

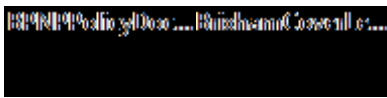
neighbourhood plans

From: Brooks, Tracy
Sent: 18 December 2017 08:47
To: neighbourhood plans
Cc: Luscombe, Adam; Pickhaver, David; Gunther, Andrew
Subject: BPNP submission Consultation Response

Follow Up Flag: Follow up
Flag Status: Flagged

Please find attached the Consultation Response to the Submission Brixham Neighbourhood Plan.

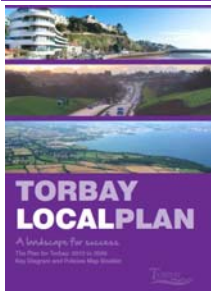
This should be read in conjunction with the LPA response to the BPNP SA and HRA and the Pre-submission BPNP Policy response.



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Torbay Local Plan 2012 to 2030 Published



Torbay Council has published its new Local Plan which forms part of the development plan for Torbay and provides the basis for decisions on spatial planning within Torbay up to 2030.

*The **Torbay Local Plan 2012 to 2030 – A landscape for success** can be [viewed online](#) or purchased as a hard copy or USB memory card. Card payments will be accepted via 01803 207801 quoting the 'new Local Plan'.*



Please reply to: Adam Luscombe
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Sir/Madam
Torbay Council
(Sent by email –
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Telephone: 01803 208804
E-mail: future.planning@torbay.gov.uk
Date: 18 December 2017

Dear Sir/Madam,

Publication response to the Brixham Peninsula Neighbourhood Plan (Regulation 16)

Torbay Council, as Local Planning Authority (LPA) covering Brixham Peninsula welcomes the opportunity to provide comments on the Brixham Peninsula 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 Brixham Peninsula Neighbourhood Forum should be commended for their efforts. The comments provided by the LPA at this stage follow on from previous comments made on preceding versions of the Brixham Peninsula Neighbourhood Plan, both formally at Regulation 14 stages as well as informally at earlier stages of the plan's production.

Attached to this letter is a table of responses, with a focus on the planning policies contained within the plan. The LPA supports the Brixham Peninsula Neighbourhood Plan's willingness to support the delivery of the Torbay Local Plan by allocating sites to deliver housing and employment growth. This is supported by an evidence base which underpins these allocations through the Torbay Local Plan and additional supporting evidence prepared by the Neighbourhood Forum.

However, the LPA has a number of objections to many aspects of the plan which are detailed further in our comments. These include specific concerns about some of the site allocations. The LPA would like to underline that in its view, although numerous, these objections can be resolved through editorial modifications to the plan. 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.

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 LPA looks forward to the progression of the Brixham Peninsula Neighbourhood Plan.

Yours sincerely,



Adam Luscombe

Team Leader – Strategy & Project Delivery

Brixham Peninsula Neighbourhood Plan (Submission version 2017)

Torbay Council Local Planning Authority Policy Review: 15th December 2017

Key

Green – acceptable in planning terms - Comments made to enhance or improve

Amber – needs more work – Objection can be resolved with further amendments

Red – Objection as not policy considered appropriate – Substantial modification/deletion required to resolve objection

Please note that the comments below **do not** include Torbay Council's corporate comments from colleagues in Housing, TDEC, Education, Conservation or Natural Environment etc. who will respond separately.

Summary:

- Brixham Peninsula Neighbourhood Plan allocates Housing and Employment sites, that, at a 'headline level' meet the Torbay Local Plan SDB1 requirements (660 dwellings and 2,700sqm employment space) (BPNP J1 and BH3). However there remain SEA/HRA issues over some of the allocation and/or capacity of some of the BPNP housing and employment allocations. Also some small (less than 6 units) 'windfall sites' identified. These issues could be resolved with amendment/deletion of some allocations. Affordable housing and occupation policies (BH1 and BH2) restrict allocation and occupation to BPNP area.
- Brixham Town Centre and Oxen and Freshwater Quarry Policies BPNP J5, J6 & J7 refer to the BPNP associated Town Centre Masterplan and require further amendments in the context of the requirement for Master planning and defining the relevant areas.
- There are a number of environmental constraints/restrictive BPNP Policies (E1 to E8) that may need to be clarified for conformity with Torbay Local Plan landscape and biodiversity policies. The 'Settlement Boundaries' shown in BPNP Policy E2 are restrictive and expand/redefine some areas of 'Countryside area' currently shown under TLP Policy C1 (Countryside area) and BPNP Policy E3 introduces 'Settlement Gaps' that are identified in the (TLP) Countryside area (C1); these may not be in general conformity with the TLP strategic rural areas policy. A large number of Local Green Spaces (sites 1 to 16) are allocated and under BPNP Policy E4 and BPNP Policy E5 allocates Public Open Spaces (sites 1 to 26) that should be '*retained as open space for public recreational use*'. Whilst the general principle of these BPNP policies is supported, the sites identified in E4 and E5 should be supported by clear evidence as to the qualities that justify the designation.

- There are BPNP Policies for Heritage, Design (including four supporting Design Statements) and Transport included.
- There are a number of protectionist BPNP Policies for the retention of facilities: health, social care, voluntary organisations and educational establishments, sports facilities, cultural facilities and tourism facilities (including campsites)

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.

General Points: There is a lot of detailed supporting information in the Brixham Peninsula Neighbourhood Plan (BPNP) which would benefit from being put into appendixes and rationalised where possible. It is noted that the BPNP state that all 10 Documents form part of the Plan. However, it is not clear in practical terms which parts of the draft plan form the 'neighbourhood plan proposal' (i.e. the neighbourhood development plan) and which parts do not form part of the 'plan proposal', and would, ultimately form part of the determination of planning applications or be tested as part of the independent examination. The Local Planning Authority (LPA) suggests there needs to be a clear distinction between **Policies and Proposals (allocations)** and the **Supporting Documents and Supporting Evidence**. It may be suitable to clearly demarcate the **Policy/Allocation Maps and Brixham Town Centre Masterplan** as the **key documents**. A Second Appendix could be provided that comprising the **Village Design Statements** and a third appendix identified as an '**Evidence Base**' including the Site Assessment Documents for Housing, Employment and Greenspace etc. The HRA and SEA documentation could sit alongside the main Policy Document and Form Part of the 'basic conditions' requirements. **The SEA HRA Documents have a separate set of comments.**

General note on policy wording: The Local Plan Title no longer includes '*and beyond*' the LPA suggests removal of this in the Neighbourhood Plan text also.

General note on Policy format and drafting:

- The LPA is pleased that a number of Policy references have been change but would request that further BPNP Policy references would benefit from having a slightly different Policy reference format than that of the adopted Torbay Local Plan 2012-2030 to avoid confusion. It would be helpful to amend Policies even those that are unrelated topics E.g. Polices in the Local Plan For Tourism Is TO1 The BPNP Policy is also referenced 'TO1' -Support for Tourism could TO1 be changed to 'BTO1' for example?
- '*Subject to compliance with the other polices of this Neighbourhood Plan*' is a phrase used in multiple policies (J1, J3,J4, J5,J8, BH4,BH9, E2, HW1, HW2,L2,L3, TO1, S&L1, A&C1). This should not be needed for most policies which should be read in context with others policies in the BPNP and the Torbay Local Plan. Reference may be needed when there is a particular connection, possible contradiction with another policy or is a site has particular environmental sensitivities for example.
- Extracts from the Torbay Local Plan: The LPA requests that extract quotes from Local Plan Policy include the Policy reference rather than the Local Plan page number. This will allow users/readers to cross reference more easily to the Local Plan **Policies**.

- The Planning Practice Guidance (paragraph 41) states: *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

Policy Maps:

- The accompanying BPNP Policies Maps have been well presented. The Council notes that the plans are not quite at 1:5000 scale due to page borders. This should be amended for a Final ‘made’ version. Para 41 NPPG refers.
- The Strategic Gaps designation is not recommended in its current form. Ellipses can be used as indicative schematic tools at a large scale but policy boundaries need to be clear and precise. The Strategic Gaps as shown do not provide clarity in accordance with the spirit of NPPG Para 41.

SEA & HRA

- Comments made to the Pre-submission SEA and HRA from the LPA and the Natural England do not all appear to have fully considered and it is not clear as to the reason for this. Recommendations from the SEA and HRA should inform and amend Policies and Proposals within the BPNP. Therefore the LPA continues to query Policies and Allocations where SEA/HRA issues remain or cannot be seen to have been adequately mitigated. The Council would need to be clear that the BPNP meets the necessary EU obligations test and SEA/HRA recommendations need to be clearly reflected in the Plan.

General Note:

- Main Local Plan Policies relating to Brixham Neighbourhood Forum (BNF) include **Policy SS1** Growth Strategy for a Prosperous Torbay, Strategic Delivery Policy Framework: **SDB1** Brixham Peninsula, **SDB2** Brixham Town Centre, Harbour and Waterfront and **SDB3** Brixham Urban Fringe and Area of Outstanding Natural Beauty. There are also Strategic Policies for Housing and Employment: **SS12**, **SS13**, **SS4** and **SS5**.

Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,
- having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
- having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
- the making of the plan contributes to the achievement of sustainable development,
- the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the order does not breach, and is otherwise compatible with, EU obligations.

Policy	Response	Reason and /or suggested Modifications
<p>Submission Version: Policy J1: Employment land – proposed, retained and refurbished</p> <p>J1.1 Employment land, commercial and business premises are to be retained unless there is no reasonable prospect of the site being used for employment purposes on grounds of viability. A lack of viability is to be established by clear evidence from an active marketing effort that it would not be possible to achieve a lease or sale of the premises at a reasonable market rate. The greater the contribution to employment, the higher the level of evidence which must be provided and in all events a minimum period of six months of marketing should be undertaken.</p> <p>J1.2 In the event of a lack of viability being established under J1.1 above, subject to compliance with the other polices of this Neighbourhood Plan, a change of use will be supported where the alternative use will contribute to the needs of the community by addressing an identified Brixham Peninsula need for</p> <ul style="list-style-type: none"> • affordable housing in accordance with the definition in the NPPF; • purpose-built accommodation for older people (with a minimum age of • 60); or • purpose-built accommodation for the disabled. <p>This contribution could be delivered either directly on-site or through financial contributions to provide an equal amount of development on other sites within the Brixham Peninsula.</p> <p>J1.3 Employment development will be promoted particularly that which generates permanent jobs; increases the diversity of industries across the peninsula; or promotes key industries. Development on brownfield sites in preference to greenfield sites will be promoted and supported. Application of this policy will be subject to compliance with the other polices of this Neighbourhood Plan and not prejudicing the integrity of the AONB, Special Areas of Conservation and the Coastal Preservation Area.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>Local Plan Policy context: Policy SDB1 Brixham Peninsula & SDB2 Town Centre and Waterfront. Policy SS4 The Economy and Employment), C1 (Countryside and the Rural Economy) and in particular SS5 Employment Space</p> <p>NPPF Key paras: 22</p> <p>LPA Response: Objection this policy as currently defined is not in general conformity with NPPF (para 22) and Strategic Policies in the Torbay Local Plan 2012-2030. This should be able to be resolved by amendments as set out below:</p> <p>Comments:</p> <p>The LPA supports the inclusion of a table of employment sites in the main BPNP Policies.</p> <p>This is however not in accordance with Local Plan Strategic Policies Policy SS5 Employment space (p59) Table 2 SDB2. See comments below.</p> <p>Policy SS5 considers the loss of employment land where :</p> <p><i>Proposals for the loss of employment space will be considered on the basis of the impact on the economic prosperity of Torbay, the appropriate mix of uses within a locality and on amenity. Where there is no reasonable prospect of a site being used for other (non-Use Class B) employment purposes or such a use would conflict with the Local Plan, alternative uses that support sustainable local communities will be supported....</i></p> <p><i>Where the proposed loss of employment space is agreed, the Council will seek financial contributions to mitigate the loss of employment. If planning permission is granted for B1 space the Council may restrict permitted development rights in respect of change of use to residential, in order to secure available, modern office space and retention of employment opportunities.</i></p> <p>In reference to Section J1.1 and J1.2 is in conflict with the strategic Policy SS5 where Loss of employment is allowed:</p> <p>Section J.1.2 does not directly relate to the compensation for the loss of employment use and should meet the Tests Set Out in the CIL Regs (including pooling restrictions etc)</p> <p>Development Management Colleagues are unclear if J1.2</p>

J1.4 The sites listed in Table 1 below and shown on the accompanying Policy Maps (Document 2) are identified for employment development at the plan making stage in this Neighbourhood Plan. Detailed evidence will be required at the project stage as regards the compliance of any development planning application with environmental legislative requirements.

Table 1: Identified employment sites.	Site Address Yield (sqm)
J1 – 1: Brixham Town Centre (identified site)	500
J1 – 2: Oxen Cove and Freshwater Quarry (identified site)	2,000
J1 – 3: Torbay Trading Estate (identified site)	200
J1 – 4: 74 New Road (committed site)	220
Total	2,920

- will apply to every change of use (however small) will need to contribute to all they requirements?
- If so, the developer needs to know how much they should contribute.
- Suggest that the Policy states that an applicant will be required to pay for an independent assessment of the viability report.

Section J1.3: Support this section and suggest that this is the becomes the first paragraph of the Policy. Note: there is no ‘Coastal Preservation Area’ in the adopted Local Plan, do the Forum mean Policy C2 ‘Undeveloped Coast’?

Section J1.4 : LPA request that ‘employment development’ is defined (i.e. ‘primarily B1/B8 uses’) in order to achieve the delivery of the employment land targets set out in Strategic Policies SS5 and SDB1 of the Local Plan. Clarity is advised in National Planning Practice Guidance (paragraph 41).

It is noted that the BPNP Employment Site Assessment refers to B1/B2 uses. (Table 3)

Table J1 Does not ‘allocate’ it ‘identifies’, to avoid confusion over the status of land sites should be ‘allocated’. ‘If the sites listed are not ‘allocated’, the Policy J1 fails to be in strategic conformity with Policy SS5 and SDB1 of the Local Plan. National Planning Practice Guidance (paragraph 41) advises clarity in Policy wording.

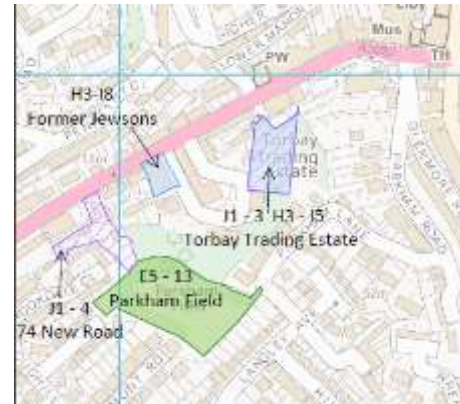
Specific Allocation Comments, Table J1: Where employment forms part of a mixed use Development proposal it is helpful to cross refer to that in the Supporting Text and Perhaps note in the Employment Table (J1-1, J1-2, J1-3 and J1-4) also any specific requirements if constraints/mitigations is required as part of the proposal (Flood Risk, ULPA, Tree protection etc).

Table J1: The Forum hasn't included the **Northfields Industrial Estate** SDB1 Table 17 (page 128) (site Reference 'BNPNE2' Appendix C Table 27) identified for potential employment use in the Local Plan. This is an existing employment site is identified in the BPNP Employment Assessment. The site is rejected in the supporting BPNP Employment Assessment, whilst still acknowledging scope for 'renovation and renewal.' And para 6.0.1 which supports regeneration of older units. **Table 3** fails to fully consider the recommendations and sites in the PBA Employment Land Review (2013) (evidence base for the TLP). **Table J1 Site J1-3** The Torbay Trading Estate site is 'identified' in the local Plan as a potential housing allocation (TLP Appendix C Pool of sites Table 26 'BNPNH6'). This has been re-'identified /allocated' for 200sqm of employment use. The adjacent, larger site named 'Torbay Trading Estate' (TLP Appendix C Table 27) BPNPE3 is identified in the TLP as a potential employment allocation has *not been* included on the BPNP Policies Map.



Reference to the housing potential in (BNPNH6) and reallocation to employment and lack of identification of the larger BPNPE3 Torbay Trading Estate is not explained in the BPNP Employment Assessment Document. The BPNP Housing Assessment note the Site is suitable identified by the SHLAA (T791) for 15 dwellings. Clarity requested regarding the remaining area of ULPA (TLP Policy C5.53) which is not referred to. Does the J1-3 'allocation' supersede the TLP C5 ULPA designation? The BPNP AECOM Housing Assessment (p25) refers to the need to protect the trees and the need to determine any potential contamination on site. LPA suggests these issues are incorporated into any 'allocation'.

'Site J1-4 74 New Road Brixham' has been newly identified by the BPNP. The supporting BPNP Employment Assessment. Sets out the application P/2015/0235



(220 sqm) 74-76 New Road has not yet been granted planning permission. This site was previously occupied for commercial use (old Devon Planting factory and shop of 180sqm -this appears to have ceased operation in 2006/7). The proposal has recently been revised to provide would add 220sqm to provide 400sqm commercial A1 shop 'tool hire' latest revision (Oct17) propose one residential unit and four small offices to provide

130sqm of office space (B1 use) in total.

Note: **Policy H3 Delivery of new homes and allocation (page 25 BPNP Policy Document) Table 2, site H3-15** 'allocates' 15 dwellings and 200sqm of



employment land. It is not thought that **both allocations** can be achieved. The new **H3-18** allocation proposes 20 dwelling on the 'old Jewson site' in the Torbay Trading Estate (TLP 'BPNPE3'). This site has not been considered in either BPNP Housing site Assessment.

