the Paignton Neighbourhood Plan.

Yours sincerely,



**Adam Luscombe**  
Team Leader, Strategy and Project Delivery

## Appendix 1 Detailed Comments on Paignton Neighbourhood Plan Policies

Policy	Comment
General phrasing	As a general point, the Council would suggest that policies should be worded positively i.e. "permission will be granted where...." Since this is more in accordance with the Presumption in favour of sustainable development.
PNP1 More Jobs	Support the positive emphasis of this policy. Under Point C the employment sites should be allocated.
PNP1 More Homes	Note the overarching comment above. The Council would prefer a reference to a housing target retained at point (e). Under Point (e) Housing sites should be allocated.
PNP1 Point F: HMOs	Support the intention and wording of point (f). As a point of information, the Article 4 Direction on Class C4 HMOs has not been implemented and would not in any event affect large HMOs (which need planning permission).  It is noted with thanks that the wording of point (f) has been amended in line with earlier suggestions,
PNP1 (h) and (i)	Keeping jobs, homes and retail in balance is supported; but it may not be practical to review accurately on an annual basis, particularly as NOMIS figures are several years behind the present. Annual Survey of Hours and Earnings data may not be particularly accurate at a small area level.  As noted above, the policy should not be used to ration housing delivery for reasons other than infrastructure constraints.
Annex 1 to PNP1	Local Green Spaces, Rural Character Areas and the proposals for Local Food are substantive issues and consideration should be given to whether they would be better placed in their own policies rather than an annex to PNP1.  The designation of <b>Rural Character Areas</b> is a sensible way of providing a level of protection less than LGS to wider rural character areas. This Policy should be considered in the Light of Local Plan Policy C1 and development considered suitable to the 'Countryside area'. Reference to the Torbay <a href="#">Landscape Character Assessment</a> would be helpful.  The Rural Character Areas policy should not impose a level of protection akin to a "green belt" and the comment above about positive phrasing of policies in relevant.  <b>Local Green Spaces</b> (LGS) have a weight akin to green belts (NPPF 78) and should therefore be used sparingly. LGS should not be applied to land that has development potential.  The Torbay Development Agency will comment specifically on LGS that impact on Council landholdings. Oldway Mansion's designation as a LGS conflicts with proposals for the site.  There is a slight difference in protection afforded to LGS in this Policy verses other Policies e.g. PNP9 Victoria Park point (a)  With these caveats, the policy wording for LGS is sensible.  The intention of the additional text on <b>local food</b> production and agriculture in is supported. It is noted that the wording has been re-phrased to relate largely to matters that require planning permission.



	<p>Point (a) Little Blagdon Farm appears to conflict with the adopted masterplan for Collaton St Mary. You will also need to ensure that the additional allotments proposed in c) are deliverable.</p> <p>Whilst the intention behind point (d) is noted, it is likely to encounter legal difficulties. It may also militate against the aspiration in the NPPF and Housing White Paper to expedite development.</p>
Annex 2	<p>The issues covered in this Annex are substantial and may be better placed as separate policies rather than an Annex.</p> <p><b>Design:</b> The intentions of this section are supported. They need to be proportionate to the scale of the proposal.</p> <p><b>Biodiversity and Treescape</b> Seeking net biodiversity gains is supported. The Forum should consider the viability impacts of the required residential facilities, but this is intended as a general observation and not an objection to this policy.</p> <p><b>Residential facilities (including low carbon section).</b> The intention of these criteria is supported. Again, a general comment, the Forum should consider the impact on development viability.</p> <p><b>Criteria (O)</b> Homezone design is in principle supported, but where possible applications should make provision for sufficient off street parking (Local Plan Policy TA3 refers).</p>
Annex 3	<p>The emphasis on sustainable drainage is supported. Given the importance of the issue of surface water, consideration should be given to whether it should be a dedicated policy rather than an annex.</p>
PNP2	<p>Support the positive tone of the policy. Reference to improving permeability between the Garden Town, seafront and Old Town is supported.</p>
PNP2-11	<p>The inclusion of design led policies for town centre locations is supported. It is recommended that you liaise with the TDA/Council to ensure that these help deliver Policy SDP2 and town centre masterplan.</p> <p>The Council is likely to support funding of some urban realm proposals through CIL, should s106 prove to be an inadequate funding mechanism. The Regulation 123 list would need amending to include specific items. The Forum may also consider including some urban realm items to spend the Neighbourhood Portion of CIL on.</p>
PNP4 (i)	<p>No objection to the long term aspiration to relocate the Vue cinema from the Esplanade. Consideration should be given to whether the location should be to a town centre location.</p>
PNP5 and PNP6	<p>Particularly support the intention to bring the Paignton Picture House back into use, improve links to the seafront and make more of Torbay Road's potential.</p>
PNP7 Victoria Square	<p>Whilst the intentions of this policy are supported, it should not prejudice more comprehensive redevelopment schemes should proposals arise for redevelopment.</p> <p>Policy PNP7 (b). The Council would prefer this to refer to a proper review of parking, rather than requiring equivalent replacement of parking. Both Victoria Square and Crossways car parks are under-utilised and provide a poor visitor experience. A reduced size car park which provides a more</p>

	pleasant environment may well meet the objectives of PNP7.
PNP8 Crossways	<p>Whilst the intentions of this policy is supported, it should not prejudice more comprehensive redevelopment schemes of these sites should proposals arise for redevelopment.</p> <p>Consideration should be given to making the policy more flexible to allow for a range of potential regeneration options for Crossways. For example, criteria (a) could relax the retention of primary and secondary frontages if this achieved a more successful redevelopment. Criteria (c) could seek to retain the pedestrian link <u>where possible</u>.</p>
PNP9 Victoria Park	Noted. See general comments about LGSs above.
PNP11 Old Town	<p>Policy is supported. In particular the improvement of accessibility and permeability through sustainable modes of travel is supported. The list of financial contributions at (a)-(f) will need to be sought in accordance with the CIL Regulations Test of Lawfulness.</p> <p>The use of contributions to help fund urban realm improvements is supported. The note above about providing flexibility between S106/CIL/Neighbourhood Portion is relevant here, subject to the need to avoid “double dipping of s106 and CIL.</p>
PNP10 Queens Park	Noted. It is no surprise that the Forum do not wish to promote this site for development (PNPH17), but you will need to show how housing can be provided in general conformity with the Local Plan (see main comments).
PNP12 Getting Around	<p>Support policy. This encourages permeability between the seafront, Garden Suburb and Old Town and is fully supported.</p> <p>Thank you for reinserting “separated” in criteria (d) (rather than “autonomous”).</p>
PNP13 Housing Opportunities	<p>Fully support the provision of housing opportunities in the town centre.</p> <p>It may be an issue for the development industry, rather than the Council, to comment on in detail, but point (c) restriction of first occupation to local residents or employees may not be supported at Examination, for example if it goes beyond the scope of the NPPF. It may be more appropriate to require a proportion of homes to be provided as starter homes to people living in the area for 5 years or with other strong local connections. It is appreciated that the St Ives High Court Ruling is relevant. However it is not clear whether an equal justification exists in Paignton. In any event, criteria (c) will impact on the viability of town centre development.</p> <p>There is also a potential anomaly of imposing more stringent occupancy conditions on town centre housing than elsewhere, given that town centres are generally sustainable locations for housing.</p> <p>The inclusion of criteria (d) on flood risk is fully supported.</p>
PNP14 Core Tourism Investment area	<p>Support thrust of Policy PNP14. The Council considers that the policy strikes a fair balance between allowing flexibility in the use of accommodation, whilst safeguarding the holiday character of the area.</p> <p>I note that Criteria (b) has been amended to incorporate a “reasonable prospects test”, which is supported.</p>