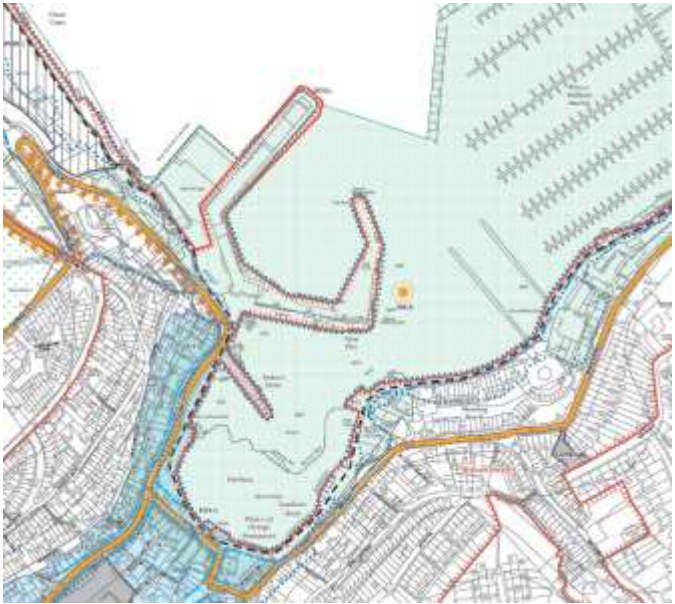
This site is located partially in a **Flood Risk Area** (TLP Policy ER1) but the associated SEA indicates there are no Flood Risk Issues. Lack of clarity and Mitigation measures.

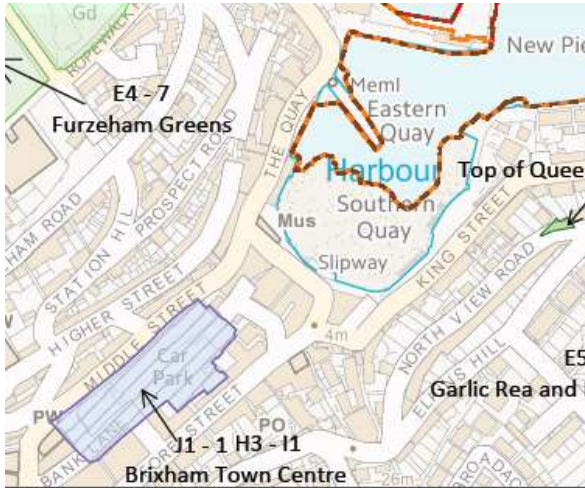
The proposal would result in a loss of employment land equivalent to 200-400 sqm. Thereby 'cancelling out' the 200sqm allocations **J1-4 and J1-3** with a negative or 'zero sum gain' **See also LPA response to Policy H3.**

Suggest referring to the **Town Centre Masterplan** and Policy/**Table J1J5 and J6** in the J6 Policy text.

		<p>Note: Local Plan Policy SDB3.1 Key Diagram and Table 21 (p133) of the Local Plan identifies 500sqm employment uses in the Churston, Galmpton, Broadsands area. These have not been allocated Table J1. These potential employment uses need not be shown on an allocated site therefore it is presumed that if proposals come forward they would be considered in the context of TLP Policy SS5 and BPNPJ1.1?</p> <p>It is noted that sites identified in the pre-submission version at Galmpton and Broadsands required HRA assessment. This was carried out by The Council's Ecologist HRA consultant. The Forum have removed Galmpton/Broadsands and the Northcliff sites from the Table J1.</p>
<p>Submission Version: Policy J2: Provision of information and communication technology All proposals for new employment and residential development should be designed to be connected to high-quality communications infrastructure to ensure that fibre optic or other cabling does not need to be retro-fitted. If not possible then evidence to show that development cannot be directly connected to high-quality communications infrastructure due to viability or technical reasons must be provided.</p>	<p>Support</p>	<p>Submission Version LPA Representation: See LPA comments to pre-submission version above. Key LP Policy context: IF1, Information and communications technology and DE1 Design (SS7 Infrastructure, Phasing and Delivery) and LP Aspiration 2 Achieve A better Connected, Accessible Torbay and Critical Infrastructure) NPPF Key Paragraphs: 42, to 46 and 162</p> <p>Noted that LPA comments have been considered and Submission Policy J2 amended</p>
<p>Submission Version: Policy J3: Local employment – training and skills Subject to compliance with the other policies of this Neighbourhood Plan, applications for development proposals that include any or all of the following will be welcomed:</p> <ul style="list-style-type: none"> • Raise skills levels and increase employability. • Link with local educational/training facilities, including South Devon College. • Tackle skills shortages in existing and potential business sector clusters that are, or have the potential to be, strengths in the local economy. • Address barriers to employment for economically inactive people, and 	<p>Support Suggested Amendments</p>	<p>LP Policy context: SC3, Education skills and local labour LPA Response: General Support. Noted Policy amended in response to LPA Pre-submission Comments. Note: 'Subject to compliance with the other policies of this Neighbourhood Plan' This should not be needed for most policies which should be read in context with others policies in the BPNP and the Torbay Local Plan. Reference may be needed when there is a particular connection, possible contradiction with another policy or is a site has particular environmental sensitivities for example</p>

<ul style="list-style-type: none"> • Provide for the development of childcare facilities within or in close proximity to employment sites. 		
<p>Submission Version Policy J4: Local employment – increased employment and local amenity</p> <p>J4.1 Subject to compliance with the other policies of this Neighbourhood Plan, new start-up businesses or incubation units will be supported within the defined settlement boundaries and home-based jobs, web-based commerce, live/work units and work hubs providing/facilitating an increase in employment will be particularly welcomed.</p> <p>J4.2 Development will not be allowed which generates unacceptable noise, air pollution, levels of traffic or where the residential amenity of the area will be adversely affected.</p> <p>J4.3 Where a new employment development has 10 or more workers, travel planning is strongly encouraged to ensure that staff travel is made sustainable (e.g. via car share, public transport, bicycle, use of park and ride and walking).</p>		<p>LP Policy Context: DE3, SS4, SS5 & TA2 (Development Access) NPPF Para 32 States Transport Statements/Assessments should relate to proposals that generate a significant amounts of movement. LPA Response: No Objection: Suggested minor amendments</p> <p>Note that 500sqm of employment land identified in TLP SDB3.1, may not be delivered. see also comments on BPNP J1. See also comments to Settlement Boundaries in Policy E2 Note: Torbay Local Plan Policy TA2 refers to the need for Travel Plans for Major Development with significant transport implications and a 30% Target Modal Shift.</p> <p>Policy might include a requirement for significant developments to be subject to a requirement that a % of construction workers come from the local area. This has been secured via S106 agreement in major developments in Torquay.</p> <p>Link to BPNP E2 Settlement Boundaries however, also see comments on E2. Note: ‘Subject to compliance with the other policies of this Neighbourhood Plan’ This should not be needed for most policies which should be read in context with others policies in the BPNP and the Torbay Local Plan. Reference may be needed when there is a particular connection, possible contradiction with another policy or is a site has particular environmental sensitivities for example</p>
<p>5.2 Area-specific employment policies for Brixham</p>		
<p>Submission Version: Policy J5: Sustaining a vibrant harbour-side economy</p> <p>J5.1 Brixham Harbour shall be maintained and further developed as a working harbour, to support the harbour-based economy and harbour-side businesses, and to safeguard the town's heritage and image.</p> <p>J5.2 Subject to compliance with the other policies of this Neighbourhood Plan, support will be given to applications for a range of fishing and marine-related developments, including shellfish processing on the Harbour Estate that would benefit the fishing industry and harbour-side economy while paying due regard to resident and visitor amenity. Developments around the harbour will comply with Local Plan Policies TO3 (Marine</p>	<p>Objection in current form</p>	<p>LP Policy context : Policies TO1, TO3 Marine Economy and SDB2 Brixham Town Centre, Harbour and Waterfront and DE3 Development Amenity NC1 Biodiversity and Geodiversity and C3 Coastal Change Management Area ER1 and ER2 LPA Response: No in principle objection: But Still not in accordance with Polices in the TLP</p>

<p>economy) and DE3 (Development amenity), and will address Local Plan Policies SS6 (Strategic Transport Improvements) and SS6.6 (Ferry Transport Links) but will not rely on the construction of a Northern Arm Breakwater as a prerequisite to new developments. They will also observe where relevant the requirements of Neighbourhood Plan Policy BE1 in respect of Heritage assets and any requirements relating to maintenance or enhancement of the Brixham Town Conservation Area in the development plan.</p>		<p>Support the amendments made, from the pre-submission version. However for clarity, the Harbour Area J5 Policy should be defined and identified the area on Policies Map or referring to the TLP Policy area TO1.5 (green wash)? Include reference to Policy TO1 or include reference to the provision of Tourism and leisure facilities in TLP TO1s?</p>  <p>Lack of conformity with Policies in TLP which could be remedied with modification. Add Clarity and context in line with NPPG para41.</p> <p>The Policy remains difficult to use (what is proportionate) suggest: Development proposals should consider the 'BPNP Town Centre Masterplan' and demonstrate that they will not impact upon the delivery of other aspects of the proposal. Suggest setting out the key outcomes (amount of employment land 2,000sqm B uses and link to J1, Housing 10 units and link to BH3 etc.</p>
<p>Submission Version: Policy J6: Brixham Town Centre A full planning brief/master plan, proportionate in breadth and detail to the size and complexity of any development proposal, should be undertaken for any development of the identified Brixham Town Centre site (see reference J1 – 1 in Table 1 above and the Policy Maps (Document 2)). This planning brief/master plan should ideally be made public at the earliest possible, hence pre-application or preliminary consultation, stage. This document should detail how heritage assets and the designated conservation area are to be safeguarded and how the local character and the town's attractiveness as a major tourist destination is to be maintained. Access, connectivity, transport issues and design characteristics should also be addressed.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>Local Plan Policy Context : SDB2, Brixham Town Centre, Harbour and Waterfront; SS10 Conservation and Historic Environment; TC1 Town Centres; TC2 Town Centre Retail Hierarchy; ER1 & ER2 Flood Risk, TA1 Transport and Accessibility (Air Quality Management Area) LPA Response: No 'in principle' objection, However the Town Centre Site now indicates a small (500sqm) employment and Housing (25units). This is part of a wider mixed use scheme. Suggest referring to the Town Centre Masterplan and Polcy J1(-1) in the J6 Policy text. Lack of conformity with Policies in TLP which could be remedied with modification. Add Clarity and context in line with NPPG para 41. The Policy remains difficult to use (what is proportionate) suggest: Development</p>

		<p>proposals should consider the ‘BNP Town Centre Masterplan’ and demonstrate that they will not impact upon the delivery of other aspects of the proposal. Suggest setting out the key out comes (amount of employment land 500sqm and link to J1, and Housng 25 units and link to BH3 etc</p>  <p>The Policy refers to the BPNP J1-1 & H3-H1 site on the BPNP Policy Map. The Brixham Town Centre Master Plan (BTCMP) refers to areas outside this J1-1 & H3-1 boundary. e.g. Bolton Cross and Middle Street. Not clear where the TCMP delineation ends. The BTCMP also refers to retail, car parking etc that should be referred to in the J6 Policy? Any key constraints such as Flood Risk Contaminated Land, transport and AQMA should be made clear (NPPG Para 41)?</p> <p>The TLP includes the Policy TC2 and a previous approval for 2,800sqm plus retail space (Ref Appn.2012/1309) plus 338 car parking spaces and 14 residential units (granted 4th April 2014 and now expired). This is not referred to in the current J6 policy or the potential proportion of retail use.</p> <p>Town Centre Car H3-I1 : There is proven archaeology on site (Remains of medieval and early post-medieval wharfs/harbour – Northeast side) Park See also Historic Environment comment for SA and Policy BH3</p>
<p>Submission Version: Policy J7:Oxen Cove and Freshwater Quarry J7.1 A full planning brief/master plan, proportionate in breadth and detail to the size and complexity of any development proposal, should be undertaken for any development of the identified Oxen Cove and Freshwater Quarry site (see reference J1 – 2 in Table 1 above and the Policy Maps (Document 2)).</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>Local Policy Context : SDB2, Brixham Town Centre, Harbour and Waterfront; SS10 Conservation and Historic Environment; ER1 & ER2 Flood Risk, TA1 Transport and Accessibility; Coastal Change Management Area C3 TO3.3 Northern arm Proposal. SS6.3 SWCP. SS5 Employment Space. NC1 LPA Response: No ‘in principle’ objection: Objection : which could be resolved with minor amendment.</p>

<p>This planning brief/master plan should ideally be made public at the earliest possible, hence pre-application or preliminary consultation, stage. This document should detail how heritage assets and environmental assets are to be safeguarded and how the local character and the town's attractiveness as a tourist destination is to be maintained. Access and transport issues will be expected to be addressed in any initial development proposal and should include the potential short realignment route of the South Devon Coastal Path.</p> <p>J7.2 Design and development options should be informed by the Port Master Plan and the evolving Town Centre Master Plan, and pay due regard to resident and tourist amenity issues. Appropriate Ecology surveys will need to be undertaken at the project stage for any planning application as set out in the HRA to this Neighbourhood Plan.</p>		<p>Cross reference with BPNP housing /employment Policies where there is a specific allocation (J1 and H3). Will the area be defined on the BPNP Policies Map?</p> <p>Provide context of Brixham Town Centre Conservation Area.</p> <p>Suggest similar text to BPNP J5....while paying due regard to resident and visitor amenity. Developments around the harbour will comply with Local Plan Policies TO3 (Marine economy) and DE3 (Development amenity), and will address Local Plan Policies on Flood Risk and Ecology (mSAC/MCZ)</p> <p>Since mixed use is referred to in supporting text...Suggest identifying key outcomes that proposals are expected to deliver within the uppercase Policy Text : e.g. 2000 sqm employment space, 10 no. housing units, providing suitable public parking, public slipway etc and Linking to those policies (J1, H3 etc.</p> <p>Add key constraints e.g. Flood Risk Zone (TLP ER1)</p> <p>The Brixham Town Centre Master Plan refers to areas outside this J1-21 & H3-16 boundary. Should the boundary be revised or the Policy relate to the area identified on the Polices Map?</p> <p>Subject to HRA and SEA screening. Ensure objectives relate to Landowner /operator. Useful link to Port Masterplan. Potential Marine SAC issues? - LP Policy T03. See HRA comments – will need to be Subject to HRA and SEA screening. AECOM HRA acknowledges the potential impact on the mSAC and Policy should comply with TLP Policy TO3. Policy will need to be amended to refer to complying with Local Plan Policies TO3 (Marine economy). Please refer to comments on and in HRA</p> <p>See Comments to J6 above also</p>
<p>Submission Verion: Policy J8: Employment in Churston, Galmpton and Broadsands</p>	<p>Objection in current form which could</p>	<p>Local Policy Context : SDB3, Brixham Urban Fringe and AONB SS5 Employment Space. SS4, C1 Countryside and the Rural economy.</p>

<p>J8.1 New employment development within the Settlement Boundaries (Policy E2) of the three villages should respect the sensitive countryside and coastal setting of the Peninsula, and the character assessment and design guidance in the Village Design Statement (Policy BH5). Employment proposals should relate to the scale and nature of the existing communities and villages of Churston, Galmpton and Broadsands.</p> <p>J8.2 Subject to compliance with the other policies of this Neighbourhood Plan, small-scale (defined as set out at Table 21 in Local Plan Policy SDB3 for Brixham Urban Fringe), sensitively designed proposals which provide local employment opportunities appropriate to the countryside and the rural economy (such as rural crafts, farming, heritage, marine, tourism, outdoor leisure and recreation) will be supported. There should be no adverse impact on the character of the village or amenity of residents. Any traffic generated should not adversely impact on the villages, either through impacts on their tranquillity and rural character, their environment or through impacts on the narrow lanes including the safety of all road users.</p>	<p>be resolved with amendment</p>	<p>LPA Response: No objection in principle. Objections resolved with clarification or minor amendment.</p> <p>Comments: Generally acceptable. Helpful to refer to TLP Strategic Policy SDB 3 (Table 21) sets out provision of 500sq m of B class and Non B class space in the Urban Fringe. Specifically refer to LP Policy C1 as this is a determining factor. Lack of Definition of ‘Employment Land (B and No B uses?)</p> <p>Modification: This is an area-specific policy but there is a lack of clarity of LP Policy C1 and BPNP ‘Policy E2: Settlement boundaries’ and the new boundaries. Potential non conformity with TLP C1. See comments To BPNP Policy E2 also.</p> <p>Note that ‘small scale’ now defined in SDB3 Table 21... as 200sqm Use class B and non-B. This provision of employment should also therefore be included in Policy J1 for clarity (NPPG Para41).</p> <p>Cross reference with BPNP J1 ensure that there is a comfortable relationship with the context set out in BPNP Policy J1.</p> <p>Policy will need to be amended to refer to complying with Local Plan Policies TO3 (Marine economy). Please refer to comments on and in HRA</p> <p>Note: ‘Subject to compliance with the other policies of this Neighbourhood Plan’ This should not be needed for most policies which should be read in context with others policies in the BPNP and the Torbay Local Plan. Reference may be needed when there is a particular connection, possible contradiction with another policy or is a site has particular environmental sensitivities for example.</p>
<p>Submission Version: Policy BH1: Affordable housing</p> <p>BH1.1 Affordable homes will be provided in new developments as a proportion of new open market homes in line with the ratios set out in Local Plan Policy H2. Provision of affordable homes is preferred on-site and integrated into the new development. However, where the calculated provision requires provision of part of a house, that partial provision is to be provided by payment of a commuted sum to fund the provision of affordable</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>Local Policy Context : SDB3 Table 22. Policy H2 Affordable Housing</p> <p>LPA Response: No objection in principle. Objections resolved with clarification or minor amendment.</p> <p>Pleased Policy has been re-labelled ‘BH’ to avoid confusion with LP Housing Policies. BPNP Policy Map should also be amended to ‘BH’ reference for clarity (NPPG par41).</p>