	<p>The boundaries of the Neighbourhood Plan CTIA are wider than for the Local Plan and encompass some of the areas formerly designated as Principal Holiday Accommodation Areas (PHAAs) in the former Torbay Local Plan 1995-2011.</p> <p>To avoid confusion Policy TO2 of the Local Plan, I would recommend that the area is renamed, for example to Paignton Seafront Holiday Area or similar.</p> <p>However, I consider that the policy is in general conformity with Policies TO1 and TO2 of the Local Plan.</p>
PNP15 Flood and Sea Defences	Support
PNP16 Victoria Street	Support
PNP17 Transport Gateway improvement	Support
PNP18 Supporting Independent Traders	<p>This policy would be better titled “ <u>Supporting the Vitality and Viability of the Town Centre</u>”. Whether traders are local or not is unlikely to be a material planning consideration, and the policy wording refers (correctly) to retail use rather than the user.</p> <p>The intention of this policy is supported, however the policy may need to be clarified to specify what the Forum view as primary and secondary facilities, possibly in the explanatory text. I consider you probably mean Primary: A1 Shops; Secondary: A2, A3 and compatible D1 and D2 uses (etc).</p> <p>Consideration should be given to allowing as wide a range of uses as possible to enable the town centre to remain viable and vital in the face of the threats facing town centres.</p>
PNP19 Safeguarding open countryside	Support in principle. See comments on PNP1 Annex 1. The policy will need to be consistent with Local Plan Policy C1, and provide a level of protection proportionate the landscape character or other strategic considerations such as maintaining green wedges etc.
PNP20 Great Parks	Support
PNP21 White Rock and nearby areas.	Support in principle. Employment may also come from smaller employers as well as major organisations. This policy should be read in the context of the comment that the Local Plan Inspector rejected a rigid phasing of new homes to follow increases in jobs numbers.
PNP22 Western Corridor	<p>The encouragement of active travel is fully supported. The Policy Explanation should recognise that the Western Corridor is also a key highway network.</p> <p>The replacement of “autonomous” with “separate” cycle paths is supported.</p>
PNP23 Yalberton to Blagdon Valley	No objection, subject to this not encroaching on Future Growth Areas in Local Plan Policy SS2/SDP3.
PNP24 Collaton St Mary Village	This Policy should not conflict with the realisation of Policies SS2 and SDP3 of the Local Plan, as well as the adopted Masterplan. The area would benefit from being indicated on a Policies Map.
PNP25 Clennon Valley	Support policy, but it should make reference to providing <u>sport and recreation</u> facilities as well as tourism facilities.

	Criterion (a) could refer to the <u>ecological value</u> of the waterway.
PNP26 Clifton with Maidenway	Support
PNP27 Preston	The Torbay Development Agency, acting on behalf of Torbay Council's assets will provide detailed comments on Oldway Mansion, and are likely to raise objections to point (b). The range of facilities in points (c) and (d) are supported, but may require some form of additional funding.

## Appendix 2 Paignton Housing Sites Habitats Regulation Assessment

Site	Category	European site affected	Outcome of the screening	Mitigation / avoidance measures	Is AA required?
PNPH1- PNPH6	B	N/A	No negative effects	N/A	No
PNPH7	C2	South Hams SAC	The site lies within the sustenance zone and a strategic flyway for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.	Greater horseshoe bat Mitigation objectives for Great Parks should be implemented as recommended by the HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014.	No
PNPH8	B	N/A	No negative effects	N/A	No
PNPH9 – PNPH22	C2	Lyme Bay and Torbay Marine SAC	Development in flood risk areas. The level of growth could potentially have negative impacts on water quality from contaminated run-off.	The Local Plan Policies W5 and ER2 restrict development that could have negative impact on the Lyme Bay and Torbay Marine SAC.	No
PNPH23	C2	South Hams SAC	The site lies within the sustenance zone and a strategic flyway for GHBs and, without appropriate design and mitigation, is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.	Greater horseshoe bat Mitigation objectives for Yalberton Industrial State should be implemented as recommended by the HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014.	No
PNPH24 and PNPH25	C2	South Hams SAC; and Lyme Bay and Torbay Marine SAC	Development that results in loss of semi-natural vegetation and/or introduction of new light sources in Clennon Valley should be subject to HRA.  Development in flood risk areas. The level of growth could potentially have negative impacts on water quality from	Mitigation measures should include: provision of landscape buffers between development and areas of semi-natural vegetation in the valley; control of light spill; mitigation for the loss of potential foraging and commuting habitat to ensure retention of connectivity along the valley; retention,	No