<p>housing within the Brixham Peninsula defined neighbourhood area.</p> <p>BH1.2 Where it is determined that a larger number of affordable houses could be provided by payment of a commuted sum rather than on-site provision, a commuted sum may be paid but only if it is directly allocated to the physical provision of affordable homes within the Brixham Peninsula defined neighbourhood area.</p> <p>BH1.3 Where a commuted sum has not been used to fund the physical provision of affordable housing within the Brixham Peninsula defined neighbourhood area by the 3rd anniversary of its payment date, that sum will be released to fund the physical provision of affordable housing across the wider area served by the Local Planning Authority. Where a commuted sum has not been used to fund the physical provision of affordable housing within the wider area served by the Local Planning Authority by the 5th anniversary of its payment date, that sum will be released back to the developer.</p>		<p>Would recommend using the convention of starting with Housing provision Policy (currently BPNP H3) at the start of this section of the Plan.</p> <p>Welocme reference to TLP 'Policy H2' Affordable Housing in the upper case Policy.</p> <p>BH1.2 is there a risk that this could lead to concentrations of affordable housing rather than a balanced mixed community. "where it is determined" is too vague. Who is making this decision and on what grounds? Who will provide the AH?</p> <p>Suggest that 'land in lieu' for Affordable Housing might also be requested as a second approach to AH provision.</p> <p>Where commuted payments rather than on sites provision (i.e. H2 Small Greenfield sites (3-5 and 6-10 where 10-15% is requested - difficult to provide 'part' of an affordable housing unit on-site).</p> <p>Likely need to provide more robust evidence that commuted sums are only to go to affordable homes only within the BPNP. Pleased that a preference for affordable housing commuted payment delivery in the Peninsula but agreement to spend in wider Torbay if unable to deliver within 2 years.</p> <p>Pleased reference to 'type' and proportion of affordable housing in accordance with TLP Policy H2 provision:(third social rented, third affordable rent and third shared ownership).</p>
<p>Submission Version: Policy BH2: Allocation of new affordable homes</p> <p>BH2.1 Affordable houses in the Peninsula shall only be occupied by persons (and their dependants) whose housing needs are not met by the market and:</p> <ul style="list-style-type: none"> who have had a minimum period of 5 years in the last 10 years of permanent and continuous residence in the Peninsula and are currently living in the Peninsula; or 	<p>Objection in current form which could be resolved with amendment</p>	<p>Local Policy Context : SDB3 Table 22. Policy H2 Affordable Housing</p> <p>No in principle objection. But objection which may be resolved with amendments</p> <p>Policy likely to require robust evidence to support change from the current 'eligible person' /local connection criterion.</p> <p>Suggest linking to BPNP Housing allocation Policy 'BH3' and Torbay Local Plan Policy H2 for when affordable housing will be sought.</p>

<ul style="list-style-type: none"> • who have lived in the Peninsula for at least 5 years and whose parents or children are currently living here and have at least 10 years continuous residency; or • who are a key worker as defined by the UK Government and are working within the Peninsula. <p>BH2.2 Where persons cannot be found to meet these criteria, affordable housing may be occupied by people and their dependants whose housing needs are not met by the market. These occupancy requirements shall apply in perpetuity, and be the subject of a legal agreement negotiated during the planning process on any development of affordable housing.</p>		<p>Pleased inclusion of phrase ‘whose housing needs are not met by the market and third bullet point’ and : ‘who are a key worker as defined by the UK Government and are working has permanent employment within the Peninsula’.</p> <p>Continued suggested addition to BH2.2 : Where persons cannot be found to meet these criteria, affordable housing may be occupied by people and their dependants ‘identified on the Torbay Housing Waiting List’</p> <p>Might be suitable to provide a time limit of perhaps 6 months for BPNP criterion to apply after which Torbay ‘eligible’ criterion applies.</p>																																													
<p>Submission Version: Policy BH3: Delivery of new homes</p> <p>The sites listed in Table 2 below and shown in the Policy Maps (Document 2) are allocated for housing development in this Neighbourhood Plan.</p> <p>Table 2: Allocated housing sites.</p> <table border="1" data-bbox="107 852 884 1471"> <thead> <tr> <th>Neighbourhood Plan Reference</th> <th>Site Name</th> <th>Homes</th> </tr> </thead> <tbody> <tr> <td colspan="3">Committed Sites</td> </tr> <tr> <td colspan="3">Brixham Town</td> </tr> <tr> <td>H3 – C1</td> <td>Wall Park Holiday Camp (CDSB3)</td> <td>173</td> </tr> <tr> <td>H3 – C2</td> <td>Sharkham Village (CDSB7)</td> <td>31</td> </tr> <tr> <td>H3 – C3</td> <td>Fishcombe</td> <td>30</td> </tr> <tr> <td>H3 – C4</td> <td>Kings Drive (CDSB5)</td> <td>22</td> </tr> <tr> <td>H3 – C5</td> <td>Douglas Avenue (CDSB6)</td> <td>12</td> </tr> <tr> <td>H3 – C6</td> <td>Bakers Hill</td> <td>6</td> </tr> <tr> <td colspan="3">Churston, Galmpton and Broadsands</td> </tr> <tr> <td>H3 – C7</td> <td>Churston Court Barns (CDSB1)</td> <td>9</td> </tr> <tr> <td>H3 – C8</td> <td>Gliddon Ford</td> <td>9</td> </tr> <tr> <td>H3 – C9</td> <td>5 Broadsands Road</td> <td>8</td> </tr> <tr> <td>H3 – C10</td> <td>Broadsands House</td> <td>6</td> </tr> <tr> <td></td> <td>Total</td> <td>306</td> </tr> </tbody> </table>	Neighbourhood Plan Reference	Site Name	Homes	Committed Sites			Brixham Town			H3 – C1	Wall Park Holiday Camp (CDSB3)	173	H3 – C2	Sharkham Village (CDSB7)	31	H3 – C3	Fishcombe	30	H3 – C4	Kings Drive (CDSB5)	22	H3 – C5	Douglas Avenue (CDSB6)	12	H3 – C6	Bakers Hill	6	Churston, Galmpton and Broadsands			H3 – C7	Churston Court Barns (CDSB1)	9	H3 – C8	Gliddon Ford	9	H3 – C9	5 Broadsands Road	8	H3 – C10	Broadsands House	6		Total	306	<p>Objection in current form which could be resolved with amendment</p>	<p>Key LP Policies to consider SDB1 and SS1, SS12 and SS13 NPPF: para 47 LPA Response: Objection: Policy BH3 is potentially not in General conformity with SS1, SS12 and SS13 and SDB1 or NPPF para 47. HRA Likely significant effects cannot be ruled out with current policy/allocations as shown in submission plan. Objection likely to be resolved with substantial modifications as set out below:</p> <p>General Note: Recommend re-labelling Table 2 ‘BH’ to avoid confusion with Local Plan ‘H’ Policies.</p> <p>Pleased that the pre-submission introductory paragraph (6.0.11.) has been deleted.</p> <p>It cannot be demonstrated that all sites are NPPF para 47 ‘deliverable’ (i.e. within 5 years). Local Plan Policy SS13 seeks site allocations for years 6-10 (i.e. NPPF ‘developable’). Some Allocated Sites have not demonstrated that the constraints can be overcome and sites or number of units indicated can be delivered in the Housing Assessment Document 3.</p> <p>Advise cross reference to BPNP Affordable Housing Policies (BPNP H1 and BPNP H2). The Forum may consider identifying proportion of affordable likely to be delivered through these allocations.</p>
Neighbourhood Plan Reference	Site Name	Homes																																													
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Windfall sites		234
Allocated Sites		
Brixham Town		
H3 – I1	Brixham Town Centre (CDSB4)	25
H3 – I2	St Mary's/Old Dairy (CDSB2)	25
H3 – I3	St Kilda ¹⁷	12
H3 – I4	Northcliffe Hotel	15
H3 – I5	Torbay Trading Estate	15
H3 – I6	Oxen Cove and Freshwater Quarry	10
H3 – I7	Brixham Police Station	7
H3 – I8	Former Jewson ¹⁸	20
H3 – I9	Castor Road (committed)	10
Churston, Galmpton and Broadsands		
H3 –I10	Waterside Quarry	10
H3 –I11	Knapman's Yard	6
	Total	155
	Total sites	695

17 Note: Allocated for affordable (not open market) housing in accordance with Policy J1 at para J1.2.

18 Note: Allocated for assisted living (not open market) housing in accordance with Policy HW1.

Torbay is likely to have an overall shortfall in five year housing supply (3.9 years). This is in part due to the lack of housing allocations in the Paignton Neighbourhood Plan and the longer than anticipated delivery of the three Neighbourhood Plans. Policy BH3 should therefore carefully consider the allocation of all 'potential housing allocations' identified in the Torbay Local Plan and any others promoted during the previous and current consultation stages in order to contribute to the overall supply of housing at a District wide level.

BH3, Table 2:

Lack of clarity between LP Sites and BPNP housing sites in Table 2.

Advise clearly demarcation between sites that have already been allocated in the Local Plan (e.g. Wall Park TLP Appendix C 'pool of sites' Committed sites ref.CDSB3) by adding TLP reference and those sites now allocated through BPNP (added in red text as shown) . Therefore differentiate between Local Plan 'committed' sites and BPNP 'committed allocations' for clarity. If necessary a note can be added to clarify if permission has been granted without splitting into separate columns. Suggest that the term 'identified' (e.g.BH3 –'I1') is replaced with BPNP 'allocated sites' (i.e. BH3-A1)

Specific Sites: (see also Appendix1 and SA/HRA comments)

Potential impact on the Historic Environment see SA comments. Historic England note that supporting BPNP SA needs to demonstrate the consideration of the Historic Environment (Former Jewson/Castor Road/Waterside Quarry) as a potential design requirement (H3.I3 St Kilda) or the need to Prima Facie evidence for Archaeological potential but no assessment has taken place (H3-I1)Town Centre Car Park).

Two of the sites should be removed from the Table 2 as they are considered 'windfall sites' (i.e. under 6 units net gain). These are:

- **H3 –C9 Broadsands House** (one existing dwelling demolished with permission for 6 units with a Net gain of 5 units). If site remains in the Table 2, the windfall allocation of 234 should be reduced by 5 units to 229, however this would create an inconsistent approach to allocated sites shown in the Local Plan and in the BPNP.
- **H3-I3 St Kilda** reference to Policy J1 para J1.2 confusing, as St Kilda is not a 'B' use employment site. If Forum wish to restrict to some form of non-open

		<p>market housing then state this, as is the case in the footnote related to the former Jewson H3-18. Evidence required for allocating 12 units to this site, when the AECOM study suggests 7. Suggest allocating as general housing, not requiring/ being specific about the type (eg. assisted living). Although it is acknowledged that the previous use was as a care home, doesn't mean that future redevelopment would only be considered for housing for a similar group. Would recommend the study figure is used, as no justification for the higher figure at this stage. See also Historic Environment comment above.</p> <ul style="list-style-type: none"> ○ H3-16 Oxen Cove and Freshwater Quarry -10 units proposed – AECOM study suggests 12 units, therefore recommend this study figure is used, for consistency. ○ H3-17 Brixham Police Station – evidence required for reducing number of units on site from 12 (in AECOM study and the SHLAA), to 7 units. Again, would recommend that the study figure is used, as no justification for the lower figure at this stage. ○ H3-110 Waterside Quarry. The entire site has capacity for 3 units at present subject to outline planning consent with further RM application for 2 units and separate detailed application currently submitted but undetermined. An application for residential development in the remainder of the site would need to be considered on its merits. The Local Plan SHLAA update in 2013 (most recent) considered the entire site capacity to be under 6 and the entire site therefore forms a 'small, windfall site'. There are access, landscape and unresolved HRA issues (see separate HRA comments). Object to identification in BH3 Table 2 and recommend site deleted. Reconsider merits as a potential 'small windfall' application (if HRA and other issues with regards to how the site at the rear would be accessed particular by vehicle, can be overcome). If allocated, there are double-counting issues as in H3-C9 above. See also SA and Historic Environment comment above. ○ New Allocation of former Jewson Employment site H3-18. Loss of employment land (see comments in Relation to J1) Need for additional Assessment in Supporting Housing Assessment Documents (3 and X) and issues related to Flood Risk identified in the SEA comments. Development Management Colleagues have additionally commented: <i>Parking provision, bin storage, cycle storage and amenity space would be required for the 20 dwellings, the site would appear to be very tight to achieve this, irrespective of the addition of employment space. Consideration of access to the</i>
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		<p><i>highway must be considered. There is potential for conflict between residential and industrial processes in terms of amenity and traffic. See also Historic Environment comment above.</i></p> <ul style="list-style-type: none">• H3-I11 Knapman's Yard– both the SHLAA and AECOM suggest a yield of 8 units on this site. Table 2 BH3 allocates 6 units. Again, would recommend that the study figure is used, as no justification for the lower figure at this stage• H3 –I12 St Mary's/Old Dairy Old Local Plan allocation carried over into Neighbourhood Plan. Site in AONB. BPNP site size reduced to remove greenfield portion of site. No reciprocal reduction in anticipated housing delivery. Suggest 25 units reduce to 15 or so.• Town Centre Car H3-I1 : There is proven archaeology on site (Remains of medieval and early post-medieval wharfs/harbour – Northeast side)Park See also Historic Environment comment above. <p>If windfall sites are identified in Table 2. All similar sites should be considered for inclusion for consistency. The LP/NP 'windfalls total' (234) should be rounded down accordingly.</p> <p>Some housing sites have capacity identified that is unlikely to be achieved. Evidence is required from land owners that sites have appropriate the capacity. Uncertainty over fully affordable housing allocation.(note 17)</p> <p>See additional separate comments in Appendix 1 'Housing Site Assessment Comments' to this report and the LPA response to HRA & SEA. The certainty of some sites will depend on SEA/HRA findings.</p> <p>If Broadsands House (6), Waterside (10), St. Kildas (-5), Jewson (20), Torbay Trading Estate (15) and St Mary's /Old Dairy reduced site Size (-10 or so units) are removed and/or amended. Table 2 Totals will not meet LP Target of 660 (this could be as low as 627 if <i>all</i> the uncertain units are discounted), However some additions are also suggested e.g. Plus 2 units at Knapman's Yard to accord with the AECOM Housing Assessment.</p>
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		<p>The differential in housing Figures could probably be with the allocation of another site or slight amendments. See recommendations in Appendix 1 which suggest alternative way forward of meeting LP housing Target.</p> <p>Subject to HRA Assessment findings. See separate comments on the HRA and SA.</p> <p>It is assumed that the final version of the BPNP will not specifically identify 'Rejected sites' on Policies Map.</p> <p>Cross reference to BH1 and BH2 and BH9 Exception Sites.</p>
<p>Submission Version Policy BH4: Brownfield and greenfield sites</p> <p>BH4.1 Subject to compliance with the other polices of this Neighbourhood Plan development on brownfield (or previously developed) sites in preference to greenfield sites will be encouraged and supported.</p> <p>BH4.2 Brownfield sites within the defined Settlement Boundaries (Policy E2) are the preferred locations for development.</p> <p>BH4.3 Development that extends settlements on to adjoining greenfield sites is not supported. The only exception to this is where the development is fully compliant with Policy BH9 in relation to Exception Sites.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>Local Plan Policies C1</p> <p>Recommend removal of or re-drafting of BH4.3 and allowance of proposals to be considered in the context of TLP Policy C1 (C2/SS8 etc where relevant). Suggest rewording '<i>Development that extends settlements on to adjoining greenfield sites will be considered in the context of TLP Policy C1 and proposals that May meet Local Need through self build and local affordable housing Provision (BH9)</i>'.</p> <p>Note: 'Subject to compliance with the other polices of this Neighbourhood Plan' This should not be needed for most policies which should be read in context with others policies in the BPNP and the Torbay Local Plan. Reference may be needed when there is a particular connection, possible contradiction with another policy or is a site has particular environmental sensitivities for example.</p>
<p>Submission Version: Policy BH5: Good design and the town and village Design Statements</p> <p>BH5.1 All new development should demonstrate good quality design and respect the character and appearance of the surrounding area.</p> <p>BH5.2 The character and appearance of Brixham Town and the villages of Churston, Galmpton and Broadsands are set out in detail in the relevant Design Statement (Documents 6, 7, 8 and 9) which include both general and area-specific design guidelines (as denoted by the shading pink of the boxes around text), as well as photographic examples of community views on</p>	<p>Support</p>	<p>'New Policy' NPPF</p> <p>Torbay Local Plan Policies DE1 Design, De2 Building for Life and DE3 Development Amenity</p> <p>No objection in principle. Over prescriptive in parts BH5.5 Safety and Security (Designing out Crime). Slightly Mixed Lack of Clarity under NPPG para41.</p> <p>Define 'Major' (1,000sqm?)</p>

good and bad design. Design statements apply to their respective area as set out on the Policy Maps (Document 2) by a dashed brown line.

BH5.3 A central part of achieving good design is responding to and integrating with local character and landscape context as well as the built environment.

BH5.4 Development that fails to take the opportunities afforded by good design so as to respect or enhance the local character and quality of the area as set out in the Design Statements, the Landscape Character Assessment²² or the Brixham Urban Fringe Landscape Assessment,²³ or the way the area functions, or does not comply with the general and area-specific design guidelines in the Design Statements, shall not be permitted.

BH5.5 The design of new development and altered buildings or areas in the following categories should adequately take into account the safety and security of the users of the facilities and that of neighbouring residents:

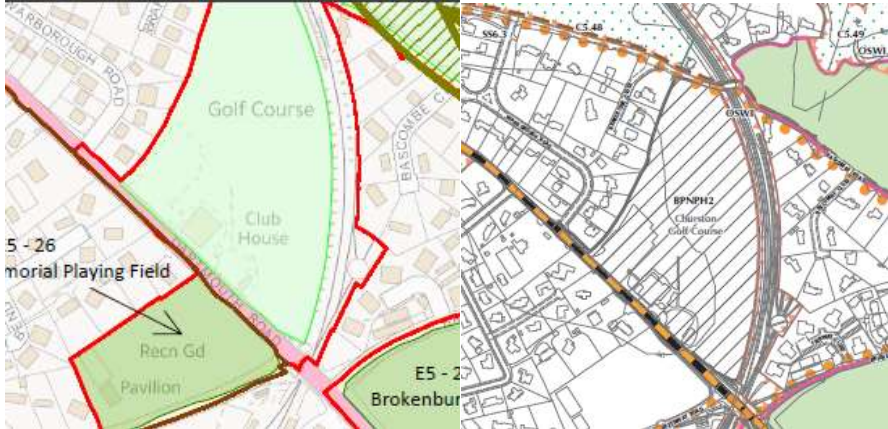
- Major housing schemes of 10 or more homes
- Major commercial office, industrial, retail or leisure schemes
- New neighbourhood or district community facilities
- Shop Front improvements
- Proposals which include significant areas of open space/landscaping as part of a development, including linkage footpaths
- Proposals incorporating significant off street car parking provisions
- Improvements such as cycle lanes and new or improved footpaths
- All developments involving Class A3, A4 and A5 food and drink uses
- New or redeveloped schools/education premises
- Where intended occupants are particularly vulnerable and require higher standards of security to ensure their personal safety e.g. care homes and drug rehabilitation centres

BH5.5 the word 'adequately' should be removed it is not necessary.

<p>Submission Version: Policy BH6:Roofscape and dormer management</p> <p>BH6.1 To protect local amenity, dormers will only be approved where they:</p> <ul style="list-style-type: none"> • are modestly scaled; • are subservient to the roofscape, by being below the ridge line and set in from the sides and eaves lines; • are sympathetic to the original fascia and eaves and retain traditional roof features (such as chimney stacks); • do not include inappropriate projecting roof features (such as Juliette balconies or extractor fans); • use traditional materials and methods of fixing which are consistent with the local character of the area; • include windows that are subordinate in size, aligned to the windows below and sympathetic to traditional fenestration in materials, form and expression; and • do not result in a detrimental impact to neighbouring residential amenity. • BH6.2 Design construction should reflect the traditional, intrinsic qualities of the original building. <p>BH6.3 Large roof-lights or solar panels can be as visually harmful as poorly designed dormer windows. They should be carefully designed and positioned to avoid impacting on the appearance of a building, particularly where they are not a characteristic feature in the area.</p>		<p>Local Plan Context DE1 and DE3, SS10</p> <p>LPA Support</p> <p>It is recognised that BH6.3 - Rooflights and solar panels will often be permitted development even in Conservation Areas and that the siting of solar panels will be primarily determined by the direction in which the roof faces.</p>
<p>Submission Version: Policy BH7: Sustainable construction</p> <p>New development is encouraged to, on a basis proportionate to the scale of the development, incorporate the latest in sustainable construction, adaptive technologies, eco-innovation and other measures to combat climate change and enable sustainable lifestyles. Development orientation, design and layout should minimise energy use and maximise energy efficiency.</p>	<p>Support</p>	<p>LP Policy context: SS1 SS14 and ES1 and DE2 Building for Life.</p> <p>LPA Response: Positively policy generally acceptable (difficult to enforce/deliver). Minor amendments suggested:</p> <p>Note amendment to use ‘encouraged’ from pre-submission comments.</p>
<p>Submission Version: Policy BH8:Access to new dwellings</p> <p>BH8.1 No more than five dwellings shall be accessed off an existing un-adopted highway. 25</p> <p>BH8.2 In new developments where an un-adopted highway is first planned it will, in principle, be acceptable to access more than five dwellings.</p>	<p>Objection in current form which could be resolved</p>	<p>LPA Context SS6 and TA1</p> <p>LPA objection which could be resolved with re-wording</p> <p>BH8.1 Suggest that this policy be reworded to be less prescriptive and allows for ‘exceptional circumstances’</p>

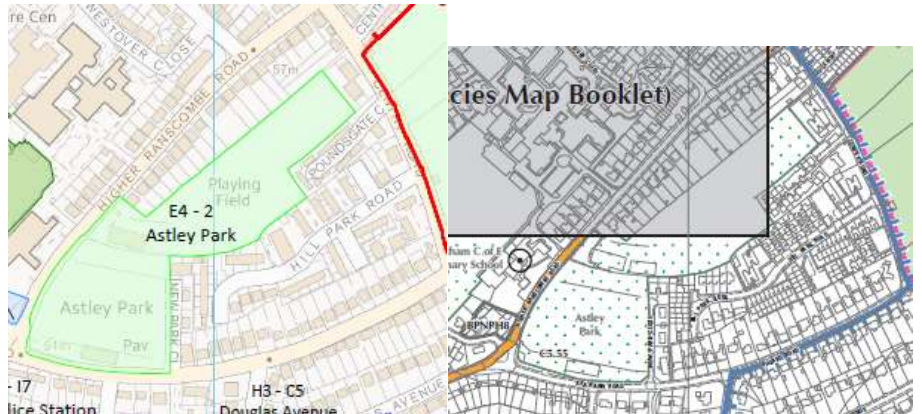

	with amendment	LHA object to new section: BH8.2 This in contrary to the LHA TA2 and Design Guide and may encourage 'gated' communities.
<p>New Submission Plan Policy Policy BH9: Exception sites Subject to compliance with the other polices of this Neighbourhood Plan and in particular the Conservation of Habitats & Species Regulations 2010, in exceptional circumstances, proposals for rural exception housing schemes on sites that would not otherwise be acceptable for housing development, may be permitted where the development:</p> <p>a. Exclusively addresses an identified Brixham Peninsula need for:</p> <ul style="list-style-type: none"> • affordable housing in accordance with the definition in the NPPF; • purpose-built accommodation for older people (with a minimum age of 60); or • purpose built accommodation for the disabled; <p>and the developer has evidenced that scale of the need for that type of housing within the Brixham Peninsula area the time that Planning Permission is sought is sufficient to justify a development on a site which would otherwise not be able to be developed; and</p> <p>b. Is subject to planning obligations and safeguards that provide legal certainty that the need will continue to be served in perpetuity; and</p> <p>c. Is adjacent to a Settlement Boundary (Policy E2) or otherwise demonstrably well related to existing residential development and amenities; and</p> <p>d. Is not located within a Settlement Gap (Policy E3); and</p> <p>e. Is appropriate in terms of its scale, form and character and is of low environmental and visual impact; and</p> <p>f. Does not comprise more than 20 dwellings or buildings with a footprint in excess of 200 sqm unless agreed otherwise in conjunction with the community.</p>	Support	<p>TLP Policies H1 applications for new Homes, H2 Affordable Housing and H3 Self Build and Affordable housing and exception sites. Objection which could be resolved with amendments.</p> <p>Criterion a) very restrictive more appropriate to relate to identified in within Torbay unless robust evidence to suggest Brixham Peninsula need is greater. Suggest alignment to TLP Policy for 'a proven local need'. Type of housing (60 plus) not evidenced. Issues with accessibility to local services may arise for exception sites and access for elderly/disabled residents. Criterion D refers to Policy E2 Settlement Gaps but not reference to Major application in the AONB?</p> <p>Should also relate to TLP Policy Affordable housing Policy H2 and Self –Build Policy H3 and Exception sites.</p> <p>Criterion F in conflict. 20 dwellings at minimum recommended dwelling space standards GIA exceeds 200sqm (TLP Policy DE3 Table 23 1p dwelling 37 sqm x 20 =740 sq m)</p> <p>Suggest Revision to align with TLP Policy H3.</p> <p>Note: 'Subject to compliance with the other polices of this Neighbourhood Plan' This should not be needed for most policies which should be read in context with others policies in the BPNP and the Torbay Local Plan. Reference may be needed when there is a particular connection, possible contradiction with another policy or is a site has particular environmental sensitivities for example.</p>
<p>Submission Version: Policy E1: Landscape beauty and protected areas E1.1 The natural beauty, landscape character, tranquillity and biodiversity of the Brixham Peninsula, as set out in the Design Statements (Policy BH5), the</p>	Objection in current form which could be resolved	<p>LP Context: SS8 Natural Environment and SS9 Green Infrastructure and C1 Countryside and Rural economy. SDB 3 Brixham Urban Fringe and AONB. NPPF: Define local planning Policy ...should LP policies SS8, SS9 and C1 and C2 be indicated here?</p>


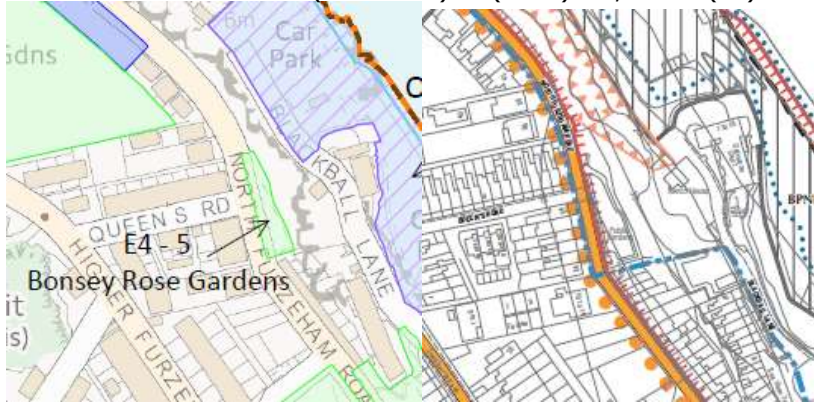
<p>Landscape Character Assessment²⁸ or the Brixham Urban Fringe Landscape Assessment²⁹ will be preserved and enhanced. New development will respect these qualities and wherever possible enhance them.</p> <p>E1.2 Designated landscapes including the internationally designated Special Area of Conservation (SAC), the nationally designated National Nature Reserve (NNR) or Area of Outstanding Natural Beauty (AONB), and the locally designated Undeveloped Coast (Local Plan Policy C2) or Countryside Area (Local Plan Policy C1) will all be protected. Landscapes which comprise the English Riviera Global Geopark will be protected to ensure the retention of the area's status as an urban geopark. As a minimum, prevailing international, national and local policies will be applied.</p> <p>E1.3 Development within or impacting on the AONB must demonstrate that "great weight"³⁰ has been given to conserving landscape and scenic beauty. As a minimum, development will comply with all policies, objectives and guidance from the South Devon AONB³¹ and the National Trust³²³³.</p> <p>E1.4 Outside of Settlement Boundaries (Policy E2) priority will be given to protecting and enhancing the countryside from inappropriate development.</p> <p>E1.5 Unsympathetic development that will harm the wider landscape or introduce or increase light pollution will not be supported.</p> <p>28 Landscape Character Assessment of Torbay, Enderby Associates, May 2010. 29 Brixham Urban Fringe Landscape Study, Enderby Associates, September 2011. 30 National Planning Policy Framework 2012, paragraph 115. 31 Planning for the South Devon AONB: Planning Guidance Version 1. AONBs and Development, National Trust, September 2015. 33 Development in and Affecting Areas of Outstanding Natural Beauty, Green Balance for National Trust, September 2015.</p>	<p>with amendment</p>	<p>Para 7.0.2 :Coastal Preservation Area (CPA) no longer exists refer to LP policy C2 'The Coastal Landscape' and 'undeveloped coast'.</p> <p>E1.2 Mix of primarily Landscape designations and biodiversity designations. Hierarchy of importance mixed within Policy. Contrary to NPPF and SS8. Policy applied</p> <p>E1.3 This section weakens LP Policy SS8 in terms of proposals (and major proposals) within the AONB. Note that AONB planning guidance as an annex to the AONB Management Plan is already a material consideration.</p> <p>E1.5 Should not be in conflict with C1 and Allow for appropriate development in the countryside including outdoor recreation which may include lighting. This lighting should not unduly impact upon the nationally important dark landscapes or areas of 'tranquillity'</p> <p>Development Management Colleagues object E1.3 to the need to comply with policies, objectives and guidance from the SD AONB and NT. Neither of these are statutory consultees. The planning balance is important and we need to be able to exercise it.</p>
<p>Submission Version : Policy E2: Settlement boundaries</p> <p>E2.1 Settlement boundaries are defined by this Neighbourhood Plan for the respective settlements of the Town of Brixham and the three villages of Churston, Galmpton and Broadsands. These boundaries are shown in the Policy Maps (Document 2).</p>	<p>Objection in current form which could be resolved</p>	<p>LP Policy Context: C1 and SS8 and SS9</p> <p>LPA Response: Objection : Potential strategic conflict/ lack of conformity with Policy C1 Countryside and rural Economy. This could be resolved with re-wording and /or amendment of Settlement Boundaries.</p>


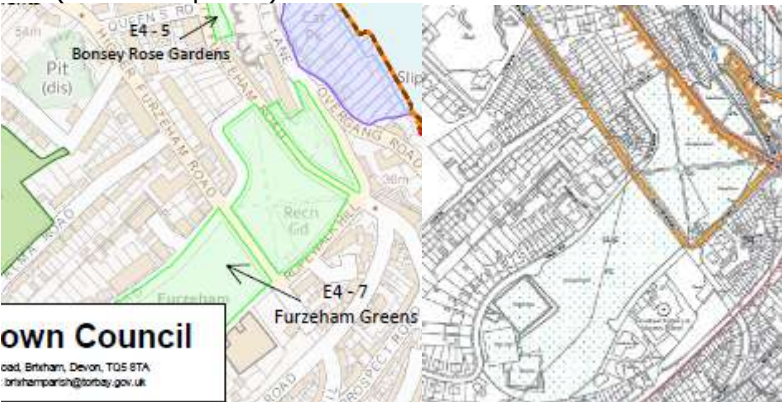
<p>E2.2 Subject to compliance with the other policies of this Neighbourhood Plan, proposals for sustainable developments within settlement boundaries will be supported where developments demonstrate good design and follow the guidance in the relevant Design Statement (Policy BH5). E2.3 Areas outside settlement boundaries will be treated as open countryside where, in addition to any protection already afforded in any international, national or development plan policy, only the following development will be supported:</p> <ul style="list-style-type: none"> • development which demonstrates an operational need for a countryside location such as for agricultural, horticultural or forestry operations or dwellings for their workforces where the same need is demonstrated; • development where there is a need for replacement buildings of similar size; • small-scale and low-impact rural/farm diversification schemes appropriate to the site, location and its rural setting; • the conversion and/or reuse of existing rural buildings that are permanent structures and can be reused without major reconstruction; • the expansion of existing buildings to facilitate the growth of established businesses proportionate to the original nature and scale of the site and its rural setting; • extensions and alterations to dwellings which do not dominate or have other adverse effects on the character or appearance of the original property, or on the landscape or setting in general; • developments proposed for an Exception Site (Policy BH2) specifically to meet local need in strict accordance with that policy; • facilities for outdoor sport and recreation are appropriate to the rural setting in terms of design and impact which accord with Policy S&L1 and which do not generate unacceptable levels of traffic onto unsuitable roads. 	<p>with amendment</p>	<p>Concerns that this Policy may affect the strategic context of Countryside area identified in TLP Policy C1 and therefore not in General Conformity.</p> <p>Para 7.0.17 and 7.0.17 Lack of clarity for use in determining planning applications. Will the Settlement Boundaries redraw the Village Envelopes in TLP Policy C1? Need to establish determination of Planning Applications, outside the BPNP settlement boundary E2 but inside LP C1 'village envelope'? This policy should refer to the context of the Local Plan with regards to Village Envelopes and how this policy changes/builds upon Local Plan Policy C1.</p> <p>Suggest amending Policy E2.3 'Development outside settlement boundaries will need to meet the criteria <i>in TLP Policy C1 for the Countryside area</i>'.</p> <p>Settlement Boundaries have been drawn that extend into the 'built up' area. e.g. TLP Sheet 31, area includes Churston Golf Course and memorial Playing Field Filed within the 'village'.</p> 
<p>Submission : Policy E3: Settlement gaps E3.1 Settlement gaps have been defined between Paignton, Galmpton, Churston and Brixham. They are shown at Appendix</p>		<p>LPA Policy Context: C1 Countryside and the Rural economy SS2 Future Growth areas. NPPF Context: Paras 79 to 91.</p>



<p>3 and on the Policy Maps (Document 2). Countryside around Brixham is largely AONB (Policy E1 at para E1.3). Settlement Gaps relate to areas outside of the AONB where the countryside which forms the "gap" is Undeveloped Coast (Local Plan Policy C2) or Countryside Area (Local Plan Policy C1).</p> <p>E3.2 Within the settlement gaps no development that visually and or actually closes the gaps between these urban areas will be permitted. In particular, development should not:</p> <ul style="list-style-type: none"> • lead to a reduction in the functional value of the settlement gap by way of a perceived reduction in levels of separation between settlements or a perceived reduction in connectivity to the wider countryside; or • harm the openness or landscape character of the area, including through visual impacts, and/or would otherwise result in harm to settlements in their wider landscape setting; or • lead to a loss of environmental or historical assets that individually or collectively contribute to local identity. 		<p>LPA Response: Objection which could be resolved with revised wording and delineation however potential conflict with Policy C1 Also potential conflict with allocation of recreational facilities in Policy SC2.6</p> <p>Recommend amendment to look at strategic gaps in the Countryside area (Policy C1) and in particular the gaps between the main settlements of Paignton, Broadsands, Galmpton, Churston and Brixham.</p> <p>Settlement gaps difficult to interpret on Policies Maps. Ellipse at 1:5000 Scale Does not work very well and difficult to interpret (PPGN para 41).</p> <p>Brokenbury Quarry 'Settlement Gap' identified as an area of search for recreational sport facilities TLP Policy SC2.6 within Policy C1 (Countryside area). Objection if this would prohibit the provision of facilities/sport pitches. Suggest deletion of this 'gap' as it does not form a strategic settlement gap.</p>		
<p>Submission Version Policy E4: Local Green Spaces</p> <p>The sites set out in Table 3 below and shown in the Policy Maps (Document 2) and the Greenspace Site Assessment (Document 5) are designated Local Green Spaces (LGS), as defined in the NPPF.42</p> <p>They will be protected beyond the lifespan of this Neighbourhood Plan as required by the NPPF.</p> <p>Development within a LGS will only be permitted in "very special circumstances"⁴³ and would require robust justification on grounds of specific benefit to the community. For example, where the proposal would enhance recreational, sport or leisure facilities and provided it met stringent design and environmental requirements it might be viewed favourably.</p> <p>Some land designated as Local Green Space is already protected by higher level international and national protection, for example, the Berry Head Special Area of Conservation (SAC). This policy provides additional protection for such areas; it does not dilute existing protection.</p>	<p>General Support.</p>	<p>Local Plan Policy context: SS8 SS9 C5 NPPF Paras 77 & 78</p> <p>LPA Response: Generally acceptable. LPA Objection to some sites which may be overcome with additional evidence and or justification.</p> <p>Local Green Spaces have protection equivalent to Greenbelt. NPPF 77 and 78. The Forum will need to ensure that each site meets the Criteria in NPPF 77 and that does not conflict with other Neighbourhood Plan Designations.</p> <p>Fourth paragraph need not be in uppercase Policy text and could form part of the explanatory text.</p> <p>Suggest the a simple list of sites and references should be listed in a table in the uppercase policy text.</p>		
<p>Sites E4-1 to E4-17</p> <table border="1" data-bbox="96 1444 884 1481"> <tr> <td data-bbox="96 1444 235 1481">E4 – 1:</td> <td data-bbox="235 1444 884 1481">Ash Hole Woods</td> </tr> </table>	E4 – 1:	Ash Hole Woods	<p>Sites: Objection in</p>	<p>The proposed Local Green Spaces contained within the plan proposal which may meet the criteria outlined in the National Planning Policy Framework</p>
E4 – 1:	Ash Hole Woods			