Site	Category	European site affected	Outcome of the screening	Mitigation / avoidance measures	Is AA required?
			contaminated run-off.	where appropriate, of features through development that are likely to be used by GHBs; and developer contributions towards the provision of bespoke purpose-built roosts in appropriate locations along the valley.  The Local Plan Policies W5 and ER2 restrict development that could have negative impact on the Lyme Bay and Torbay Marine SAC.	
PNPH26		South Hams SAC	Brownfield site lies within the GHBs sustenance zone. Without appropriate design and mitigation, it is likely to have a significant effect on the integrity of the South Hams SAC both alone and in combination with other projects.	GHBs survey would be required to inform the HRA process.	No

#### Paignton Employment Sites

Site	Category	European site affected	Outcome of the screening	mitigation measures	Is AA required?
PNPE1 – PNPE5	C2	Lyme Bay and Torbay Marine SAC	Development in flood risk areas. The level of growth could potentially have negative impacts on water quality from contaminated run-off.	The Local Plan Policies W5 and ER2 restrict development that could have negative impact on the Lyme Bay and Torbay Marine SAC.	
PNPE6	C2	South Hams SAC	Development of Yalberton Industrial Estate is likely to cause increased disturbance and/or severance of the linear features through the estate, or of the wooded margins,	Greater horseshoe bat Mitigation objectives for Yalberton Industrial State should be implemented as recommended by the HRA Site Appraisal Report of Torbay Local Plan Strategic	No

Site	Category	European site affected	Outcome of the screening	mitigation measures	Is AA required?
			would therefore be a 'likely significant effect' (LSE) that would require HRA. Detailed GHB surveys will therefore be required to inform the HRA process.	Delivery Areas (Proposed Submission Plan) 2014.	
PNPE7	C2	South Hams SAC	Development of Claylands is likely to cause loss of some semi-natural woody vegetation and is also likely to increase levels of disturbance e.g. through increased level of light. Development may also represent a future barrier to GHBs commuting in and out of the Clennon Valley in an east-west direction (and vice versa) over the A3022. A detailed GHB survey will be required to inform the HRA process.	Retention of the wooded margins and control of light spill from new development will be required to mitigate for likely effects GHBs. The amount of semi-natural habitat to be retained should be informed by detailed bat surveys – that should also establish whether a local flyway should be retained through or around the site to enable movement back and forth across the A3022 to the west	No
PNPE8	C2	South Hams SAC	Development of White Rock employment site is likely to cause loss of some potential foraging habitat within the SAC <i>Sustenance Zone</i> and also loss or disturbance to hedgerows likely to be used by locally commuting GHBs. A detailed GHB survey will be required to inform the HRA process.	By following a similar approach of sites that have granted approval in this area, it should be possible to provide adequate mitigation for new development. This should be informed by full detailed bat surveys (consistent with NE SAC guidance) and should address adverse effects arising from loss of roosts, foraging habitat and likely local flyways and commuting routes. The provision of such measures should be designed to be consistent with the four principles set out	No

Site	Category	European site affected	Outcome of the screening	mitigation measures	Is AA required?
				in the Local Plan Policy NC1.	