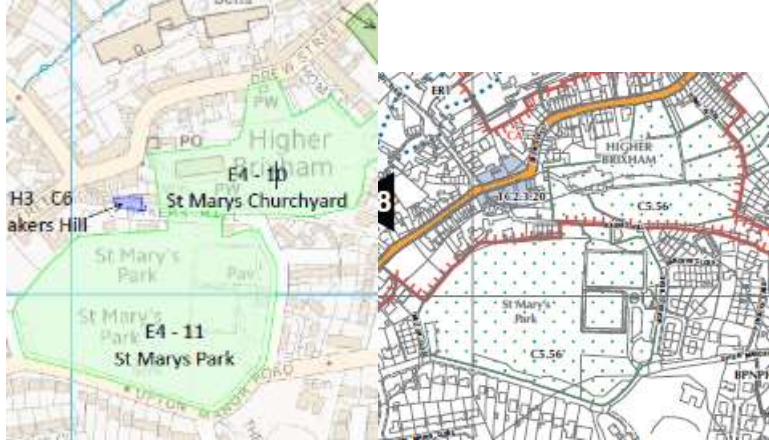
E4 – 2:	Astley Park	current form which could be resolved with amendment	<p>(paragraph 76 and 77). This representation from the LPA does include objection to a limited proportion of Local Green Spaces where it is felt that they are not in general conformity with the Local Plan or the Justification has not been clearly demonstrated that sites meet the NPPF criteria. Identifying land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.</p> <p>The LPA would advise that should the sites have potential future development value, they should not be designated as Local Green Spaces. Caution should be exercised if landowners are promoting such sites for development, as this would constitute a de facto objection to Policy E4.</p> <p>Some sites may be better considered as Public Open spaces Designation (Policy E5)</p> <p>BPNP need to demonstrate that sites should meet the Tests in NPPF Para 77.</p> <p style="padding-left: 40px;">i.e.</p> <ul style="list-style-type: none"> • <i>The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:</i> • <i>where the green space is in reasonably close proximity to the community it serves;</i> • <i>where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i> • <i>where the green area concerned is local in character and is not an extensive tract of land.</i> <p>Further detailed examination of proposed LGS sites is requested. Note: Sites in Brixham Peninsula also may also fall within the SH SAC GHB Strategic Flyways/sustenance zone.</p>
E4 – 3:	Battery Gardens		
E4 – 4:	Berry Head.		
E4 – 5:	Bonsey Rose Gardens		
E4 – 6:	Brixham Cricket Ground		
E4 – 7:	Furzeham Greens		
E4 – 8:	Jubilee Gardens		
E4 – 9:	Shoalstone		
E4 – 10:	St Mary's Churchyard		
E4 – 11:	St Mary's Park		
E4 – 12:	Stoney Park Allotments		
E4 – 13:	Churston Golf Course		
E4 – 14:	Elberry Headland		
E4 – 15:	Warborough Common		
E4 – 16:	Sugar Loaf Hill.		
E4 – 1:	Ash Hole Woods		

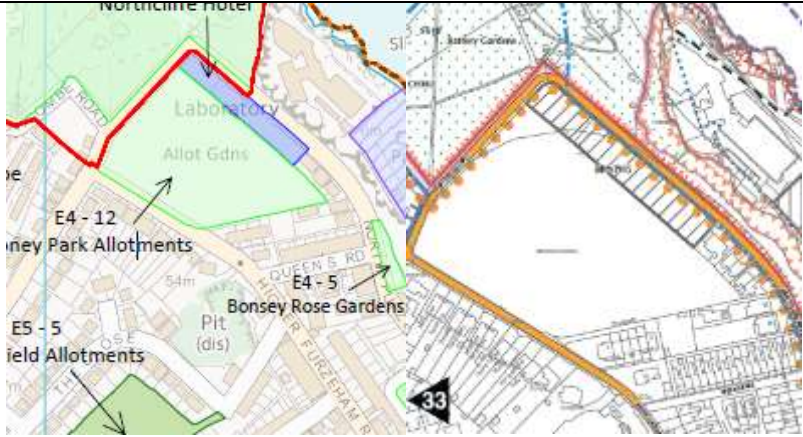

	<p>Privately owned (-have the relevant landowners been contacted). Includes SAM County wildlife site and ULPA in TLP (sheet 34) but different boundaries used. Outside the AONB and Conservation Areas.</p>	
<p>E4 – 2:</p>	<p>Astley Park Brixham Rugby Club (Council interest in land) ULPA C5.55 in TLP (Sheet 37) outside AONB.</p> 	
<p>E4 – 3:</p>	<p>Battery Gardens Council owned. TLP: SAM & CA (SS10), ULPA (C5.50) and Nature Conservation (OSWI)(Policy NC1) and CCMA (C3).</p> 	
<p>E4 – 4:</p>	<p>Berry Head. TBC interest in much of the land (but also private owners consulted?)</p>	

		<p>TLP Policies (Policies Map sheet 34) :AONB (SS8) Countryside (C1), undeveloped coast (C2), SAM (SS10),SH SAC, NNR &OSWI (SS8 & NC1& SS9)and MSA(M3)</p> <p>Inconsistency between Greenspace assessment (page 9) boundary and BPNP Policy boundary (Berry Head). Area now includes Centenary Road and Gillard Road Campsite without supporting explanation.</p> 	
	<p>E4 – 5:</p>	<p>Bonsey Rose Gardens. TBC owned TBC Owned. TLP Polices: (BTC sheet)CA (SS10) SM, CCMA (C3)</p> 	
	<p>E4 – 6:</p>	<p>Brixham Cricket Ground. TBC interest BRC interest (landowners/operators consulted?)</p> <p>TLB Policies: AONB (SS10) Countryside C1, Undeveloped coast C2 MSA (M3)</p>	

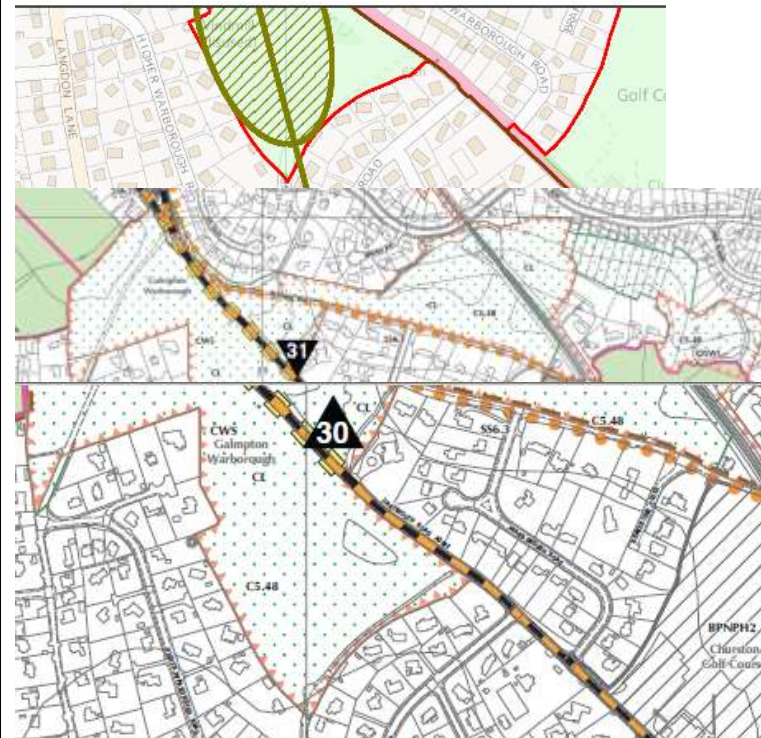
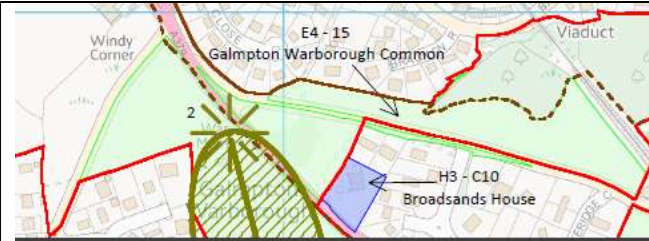
	
<p>E4 – 7:</p>	<p>Furzeham Greens TBC interest/owned. Village Green. TLP (Policies Map TCM)Poilices: ULPA C5.52</p> 
<p>E4 – 8:</p>	<p>Jubilee Gardens TBC owned. TLP (Polices Map sheet 3) Policies CA (SS10) SWCP (SS16.3)</p>

			
	<p>E4 – 9:</p>	<p>Shoalstone TBC owned. SAM CA (SS10) SH SAC ,SSSI,(SS8 & NC1), ULPA C5.51 CMA (C3) , SWCP (SS 6.3) and CTIA (TO1.5)</p> 	
	<p>E4 – 10:</p>	<p>St Mary's Churchyard Private (landowners consulted?) TLP (Policies Map shet 3) Policies CA (SS10)ULPA (C5.56)</p>	

			
	<p>E4 – 11:</p>	<p>St Mary's Park (BPNP Sharkham map) Tbc Owned/interest. TLP (Policies Map 37) Polices ULPA (C5.56)</p> 	
	<p>E4 – 12:</p>	<p>Stoney Park Allotments (BPNP BTC Map) TBC interest . (land operators consulted?) TLP (BTCM) N/A.</p>	

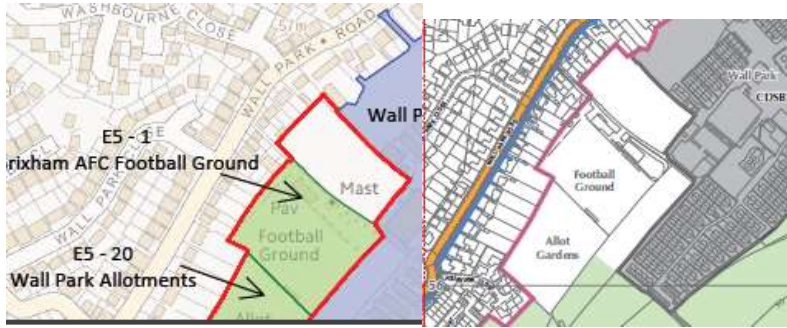

		
	<p>E4 – 13: Churston Golf Course (BPnP Maps Churston Grove) TLP (Policies Map Sheet 31 & 32) Part AONB (SS8), Countryside (C1) Undeveloped coast(C2) And MSA (M3), LWS (NC1)</p>  <p>Objection to 1st and 18th hole area being designated as LGS. Site currently within built up/urban area (village) with potential for sustainable development. Site of 1st & 18th hole had (expired) outline planning permission for 132 units and identified in TLP as 'BPNPH2' -Appendix C Pool of potential housing sites. Local Plan Inspector recommended consideration of site as housing allocation in Neighbourhood Plan. Lack of Conformity with Strategic Policies: SS12 and SS13 and SDB 1</p>	







<p>E4 – 14:</p>	<p>Elberry Headland (BPNP Map Galmpton -Broadsands &Churston –The Gove) TLP Policies Map Sheets 30 & 32). AONB (SS8); Countryside (C1); Undeveloped coast (C2); CMA (C3) and CWS (NC1)</p>	
<p>E4 – 15:</p>	<p>Warborough Common (BPNP Galmpton & Broadsands, Galmpton Brokenbury) TBC Owned. Galmpton Warborough Common Land. TLP (Policies Map Sheet 31) wider area shown as ULPA (C5.48) CWS and OSWI (NC1). Not clear why boundary shown excludes wooded 'viaduct area' which forms part of Common Land. Also kilns (C5.49)?</p>	





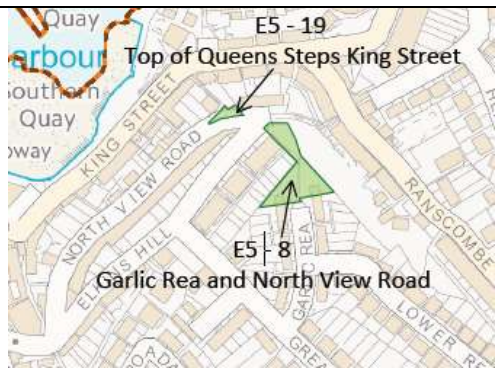
E4 – 16: Sugar Loaf Hill.(BPNP Clennon & Goodrigton) TBC owned
 TLP (Policies Map Sheet 28) LNR OSWI (NC1) ULPA (C5.45) SWCP (SS6.3)

<p>Submission Version: Policy E5: Public Open Spaces E5.1 The sites set out in the Table in Appendix 4 to this document and shown in the Policy Maps (Document 2) and the Greenspace Site Assessment (Document 5) are allocated as Public Open Spaces.</p> <p>E5.2 Public Open Spaces have value to the community and they should be retained as open space for public recreational use. Development on them will only be acceptable where it enhances the public enjoyment of the space or an alternative facility will be provided as part of that development to an equivalent or better standard and location without detriment to biodiversity and landscape requirements.</p>		<p>Support with amendment</p>	<p>Local plan Policy context : SS8, SS9 , C5 and SC2 and SC1 NPPF para 74 LPA Response: No ‘in principle’ objection to Policy</p> <p>Minor Re-wording of Policy Text Suggested. The intention of this Policy is supported but lack of clarity as to whether the in accordance with Policy E4 above. The criteria should reflect NPPF 74 if this is the intention. Some Public Open Spaces are private and a lack of clarity over this aspect (NPPG para 44) Suggest the a simple list of sites and references should be listed in a table in the uppercase policy text. Sites: Further Discussion of the detailed Sites with the LPA is requested NPPF para 74 LPA Response: No ‘in principle’ objection to Policy Sites: Further Discussion of the detailed Sites with the LPA is requested. Not sufficient evidence to support al Public Open Space designations. List of sites should be included in a table in uppercase Policy Text. Note: Sites in Brixham Peninsula also may also fall within the SH SAC GHB Strategic Flyways/sustenance zone</p>
E5 – 01:	Brixham AFC Football Ground – Haycock	<p>Sites: Objection in current form which could be resolved with amendment and Supporting Evidence.</p>	<p>E5 – 01: Brixham AFC Football Ground – Haycock Lane(BPNP BTC Map) TBC interest in land.</p>
E5 – 02:	Lane Brixham College Playing Fields		
E5 – 03:	Chestnut Heights School Playing Field		

			TLP Policies Map Sheet 34) TLP Policies: AONB (SS8) MSA (M3)	
E5 – 04:	Churchill Memorial Gardens			
E5 – 05:	Dixons Field Allotments			
E5 – 06:	Drew Street Allotments			
E5 – 07:	Field off Summercourt Way			
E5 – 08:	Garlic Rea and North View Road Greens			
E5 – 09:	Indigos Go Wild			
E5 – 10:	Monksbridge Road Brixham Skate Park	E5 – 02:		<p>Brixham College Playing Fields (BPNP Map: St Mary's) Privately Owned?, Landowners consulted? TLP Policies Map Sheet 37 & BTC Map) ULPA (C5.54)</p> 
E5 – 11:	Mount Pleasant Allotments			
E5 – 11:	Ferrers Green			
E5 – 12:	North Boundary Road Playpark			
E5 – 13:	Galmpton Memorial Playing Field			
E5 – 13:	Parkham Field			
E5 – 14:	Penn Meadows Allotments		<p>E5 – 03:</p> <p>Chestnut Heights School Playing Field (BPNP Higher Brixham) TBC Interest in Land TLP (Policies Map Sheet 38) Policy Flood Risk (ER1)</p>	
E5 – 15:	The Grove			
E5 – 15:	Penn Meadows extended green verges			
E5 – 16:	Rowan Way Play Area			
E5 – 17:	St Margaret Clitheroe Primary School Playing Field			
E5 – 18:	St Mary's Hill Play Area			
E5 – 20:	Wall Park Allotments			
E5 – 21:	Washbourne Close Green			

E5 – 22:	Wishings Field		 	
Churston, Galmpton and Broadsands				
E5 – 23:	Brokenbury Field			
E5 – 24:	Ferrers Green			
E5 – 25:	Field off Blue Waters Drive			
E5 – 26:	Galmpton Memorial Playing Field	E5 – 04:	<p>Churchill Memorial Gardens (BPNP BTC Map) TBC owned. TLP (Polices Map Sheet 34) Polices: CA (SS10)</p>  	
		E5 – 05:	<p>Dixons Field Allotments (BPNP BTC Map) Privately owned (landowners consulted)? TLP Polices Map Sheet BTC. Polices (No specific allocations/designations)</p>  	
		E5 – 06:	<p>Drew Street Allotments (BPNP Map :St Mary's) Privately owned (landowners consulted)? (TLP Polices Map Sheet 39) No allocations/designations.</p>	

			
	<p>E5 – 07:</p>	<p>Field off Summercourt Way (BPNP Map: Higher Brixham) TBC owned TLP Polices Map Sheet 38 Policy C5.57 ULPA</p> 	
	<p>E5 – 08:</p>	<p>Garlic Rea and North View Road Greens (BPNP Map:BTC) TBC owned /interest in Part. Part Privately owned (landowners consulted)? TLP Polices Map BTC. BTC CA (SS10) .No specific allocation/deisgantion.</p>	




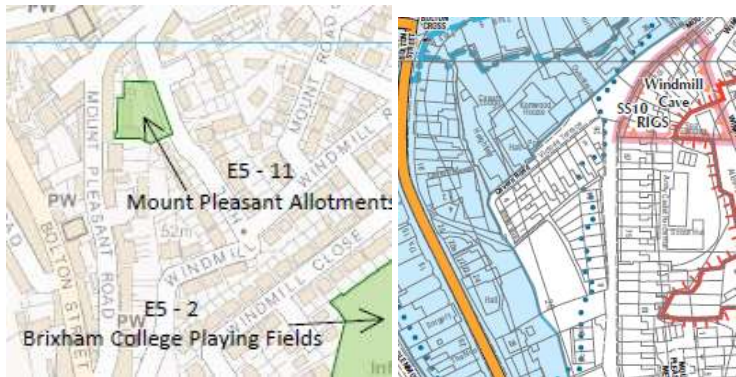
Council Land and Premises





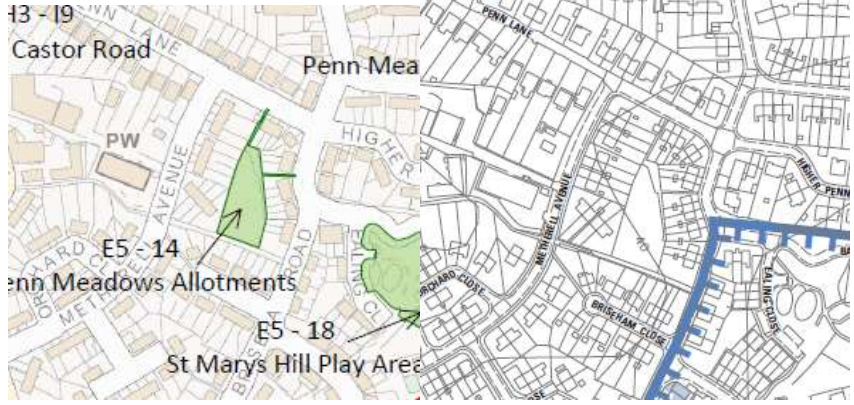

E5 – 09: Indigos Go Wild (BPNP Map: Higher Brixham)
 TLP Polices Map sheet 38. Tlp Policies ER1 Flood Risk.



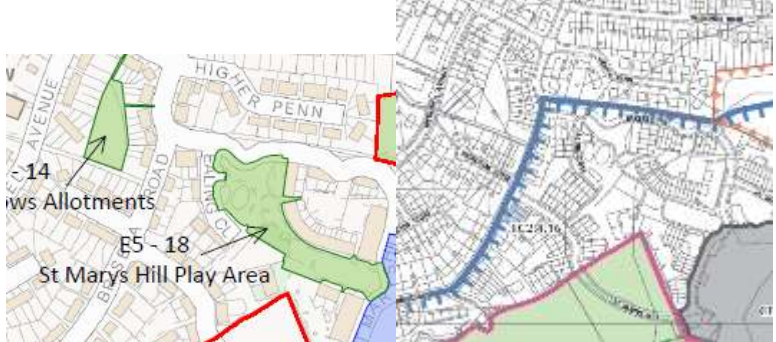

E5 – 10: Monksbridge Road Brixham Skate Park(BPNP Map: Churston Cross)

		<p>TLP Polices Map Sheet 36 TLP Polices: AONB (SS8), Countryside Area (C1); OSWI (NC1) and Flood Risk (ER1)</p> 	
	<p>E5 – 11:</p>	<p>Mount Pleasant Allotments (BNP Map: St Marys) Torbay Council owned /interest. TLP Sheet BTC. Polices : Part Flood Risk ER1</p> 	
	<p>E5 – 12:</p>	<p>North Boundary Road Playpark (BNP Map Churston- the Grove:) TBC owned. TLP (Polices Map Sheet 32) No specific allocations</p>	


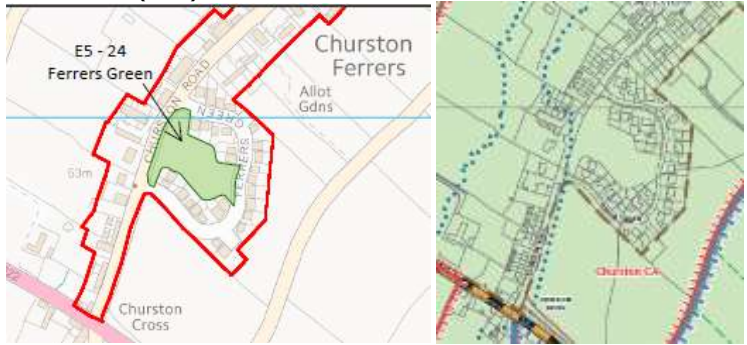
			
	<p>E5 – 13:</p>	<p>Parkham Field (BNP Map: St. Marys) TLP Polices Map Sheet 36, 37 and BTC. Policy C5.53 ULPA</p> 	
	<p>E5 – 14:</p>	<p>Penn Meadows Allotments (BNP Map: St Marys) Privately owned (landowners contacted)? TLP Polices Map Sheet 37. No specific allocations/designations</p>	





		 <p>13 - 19 Castor Road Penn Mea PW E5 - 14 Penn Meadows Allotments E5 - 18 St Marys Hill Play Area</p>	
	<p>E5 – 15:</p>	<p>Penn Meadows extended green verges (BNP Map: St Marys) Public Highway Verges TBC owned /interest TLP Polices Map sheet 37) no specific allocations/designations.</p>  <p>E5 - 15 Penn Meadows Grass Verges WISHINGS ROAD E5 - 22 Wishings Field</p>	
	<p>E5 – 16:</p>	<p>Rowan Way Play Area (BNP Map:) TBC interest/owned TLP sheet 38 Covered by Policy ER1 (Flood Risk)</p>	

	<p>E5 – 17:</p>	<p>St Margaret Clitheroe Primary School Playing Field (BPNP Map:Churston Cross) Privately Owned (Landowners contacted?) TLP Polices Map Sheet 36. Part affected by Policy ER1 (Flood Risk)</p>	
	<p>E5 – 18:</p>	<p>St Mary's Hill Play Area(BPNP Map:St Marys) TLP Polices Map Sheet 37. Within the AONB (SS8) No specific allocation/designation.</p>	

			
	<p>E5 – 18:</p>	<p>Top of Queens Steps Kings Street (BPNP Map: BTC) TBC owned /interest in Part. TLP Polices Map BTC. BTC CA (SS10) .No specific allocation/designation</p> 	
	<p>E5 – 20:</p>	<p>Wall Park Allotments (BPNP Map:BTC and St. Marys) (TLP Sheet 37) AONB (SS8) MSA (M3)</p>	

<p>E5 – 21:</p>	<p>Washbourne Close Green(BPNP Map:BTC) TBC owned/interest. TLP Polices Map BTC & Sheet 33. No specific allocations/designations.</p>
<p>E5 – 22:</p>	<p>Wishings Field (BPNP Map: St Marys) TLP Polices Map Sheet 37. Village Green. Part AONB (SS8) OSWI Policy NC1</p>

<p>E5 – 23:</p>	<p>Brokenbury Field (BNP Map Galampton- Brokenbury) N.B. Misspelt on Plan. Highway verge but privately owned (Land owner consulted?). TLP Polices Map Sheet 31) TLP Policies: (Countryside area C1, part RIGS and OSWI (NC1)</p> 
<p>E5 – 24:</p>	<p>Ferrers Green (BNP Map: Churston) TBC owned/interest. TLP Sheet 36 TLP Polices Countryside Area & Village envelope (C1) part Flood Risk (ER1)</p> 
<p>E5 – 25:</p>	<p>Field off Blue Waters Drive Galampton-Broadsands (not Misspelt on map) TLP Polices Map Sheet 30 TLP Polices : CWS (Nc1) SWCP (SS6.3)CCMA (C3)</p>

		 	
	<p>E5 – 26:</p>	<p>Galmlpton Memorial Playing Field (BNPN Map:Galmlpton -Brokenbury) TBC owned/interest. TLP Polices Map Sheet 31 no. specific allocation/designation.</p>  	
<p>Submission Policy E6: Views and vistas Views and vistas, particularly those to and from the sea or the river Dart, including horizons and skylines, must be protected. New development should preserve public views of the townscape, seascape, landscape and skyline that are valued by residents and visitors alike. Examples of such views are given in the Design Statements. In cases where impacts on such views are possible photomontages will be the principle way in which the absence of unacceptable impact can be demonstrated.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>Local Plan Policy context: SS8, C1 also SS10 Conservation and Heritage Assets. NPPF Hierarchy of Protection LPA Objection but Resolved With Re-wording Define Key Areas and Views to be protected and Provide the supporting evidence. Relate to Torbay Landscape Character Assessment, Urban Fringe Study and AONB designation and LP Policy C1. Refer to appropriate level of Landscape and Visual Impact assessment (LVIA) in addition to D&AS. Remove requirement for 'Photomontages' The AONB shown be shown on the Policies Map.</p> <p>Development Management Comments: It is recognised that as no-one has a 'right to a view', therefore without defined key areas and views this Policy could</p>	

		<p>cause conflict to any planning application in which a resident considers their view to be impacted.</p>
<p>Submission Policy E7: Protecting semi-natural and other landscape features Semi-natural and other landscape, historic, and environmental assets of local and regional importance will be expected to be preserved in any development proposal. Development should where-ever possible ensure the retention, integration or enhancement of local semi-natural, cultural, historic or man-made features and their contribution to the special character, wildlife habitats and biodiversity of the Peninsula, such as:</p> <ul style="list-style-type: none"> • Devon banks (stone-clad hedges often over 800 years old) • dry-stone walls and gateposts • village orchards • field barns • lime kilns 	<p>Objection in current form which could be resolved with amendment</p>	<p>Local Plan Policy context: SS8, C1 and C4 Trees, hedgerows and natural landscape Features also SS10 Conservation and Heritage Assets. NPPF Hierarchy of Protection</p> <p>Support General Principle. TLP Policy C4 protects natural features of significant landscape, historic or nature conservation value.</p> <p>Suggest Policy allows for Mitigation Measures and the Introduction of traditional Features in new Developments.</p>
<p>New Submission Policy E8: Internationally and nationally important ecological sites and species E8.1 In relation to important sites, development will not be permitted where it would adversely affect the ecologies of areas designated as:</p> <ul style="list-style-type: none"> • South Hams SAC (SAC), which includes a coastal strip from Shoalstone to Sharkham and substantial areas of headland at Berry Head; • Lyme Bay and Torbay Marine candidate Special Area of Conservation • (cSAC), which includes all of the coastal waters around Torbay; • Sites of Special Scientific Interest (SSSI), including Berry Head to Sharkham Point and Saltern Cove; • National Nature Reserves, including Berry Head; • Torbay Marine Conservation Zone (MCZ), which includes coastal waters around Torbay from Babbacombe to Sharkham Point; or recommended Dart 	<p>Objection in current form which could be resolved with amendment</p>	<p>Objection: Which Could be resolved by Revised Wording. Not in conformity with NPPF as written. Policy mixes national and international protection (NPPF hierarchy of protection).</p> <p>Conflict and lack of Conformity with Local Plan. SS8 and NC1</p> <p>Suggest Reference to Torbay Local Plan Policies No justification for definition of ‘Major’ 20 Homes if referring to major development suggest 10 dwelling standard definition of ‘major’. Size of proposals not necessarily consistent with potential ‘harm’ to Protected habitat or Species, especially ‘in combination’. Delete sentence to allow for all developments that might cause harm.</p> <p>Development Management /comments: What are the ‘ecologies’ of the area? It would be better to align this to paras 117 and 118 in the NPPF and talk about ‘biodiversity’.</p> <p>B8.3 refers to NE SAC guidance 2010, This guidance and Evidence will hopefully be replaced/updated and the Policy should allow for this.</p>

<p>Estuary Marine Conservation Zone (MCZ), which includes the upper waters of the River Dart to below Dittisham.</p> <p>E8.2 In relation to important species, all species found on our Peninsula, covered by the Wildlife and Conservation Act (1981) and the Conservation of Habitats and Species Regulations (2010), including Wildlife Countryside Marine Management – The Conservation of Habitats and Species (Amendment) Regulations 2012, will be protected. In particular, development will not be permitted where it would:</p> <ul style="list-style-type: none"> • threaten the habitat of the Greater Horseshoe Bat, its roost, its strategic flyways and its sustenance zones, or • threaten the habitat and nesting sites of the Cirl Bunting. <p>E8.3 To demonstrate compliance with paragraphs E8.1 and E8.2 development will require at the time it is considered a full report setting out, in addition to that already required by way of national and local policy, for the:</p> <ul style="list-style-type: none"> • Greater Horseshoe Bat, survey evidence as set out in the South Hams SAC guidance.⁴⁷ For major development additional survey evidence to specifically assess the impact of the development both alone and in combination with all other developments will be required.⁴⁸ • dry heaths and calcareous grassland at Berryhead, evidence to show that additional recreational pressure can be mitigated to an acceptable level. • For major developments this evidence be required to provide more detail to justify that additional recreational pressure can be mitigated to an acceptable level both alone and combination with all other development.⁴⁹ • coastal waters around Torbay, evidence of the ability to connect onto mains drains or install alternatives such as 		<p>Is policy needed in addition to TLP Policy NC1? (in the context of Planning Practice Guidanc, paragraph 41)</p> <p>Proposed New Submission Policy E8: Internationally important <i>biodiversity</i> sites and species</p> <p>Suggest Policy is Split to recognise Biodiversity of International/national/ and Local Importance.</p> <p>Helpful to refer to SS8 and NC1 of Local Plan and sites shown on the Local Plan Polices Map.</p> <p>Perhaps Refer to SDB1 and NC1 highlighting that <i>....Evidence may be required to ensure that the impact of the development both alone and in combination with all other developments adverse effect on the integrity of the South Hams SAC or Lyme Bay and Torbay Marine cSAC.</i></p> <p>Note: The Dry heaths and calcareous grassland at Berryhead, evidence to show that additional recreational pressure (alone and in combination) can be mitigated to an acceptable level. Refer to Local Plan , Planning contributions SPD and Adopted CIL Schedule requirements in SDB1.</p>
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<p>septic tanks. For major developments this report will be required to evidence there is sufficient storm and waste water pipe-work, storage and treatment capacity, both alone and in combination with all other development, to ensure no increase in the levels of pollutants likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine cSAC.⁵⁰</p> <p>For this paragraph 8.3, major development means developments of 20 or more homes, employment development of 1,000 sqm or more floorspace, and all waste and minerals development.</p> <p>47 South Hams SAC Greater Horseshoe Bat Planning Guidance, Natural England, 2010. 48 to address the concern in the Local Plan HRA December 2015 at page 69 regarding Policy SS9. 49 to address the concern in the Local Plan HRA December 2015 at page 72 regarding Policy NC1. 50 to address the concern in the Local Plan HRA December 2015 at page 77 regarding Policy W5.</p>		
<p>Submission Version Policy BE1: Heritage assets and their setting</p> <p>BE1.1 Any development must conserve and enhance the heritage assets of Brixham Peninsula and their setting, including maintaining traditional settlement separation.</p> <p>BE1.2 Inappropriate extensions or alterations to nationally Listed properties and other properties that, while not Listed, make a contribution to the character of the area will be resisted. Development must not cause harm or adversely impact on the setting of important heritage sites in the Brixham Peninsula.</p> <p>BE1.3 The Design Guidelines in the relevant Design Statement should be taken into consideration in all developments to ensure a high quality of design that respects the specific character and historic legacy of each settlement and the surrounding area.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>Local Plan Policy Context: SS10, HE1, DE1 Local Plan Objection: Which could be resolved with re-wording.</p>
<p>Submission Version Policy BE1: Heritage assets and their setting</p> <p>BE1.1 Any development must conserve and enhance the heritage assets of Brixham Peninsula and their setting, including maintaining traditional settlement separation.</p>	<p>Objection in current form which could be resolved</p>	<p>Local Plan Policy Context: SS10, HE1, DE1 NPPF Paras 128 -135 Local Plan Objection: Which could be resolved with re-wording.</p>

<p>BE1.2 Inappropriate extensions or alterations to nationally Listed properties and other properties that, while not Listed, make a contribution to the character of the area will be resisted. Development must not cause harm or adversely impact on the setting of important heritage sites in the Brixham Peninsula. BE1.3 The Design Guidelines in the relevant Design Statement should be taken into consideration in all developments to ensure a high quality of design that respects the specific character and historic legacy of each settlement and the surrounding area.</p>	<p>with amendment</p>	<p>See SA Comments on Historic Environment and Policy BH3 and Site allocations.</p> <p>NPPF para 128 <i>‘the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance’</i></p> <p>This policy is inconsistent with the NPPF paras. 132 to 134. The policy should allow for public benefits of development to be considered. Propose Modification to consider significance of assets and potential harm.</p>
<p>Design Statements</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>Local Plan Policy Context DE1 , DE2, DE3, DE4, DE5 , Ss10, HE1LPA Response: Objections: which could be resolved with further modification. Suggest further discussion with LPA.</p> <p>There seems to have been a great deal of time producing these documents. They are very well written and they provide design guidelines, statements and have ‘identified policies’. It is not clear how this additional another policy layer works in conjunction with the NP and LP as a parallel approach.</p> <p>Further Discussion on the Scope , clarity and Role of the Design statements is Requested.</p>
		<p>6. Broadsands Village ; 7. Churston Village; 8. Galmpton Village</p> <p>The general design guidelines may not provide useful additions to the existing LP Polices. Howeve , the guidelines for specific villages areas may provide a useful tool. Suggest further work that could be used to identify buildings of local significance/community value.</p> <p>The inclusion of roads, footpaths and lighting are not in the control of NPs.</p> <p>9. Brixham Town Some repetition of the NP policies.</p> <p>LS1 Development Briefs [Page 74]. Who will prepare these?</p>

<p>Brixham town Centre Masterplan</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>LPA Policy Context SDB1, SDB2 (CDSB4) TC2, C3, TO3 ER1 SS10 et al Positive</p> <p>The Developing Masterplan sets out what is wanted from the developments in the town centre. It identifies scale, uses and design elements, however further discussion is needed on the extent (delineation) of the Masterplan Area and the quantum and phasing of development in relation to BPNP Policies J1, J5, J6 and J7</p> <p>The LPA would request further discussion with the BPNF</p>
<p>Policy T1: Linking of new developments to travel improvements T1.1 All developments should include safe walking and cycling access. T1.2 All developments should provide a travel plan proportionate in breadth and detail to the size and complexity of any development proposal to address the impact of travel associated with the development. Evidence should be provided to show that the carbon footprint from travel has been minimised and the health and well-being of travellers (in particular commuters) maximised. T1.3 All development should seek to minimise commuting distances and seek to include improvements to the safety of cyclists and pedestrians by the provision of new off-road cycleways, highway crossings and greater separation between motor vehicles and other travellers.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>LPA Policy context: SS6, TA1 TA2 and TA3 and SS7 LPA Response: Objection Which Could be Resolved with Re-wording</p> <p>The Policy as framed too onerous for all development s (porches, conservatories, drives, handrails etc.) suggest a minimum threshold of one dwelling</p> <p>Suggest rewording: T1.2 All developments should provide a travel plan proportionate in breadth and detail to the size and complexity of any development proposal to address the impact of travel associated with the development. Proportionate Travel Plans/Statements will be required for major proposals... Evidence should be provided to show that include carbon reduction footprint from travel has been minimised and the health and well-being of travellers (in particular commuters) maximised.</p> <p>T1.3 All development should seek to minimise commuting distances and seek to include improvements to the safety of pedestrians and cyclists.</p>
<p>Submission Version: Policy HW1: Retention of current health and social care estates Facilities currently providing health and social care will be strongly encouraged to be retained for such purposes unless the service provided can be demonstrated not to be viable, either financially or clinically at that location.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>LP Policy Context: SC1, SS11 Objection: Which could be resolved with re-wording</p> <p>Second sentence it may be too restrictive to provide alternative facilities within Brixham Peninsula. If a facility is not viable should a developer risk providing an alternative facility?</p>

<p>Where the current locations of facilities cannot be retained, an alternative facility within the Brixham Peninsula with as good accessibility will need to be provided. Subject to compliance with the other polices of this Neighbourhood Plan, developments to health facilities that reduce travel and improve accessibility both for our town and village communities will be favoured.</p>		<p>Reasonable and balanced approach suggested that does not go beyond planning matters.</p>
<p>Submission: Policy HW2: Operational space for voluntary support organisations Given the increasing role of the voluntary sector in promoting strong and healthy communities across the Peninsula, subject to compliance with the other polices of this Neighbourhood Plan, the retention of existing operational space and the provision of new operational space for voluntary organisations will be prioritised.⁶⁶ Where new development may jeopardise or reduce voluntary activity, provision of alternative operational space for that voluntary activity should be provided.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>LP Policy Context: SC1, SS11 Objection: Which could be resolved with re-wording. As above with HW1. How would a developer comply with the policy?</p> <p>This policy lacks precision and further justification.</p> <p>‘Operational space for voluntary organisations’ – does this mean office space, (unclear). Need to recognise need for ‘community facilities’ but allow for competition, particularly on potentially key sites</p> <p>Suggest ..where it can be demonstrated that the facility is not to be viable, practically or either financially at that location. Where the current locations of facilities cannot be retained, an alternative facility within the Brixham Peninsula should be sort.</p>
<p>Submission Policy L1: Protection of existing educational facilities School buildings, associated playing fields and other educational facilities will be expected to be retained for these purposes. Any proposal to develop these facilities for other purposes should clearly demonstrate that they are either not required to meet either current or anticipated need or that they are no longer viable for appropriate reasons, such as educational policy, financial support, or health and safety.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>LP Policy Context: SC1, SS11, SC3 Objection: Which could be resolved with re-wording.</p>
<p>Submission Version: Policy L2: Matching educational provision to local need Subject to compliance with the other polices of this Neighbourhood Plan, the development of Early Years and Primary School facilities will be supported to ensure excellence in educational provision that is easily accessible to local communities and fully responsive to future demand.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>LP Policy Context: SC1, SS11 Objection: Which could be resolved with re-wording. Does not refer to Secondary school Provision.</p> <p>Suggest new and additional Facilities accompanied by Travel Plans. May be worth adding ‘ <i>Subject to compliance with other local plan policies</i>’.</p>

<p>Submission Version: Policy L3: Providing for 16–18 years and beyond Subject to compliance with the other policies of this Neighbourhood Plan, educational and training developments will be supported where they are within, or in close proximity, to our schools, colleges and work places. The latter will include horticultural, maritime establishments and farms, where training and education can be provided within or close to the Brixham Peninsula.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>LP Policy Context: SC1, SS11 Objection: Which could be resolved with re-wording. Does there need be caveats here about design and impact?</p>
<p>Submission Policy: Policy TO1: Support for of tourism TO1.1 Subject to compliance with the other policies of this Neighbourhood Plan, developments that increase the quality and range of tourist accommodation and leisure potential in the Peninsula area will be supported, especially where it can be demonstrated that the development will lead to the creation of local jobs. TO1.2 Redevelopment for non-tourism use of any significant "holiday camp" or self-catering tourism accommodation site within the Brixham Peninsula will not be supported. Significant in this context means any site providing more than 10 units of all or any of caravan, lodge, chalet, apartment or similar short-term visitor accommodation. TO1.3 Where there is no reasonable prospect of a tourist facility or amenity being redeveloped explicitly for tourism purposes change of use will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> • the alternative use will also support local tourism, including self catering accommodation; or • the alternative use will otherwise support the local economy by providing employment; or • the alternative use will contribute to the needs of the community by providing affordable, disabled or older person housing in accordance with Policy BH9 or by providing housing for principal residence housing. 	<p>Objection in current form which could be resolved with amendment</p>	<p>LP Context: T01 , T02, T03 SS4 and H2 Objection: which Could be resolved with re-wording.</p> <p>Re-label Policy so that it is not confused with TLP Policies T01 and T02. Suggest 'BT01'</p> <p>Potential conflict with LP Policy T02</p> <p>How can a developer demonstrate the jobs will be local?</p> <p>TO1.2 Define significant</p> <p>How do you define 'tourist facility or amenity'. This could be very wide e.g. accommodation, shop, leisure facility, etc. Does this policy restrict the development of tourist facilities being redeveloped into residential dwellings (see words referring to 'creating jobs'. Is that the intention?</p> <p>Define 'Principal residence housing' (not mentioned in BH9)</p> <p>Does this last point suggest housing would be acceptable on these sites, but not open market housing, unless it is for older people? Or that an off-site contribution towards this will be required? If so, this has potential to conflict with TLP Policy T02.</p> <p>It would not be appropriate to allow some sites in sensitive landscape areas to be developed for residential purposes if the operator provided evidence that it is unviable. Suggest modification re-wording for clarity.</p>

		<p>Likely that campsites located in landscape and ecological sensitive setting ...not mentioned in this Policy. Cross refer to ecology and Landscape Polices in this instance.</p> <p>The LPA would request further discussion.</p> <p>TO1.2 and TO1.3 cannot be met at the same time. Therefore a developer couldn't comply with the policy.</p> <p>TO1.3 - what is the justification of 'principal' residence housing? Evidence is needed that there is a high proportion of 2nd homes in Brixham and that this is harming the local economy to justify this restriction.</p>
<p>Submission Policy Policy S&L1: Increase available space for outdoor sport and leisure</p> <p>S&L1.1 Notwithstanding areas already designated as Local Green Spaces or Open Spaces of Public Value, additional and better quality outdoor playing space is required in the Peninsula. Subject to compliance with the other polices of this Neighbourhood Plan, proposals for developments within and adjacent to settlements (but excluding Settlement Gaps) which provide outdoor pursuits will be encouraged. These pursuits will embrace a range of activities and sports including formal games pitches, tracks, courts, parks (e.g., skateboarding) and facilities, signposted walking routes and "Trim Trails", and more informal "free play" and "free activity" areas.</p> <p>S&L1.2 The approval of any new, enhanced or improved sport or leisure facility will be subject to assessment of the design and impact, amenity and light emission of the proposed development in relation to its setting and other policies in this Plan. It would not be appropriate to introduce flood-lighting into dark areas or cause larger volumes of traffic to need to negotiate minor rural roads.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>LP: SC2 & SC1</p> <p>LPA Objection: Which Could be resolved with Re-wording</p> <p>How will the policy function? Who will encourage proposals and identify the land?</p> <p>Suggest that this policy focuses on improving 'access' to available space for sport and recreation.</p> <p>S&L1.1 Policy would make the delivery of SC2.6 difficult and contrary to Local Plan Policies. Amend Settlement Boundary Policy E2 or Remove '(but excluding Settlement Gaps)'. Identified need for Formal Pitches in Torbay Playing Pitch Strategy.</p> <p>S&L1.2 It would not be appropriate to introduce flood-lighting into dark areas or cause larger volumes of traffic to need to negotiate minor rural roads. Suggest the impact of lighting on landscape, ecology, and amenity will be given great weight. Major Scheme should be accompanied by a Travel Plan seeking 30% sustainable transport modal shift.</p> <p>Needs to be evidence of harm to justify not putting lighting in dark areas. In some cases it could be appropriate.</p> <p>This policy needs rewording to ensure it is deliverable, justified and evidenced</p>
<p>Submission Version :Policy S&L2: Sport and recreational facilities in new developments</p> <p>All new large residential development proposals (10 homes or more) are strongly encouraged to integrate space into the development. Where appropriate the financial contributions to the improvement of existing or provision of new off-site facilities will be acceptable as an alternative.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>LP Policy Context: SDB1 , SDB2 and SDB3 , SC2 C3 and C2.LPA</p> <p>Response: Objection Which Could be resolved with re-wording.</p> <p>How much space? Should the space be larger based on the number of houses?</p> <p>Too vague (NPPG para41)</p>

		<p>This needs to be cross referenced to the TLP Planning Contributions SPD, so that the requirements are consistent.</p>
<p>Policy A&C1: Promotion and protection for the arts and local culture Subject to compliance with the other policies of this Neighbourhood Plan, proposals for developments that contain fringe benefits, and promote or create new space for cultural activity will be supported. Developments that threaten the cultural activities and/or facilities of our communities will be resisted.</p>	<p>Objection in current form which could be resolved with amendment</p>	<p>Local Plan Policy context: T01 and T03 Objection which May be resolved with re-wording: remove 'fringe benefits' Suggest rewording with positive phrases "supporting artists, activity, places and the use of heritage assets"</p>
<p>Appendix 2: Priority projects to evolve from Neighbourhood Plan policies</p>		<p>Further discussion with the LPA is requested. Listed Priorities are not all not justified and the Local Highway Authority has concerns about some of these proposed scheme.</p>

Appendix 1

Brixham Neighbourhood Plan Consultation comments;

Housing Site Assessment Comments (AECOM & Neighbourhood Plan)

In general, consistency between the AECOM Housing Site Assessment and the Neighbourhood Plan Site Assessment is an issue eg. AECOM site pro formas for Kings Barton and Beverley Court suggest that the landowner is willing to submit the site for development, yet the NP Assessment suggests that the owners of Beverley Court have made it clear they do not wish to develop the site (see page 73) and that Kings Barton is not available (see page 70).

It would be expected that the AECOM Study site pro formas would consistently mention biodiversity/species issues and viability assumptions, but this is not the case, therefore some sites are lacking in detail in these areas where others are covered in more detail (even, for instance, mentioning 'likely' importance to bats in some cases and not others).

Pre-submission comments largely re-iterated for Submission version.

NEIGHBOURHOOD PLAN SITE ASSESSMENT;

Para 3.0.3 first bullet point – should be noted as '5 or fewer homes net'

Para 3.08 suitability = no insurmountable physical or environmental factors which would restrict development check application of 'suitable' –

Para 3.0.4 'Such windfalls account for a further **234** homes'. Is this typographical error? **235** windfall homes is indicated in TLP Policy SDB1 Table 18 (page 129)

Table 1: Summary of Brixham Peninsula Neighbourhood Plan sites;

- Pre-Submission/Submission objection: **H3-C10 Broadsands House** should not be included as a committed site as it is a windfall, providing only 5 net new homes (see also comments re para 6.0.3). Suggest removing from allocations as failing to do so would result in double-counting.
- Pre-Submission/Submission objection: **H3-I3 St Kilda** – evidence required for allocating **20 units** to this site, when the **AECOM study suggests 7**. Suggest allocating as general housing, not requiring/ being specific about the type (eg. assisted living). Although it is acknowledged that the previous use was as a care home, doesn't mean that future redevelopment would only be considered for housing for a similar group. The Housing Site Assessment (at page 34) suggests 20 units arise from a density of 80 dph. Would recommend the study figure is used, as no justification for the higher figure at this stage.
- Pre-submission/Submission comment: H3-I4 Northcliff Hotel – agree with the site yield of 15 units, as stated in the SHLAA.

- Pre-submission/Submission comment : **H3-I6 Oxen Cove and Freshwater Quarry -10 units proposed** – AECOM study suggests **12 units**, therefore recommend this study figure is used, for consistency.
- Pre-submission/Submission comment: **H3-I7 Brixham Police Station** – evidence required for reducing number of units on site from **12 (in AECOM study and the SHLAA)**, to **7 units**. Again, would recommend that the study figure is used, as no justification for the lower figure at this stage.
- Pre-submission/Submission comment: **H3-I8 Waterside Quarry** – note AECOM no mention of landscape/ecology issues tested in recent planning application(s) – which are outline approval for 3 units, reserved matters for 2 of those units, with an application pending for the third unit. No mention of the most recent SHLAA (2013) states the site (SHLAA Ref T924) is below the study threshold/unlikely to achieve 6 dwellings. Housing Site Assessment page 50 refers to 42 units suggested in the 2008 SHLAA and does not mention the 2013 SHLAA, which is the more up-to-date evidence. Recommend the site is removed and treated as windfall to avoid double-counting.
- **H3-I9 Knapman's Yard** – both the SHLAA and AECOM suggest a yield of **8 units** on this site. **Table 2 BH3** allocates 6 units. Again, would recommend that the study figure is used, as no justification for the lower figure at this stage.
- **Submission: New site Former Jewson H3-I8 20 units**. This site is on New Road (employment area) within walking distance to BTC. Site not assessed in either Housing Site Assessments. SEA does not refer to the Flood Risk area (ER1) on part of site or loss of employment Land. Not clear how 20 units has been derived.
- **Submission: Torbay Trading Estate H3-I5** identifies 15 units and 200sqm of employment on the same site.

Para 6.0.2 – advisable not to refer to the Brixham Town Centre site as being undevelopable if Neighbourhood Plan is allocating it (albeit in a different form to the consented application), as this could prejudice the inclusion of the site. Berry Head Garage (referred to in the second bullet point) is developable, as builders are currently on site, but implementing a permission for 4 units (ie. a windfall) –so not an undevelopable site. Suggest removing the whole paragraph.

Para 6.0.3 Note: both Walcot and Broadsands House are comparable in that on each site there is/was an existing unit, which once demolished, makes way for 6 new units. This means there is a net gain on each site of 5 units. It does not matter that at Broadsands House (the original property) was demolished prior to the application for 6 units being given consent. The overall net gain on the site is still 5 units. Therefore, as noted above H3-C10 Broadsands House should be removed from allocations and counted as a windfall.

Making the changes noted above and under the comments on Table 1 would result in a committed sites total would then be short of the Peninsula target. In order to make up this shortfall, the inclusion of sites such as King's Barton (7 units) and Beverley Court (9 units) would increase the provision. There evidence presented does not indicate why these two sites should not be included –the site pro formas in the AECOM study suggest that the only 'constraint' to these sites is that the "landowner has expressed doubts over whether the site is viable for residential development", yet each also suggests that the landowner is willing to submit the site for development. It may not be appropriate to assume that the landowner has the expertise to comment on the viability of the site for redevelopment.

Note, AECOM study notes both Archery Field and White Rock Extensions and other sites have potential for taking forward as NP sites (could be used to overcome the deficit issue mentioned above if Beverley Court and King's Barton remain rejected) and would give a 'buffer' in case of suggested site yields not being met/sites not being developed.

Brixham Peninsula Neighbourhood Plan SEA and HRA
Submission version 2017

Strategic Environmental Assessment

In response to the Council consultation response on the SEA Report accompanying Regulation 14 Pre-submission consultation, the SEA Report has been updated to include an assessment of the new allocated employment sites. The impact on the SAC has been covered in the HRA, however the impact on the Marine conservation Zone (MCZ) has not been assessed in the SEA Report Submission Version.

Specific Comments on section 3.3.2: Assessment of potential locations for site allocations: Housing

Page No.	Site	SEA Theme	Comment on the Pre-submission Version	Comment on the Submission Version
12	Berry Head Road (Site 1)	Soil land and water resources	Change score to negative. Development on the site would result in loss of Grade 2 agricultural land (good) at the southern part of the site (T712 SHLAA).	Not updated
12	Berry Head Road (Site 1)	Population and community	The commentary suggests development of the site could have negative impact on this SEA theme. However, the score awarded is uncertain effects.	Not updated
15	Brixham Town Centre Car Park (Site 3)	Soil land and water resources	The Brixham town centre is designated as an Air Quality Management Area (AQMA). Increased number of dwellings and commercial units could worsen the air quality in the area. Measures to reduce the impact should be outlined in the SEA.	Not updated

Page No.	Site	SEA Theme	Comment on the Pre-submission Version	Comment on the Submission Version
15	Brixham Town Centre Car Park (Site 3)	Historic Environment and Land Scape	A historic environment assessment has been undertaken in response to Historic England comments on the pre-submission version	The Northeast side of the wharfs/harbour contains remains of medieval and early post-medieval.
16	Copythorne Road (Site 4)	Biodiversity and geodiversity	The site is within the Greater horseshoe bat (GHB) sustenance zone. A detailed bat survey will be required to ensure there is no likely significant effect on South Hams SAC. The survey effort required is defined in the Natural England 2010 Guidance. The eastern part of the site lies within the 2km Cirl bunting buffer zone and the western part lies within 250m buffer zone. A survey would be required to ascertain the presence of Cirl bunting and inform suitable mitigation measures. A new Cirl bunting technical guidance note and RSPB survey method document is available.	Not updated
18	Mathill Road (Site 6)	Biodiversity and geodiversity	The site lies within the GHB sustenance zone. A detailed bat survey will be required to ensure there is no likely significant effect on South Hams SAC. The survey effort required is	Not updated

Page No.	Site	SEA Theme	Comment on the Pre-submission Version	Comment on the Submission Version
			defined in the Natural England 2010 Guidance.	
20	Freshwater Car Park and Oxon Cove (Site 8)	Biodiversity and geodiversity	The site is located within flood risk area. This could have a negative impact on the Lyme Bay and Torbay Marine SAC. An HRA screening would be recommended for this site to ascertain no likely significant impact on the Marine SAC qualified features (reefs and sea caves).	Not updated
21	Police Station (Site 9)	Biodiversity and geodiversity	Development of the site could cause additional recreational pressure on the European dry heath and calcareous grassland at the Berry Head which is a component of South Hams SAC. It is recommended that mitigation measures to reduce negative impact of additional recreational pressure in line with Policies NC1 and SDB1 of the Torbay Local Plan.	Not updated
22	Shoalstone Overflow Car Park (Site 10)	Biodiversity and geodiversity	The site is brownfield land located within the urban area, however the site is within GHB sustenance zone and adjacent to South Hams SAC.	Not updated
25	St Mary's / Old Dairy (Site 13)	Land Soil and water resources	Change score to negative effect due to presence of contaminated land. Recommend mitigation measures.	Not updated

Page No.	Site	SEA Theme	Comment on the Pre-submission Version	Comment on the Submission Version
26	Torbay Industrial Estate (Site 14)	Biodiversity and geodiversity	The eastern part of the site lies in Parkham Field Urban Landscape Protected Area (ULPA). The delivery of 15 dwellings on this site should not compromise the quality of the ULPA.	Not updated
29	Golf Club (Site 17)	Historic Environment and Landscape	The commentary does not reflect the negative effect score. The open space hasn't got any formal designation to justify the negative score.	Not updated
30	Greenaway Road (Site 18)	Biodiversity and geodiversity/ Land soil and water resources	The site lies within GHB sustenance zone as well as in Mineral Safeguarding Area.	Not updated
32	The Piggery (Site 20)	Land Soil and water resources	Change score to negative effect because the loss of Grade 2 agricultural land would be permanent.	Not updated
33	Waterside Quarry (Site 21)	Biodiversity and geodiversity	The site lies within GHB sustenance zone. The site also lies within Waterside ULPA and there is RIGS and OSWI on the southern part of the site. The assessment lacks recommendation of mitigation measures.	Not updated

Page No.	Site	SEA Theme	Comment on the Pre-submission Version	Comment on the Submission Version
34	White Rock Extension (Site 22)	Biodiversity and geodiversity	<p>The site lies within GHB sustenance zone. It is also within cirl bunting 2km buffer zone and the south west part is within 250m buffer zone. Protected species have been recorded within the site. The northern part of the site is designated as a Landscape and Ecological Management Plan (LEMP). Would the Form consider the LEMP as a green Open Space?</p>	Not updated
35	Former Jewson	Climate Change	A new site, introduced at the Submission version of the plan.	Part of this site lies within a flood risk zone. The Climate Change theme should be updated to reflect this and relevant mitigation measures should be recommended.

Habitats Regulations Assessment

The updated HRA Screening Report has taken on board most of the comments made by the Council. Amendments made to the BPNP HRA should be reflected into the relevant policies in the BPNP.

Specific comments

Page	Section / Policy/Table	Comment on the Pre-submission Version	Comment on the Submission Version
12	Table 1/ Policy J1	Add under potential impact pathway present, include: <ul style="list-style-type: none"> Water quality and recreational pressure on Lyme Bay and Torbay Marine SAC. 	Updated as suggested
14	Table 1/ Policy J7 and J8	The policy should comply with the Local Plan Policy TO3 regarding Lyme Bay and Torbay Marine SAC.	Covered in the HRA Screening Report
16	Table 1/ Policy BH3	Add under potential impact pathway present include <ul style="list-style-type: none"> Water quality and recreational pressure on Lyme Bay and Torbay Marine SAC 	Updated as suggested
21	Table 1/ Policy E8	The Policy referred to the South Hams SAC, which is international designated site. Change the title to: <i>Internationally and Nationally Important Ecological Sites.</i>	Updated as suggested
26	5.1.1 second paragraph	Employment sites have to undergo HRA screening before they are been allocated. Galmpton Sewage Works and Broadsands Beach behind promenade have not been covered in the Torbay Local Plan HRA and therefore should be HRA screened at this stage prior to allocation in the BPNP.	The employment sites were deleted from the submission version of the Plan

Page	Section / Policy/Table	Comment on the Pre-submission Version	Comment on the Submission Version
29	5.1.2 Table 3 Waterside Quarry	The survey method used does not cover the full period from April to October as required for sites within the South Hams SAC GHB Sustenance Zone as set out in Natural England's 2010 SAC Planning Guidance for South Hams.	Not updated. A separate review of the site is accompanying this response.
29	5.1.2 Table 2 Knapman's Yard	The HRA should recommend strategic mitigation for the in-combination impact on Greater horseshoe bats.	Not updated
33	Section 6	Include in the in-combination assessment a third bullet point: <ul style="list-style-type: none"> • Water quality and recreational pressure on Lyme Bay and Torbay Marine SAC. 	Updated as suggested

Subject	Review of the Waterside Quarry site allocation	Project Name	Torbay Council - HRA advice
Attention	Ashwag Shimin		
From	Iona Pearson		
Date	19 December 2017		
Copies to			

1. Terms of reference

Torbay Council requested that Jacobs UK Ltd undertake a review of all existing information with regards to the Brixham Peninsula Neighbourhood Plan (BPNP) allocation of housing at the Waterside Quarry site. The BPNP is currently out for consultation and Torbay Council would like to make a representation with regard to this site allocation. They have requested that the Jacobs team complete the review and form their own opinion (which Torbay would support) which Jacobs would be comfortable to defend at examination if required.

The BPNP is supported by a Habitats Regulations Assessment (HRA) which indicated that there would be no likely significant effect on the South Hams Special Area of Conservation (SAC) as a result of the housing allocation at the Waterside Quarry site. This was on the premise that the Waterside Quarry site was not used by greater horseshoe bats (*Rhinolophus ferrumequinum*).

Torbay Council have received a planning application (P/2016/0822 & 0824) for an adjacent part of the site (referred to as Goodrington Quarry) for 2 or 3 residential properties. The ecological assessment supporting that application indicated that the site was used by greater horseshoe bats (GHB).

2. The site location

The relative location of the sites at Waterside Quarry and Goodrington Quarry are shown in Figure 1.

Figure 1: Location of the sites (image provided by Torbay Council)



3. Summary of Information Reviewed

The site allocation is within the South Hams SAC GHB sustenance zone and was considered as part of the HRA supporting the BPNP. We have reviewed the following documents in coming to our conclusion with regard to the site allocation at Waterside Quarry and its potential implications for GHB and the South Hams SAC.

3.1 South Hams SAC GHB consultation zone planning guidance (Natural England 2010)

This document sets out the requirements of planning development proposals within the predefined area to ensure no disturbance of strategic flyways or sustenance areas. It also includes the bat survey requirements when a development proposal triggers certain criteria.

The site allocation at Waterside Quarry would trigger bat surveys in accordance with the guidance and the criteria pertinent to this review are:

- Manual surveys should be carried out on 10 separate evenings and at least one survey should be undertaken in each month from April to October.
- Automated bat detector systems should be deployed covering at least 50 days from April to October and include at least 1 week in each month Apr – Oct.
- Surveys should include a desktop exercise collating any records and past data relating to the site via the Devon Biodiversity Records Centre, local Bat Group etc.

3.2 BPNP HRA

The BPNP has been supported by a HRA (Aecom 2017). The site at Waterside Quarry was assessed in the HRA based on survey work carried out by Greena Ecology Ltd. In the BPNP HRA the Waterside Quarry site is highlighted in chapter 4 table 1 as having potential HRA implications. It was then subject to a likely significant effects test in chapter 5 and in Table 3 has been screened out as no greater horseshoes were recorded on the site.

The GHB survey work completed by Greena Ecology Ltd at the Waterside Quarry site was reported in “Ecological Survey Report Brixham Peninsula Neighbourhood Plan November 2016” and Addendum Ecological Survey Report Brixham Peninsula Neighbourhood Plan 31st July 2017”. The key findings from both reports are summarised below.

3.2.1 Summary 2016 report findings relating to Waterside Quarry

- a) Wildlife records relevant to the area of the survey were researched based on the database of the National Biodiversity Network (NBN). The EcoObs Batcorder static monitoring devices were used to gain a picture of bat activity on the Waterside Quarry site between 3rd and 11th October 2015. Each device was running throughout all nights between 3rd and 11th October 2015 from 18:30 to 07:30. The weather conditions during the nights when monitoring took place were suitable for bat emergence and foraging despite the fact that the survey was carried out relatively late in the bat active season.
- b) There was bat activity recorded in the survey period, but no GHBs were recorded at the Waterside Quarry site.
- c) An extensive clearance of the Waterside Quarry site took place in winter 2015/2016 and Greena Ecology stated that the site had become unsuitable for Annex II species of bats. Accordingly, no further surveys at the Waterside Quarry site took place (noting paragraph d below).

3.2.2 Summary 2017 report findings relating to Waterside Quarry

- d) Waterside Quarry site was resurveyed in April 2017 and recommended to be studied further in order to determine the usage of the site by bats. Study of previous records from the area revealed confirmed presence of Greater and Lesser horseshoe bats on the adjacent land (not part of this proposal). *This is considered to be a reference by Greena Ecology to the work completed by Green Ecology associated with the Goodrington Quarry application (see below).*
- e) The 2017 surveys encompassed placements of two EcoObs Batcorder devices for a week each month between April and June. Each device was running throughout 7 nights between 11th & 18th April, 11th & 18th May and 5th & 12th June 2017 from 19:00 to 07:00. The weather conditions during the nights when monitoring took place were suitable for bat emergence and foraging.
- f) No GHBs were recorded.

3.3 Ecology survey and assessment associated with Goodrington Quarry application

The planning application (P/2016/0822 & 0824) for Goodrington Quarry was supported by an ecological assessment carried out by Green Ecology. The survey work for GHB was reported by Green Ecology in “Bat Survey Report Jun 2016” and “Bat Addendum Report Feb 2017”. The key findings from both reports are summarised below.

3.3.1 2016 report findings

- a) The report focused on the cave roost (within cliff at eastern end) at the site and flyways across the site.
- b) Dusk emergence surveys of the cave carried out in May, July and Sept 2015. GHBs (1 or 2 individuals) were recorded emerging from the cave in all three months.
- c) Automated detector surveys of the cave were completed in Jan, Feb, Jun, Jul and Sept 2015 with GHB recorded in every month except Feb.

3.3.2 2017 report findings

- a) Further automated detector survey in cave in Sept 2016 (6th – 10th, 13th -17th, 18th -28th); static detector adjacent to cave in Aug 2016 (7th and 25th-29th) and thermal imaging surveys on 20th Sept 2016.
- b) The thermal camera recorded a single GHB emerging from the cave and another commuting along the cliff towards Waterside Road.
- c) The static detector survey within the cave recorded GHB activity on each of the survey weeks in Sept. The static detector survey adjacent to the cave recorded GHB activity on both survey periods.

4. Conclusion and Recommendation

The survey work completed by Greena Ecology at the Waterside Quarry site was not completed in accordance with the guidance set out by Natural England (Natural England 2010). The 2017 report by Greena Ecology included reference to the GHB records on the adjacent site (presumed to be the Green Ecology work), therefore it is considered that this information was available at the time the HRA was completed by Aecom.

Aecom noted that “*that the purpose of the examination at this stage is purely to confirm that sites identified for housing in the Neighbourhood Plan are likely to be deliverable without an adverse effect*”

on bats (for example, because there is no suitable habitat or because it is likely that potentially important foraging/commuting features could be preserved).

We consider the fact that GHBs were recorded during survey work associated with the Goodrington Quarry application and were known to be roosting in the cliff to be compelling evidence that they would be likely to be using the Waterside Quarry allocation site as well. Therefore, any development within the site allocation could be considered to potentially have an adverse effect on GHBs, particularly the GHB roost site in the cliff immediately adjacent to the allocation boundary.

The presence of a roost within the cliff and activity across the site is considered to indicate that this site could be important to GHBs for some parts of the year and could provide “stepping stone” habitat between the roost at Berry Head SSSI and those within the wider sustenance zone, e.g. Paignton Zoo.

We would contest that the conclusion of no potential effect on GHB reached by Aecom for Waterside Quarry is not based on all of the available information, as the Green Ecology records do not appear to have been considered. We would recommend that this site allocation is assessed again, with a presumption that the site is used by GHB and recognising the presence of a GHB roost immediately adjacent, before determining whether or not a significant effect on GHB (and subsequently the South Hams SAC) is likely for Waterside Quarry.

5. References

Aecom, 2017. Habitat Regulations Assessment Screening: Brixham Peninsula Neighbourhood Plan (20122030). A report for Brixham Parish Council. August 2017

Green Ecology, 2016. Goodrington Quarry, Waterside Road, Paignton. Bat Survey Report. June 2016. A report on behalf of Coyde Construction.

Green Ecology, 2017. Goodrington Quarry, Waterside Road, Paignton. Bat Addendum Report. February 2017. A report on behalf of Coyde Construction.

Greena Ecological Consultancy, 2016. Ecological Survey Report Brixham Peninsula Neighbourhood Plan. November 2016. A report for Brixham Peninsula Neighbourhood Forum

Greena Ecological Consultancy, 2017. Addendum Ecological Survey Report: Brixham Peninsula Neighbourhood Plan. July 2017. A report for Brixham Peninsula Neighbourhood Forum

Natural England, 2010. South Hams SAC - Greater horseshoe bat consultation zone panning guidance. [Online] Available at: <http://www.devon.gov.uk/core-doc-y1-greater-horseshoes-bat-consultation-zone-planning-guidance.pdf> [Accessed 01 Dec 2017].

Appendix D: Committed Sites and SHLAA Sites for Consideration in Neighbourhood Plans

The following sites are “Committed Development Sites” i.e. Have planning permission (at January 2014). They are shown on the Polices Map (as greyed out areas) for information purposes.

Site Name	Town	Planning Application Reference/Policy Number	SHLAA/ Policy Reference	HE Assessment
Hatchcombe Lane, Scotts Bridge/Barton	Torquay	P/2006/1340 P/2008/1534	196/B6/H1.3	X
Palace Hotel, Babbacombe Road	Torquay	96/1367, 99/0653 01/0436, 04/0812	R297/H1.8	Adj Walls Hills SAM
331 Teignmouth Road	Torquay	P/2005/0740	R687	X
Bishops Court Hotel, Lower Warberry Road	Torquay	P/2008/1623	C900	Warberries CA
Area 4 South, Scotts Meadow	Torquay	P/2010/1388	988	X
Hollicombe Gas Works, Torbay Road	Torquay	P/2008/0114	985/H1.10	X
Scotts Bridge/Barton undeveloped remainder	Torquay	H1.1	H1.1	
Pavilions/Marina Car Park	Torquay	Pending	T833	LB II in RHPG II
Former Royal Garage, Torwood Street	Torquay	P/2009/0690	R758	Archaeology on site
Beechfield Avenue, adj former landfill site N.B nearly complete.	Torquay	P/2009/0775	937/H1.4	X
Land adj 84 Grange Road	Torquay	P/2007/1420	864	Adj Warberries CA
Conway Court Hotel	Torquay		T807	Belgravia CA
Queensway (Rainbow Estate)	Torquay	94/0865, 95/0167, 07/2095, P/2007/01146	11	X
Torre Station Yard	Torquay	P/2012/1155	T856a	Adj LB II in Torre CA
Tor Manor, Tor Church Road	Torquay	P/2004/0243 P/2005/1491 P/2007/0677	C453	Archaeological Potential; Tormohun CA

Fairlawns, 27 St Michaels Road	Torquay	P/2008/0356/MPA P/2011/0505	C826	
English House Hotel, Teignmouth Road	Torquay	P/2007/2059 P/2011/0181 P/2011/0361	C817	
Spa View, Lower Warberry Road	Torquay	P/2009/1344	R762	Warberries CA
Le Papillion 18 Vansittart Road	Torquay	P/2008/1256	C967	KB in Torre CA
Snooty Fox, Fore Street	Torquay	88/0547 97/0999 02/0895 P/2004/2047	R288a	Archaeological Potential
Westhill Garage, Chatto Road	Torquay	P/2009/0422 P/2012/0078	R754	Archaeology on site
Lincombe Hall Hotel,	Torquay	P/2010/0738	R759	KB in Lincombes CA
16 Market Street	Torquay	P/2008/0124	866	X
Walton Lodge, Middle Warberry Road	Torquay	P/2006/1149 P/2009/0049 P/2011/0015	224	Warberries CA
The Pines, 78 St Marychurch Road	Torquay	P/2011/0552	R772	X
3 Melville Place, Melville Street	Torquay	P/2006/1921 P/2009/1243	R723	KB in Abbey Road CA
South Devon Hotel, St Margarets Road	Torquay	P/2007/1228 P/2013/0057	832	St Marychurch CA
331 Teignmouth Road	Torquay	P/2005/0740	R687	X
1 Warbro Road	Torquay	P/2007/1949 P/2010/1383	R726	X
Suite Dreams Hotel, Steep Hill, Maidencombe	Torquay	P/2006/1183 P/2008/0832 P/2011/0356	C811	Archaeology on site; Maidencombe CA
Torbay Court, Chelston Road	Torquay	P/2006/0982 P/2012/0127	C716	KB in Chelston CA
Adj 85 Shrewsbury Ave & 46-48 Coombe Lane	Torquay	P/2010/0139	310	X

Country House 62 Ellacombe Road	Torquay	P/2008/1654	C956	LB II
Country House 62 Ellacombe Road	Torquay	P/2008/1704	C956	LB II
178 St Marychurch Road	Torquay	P/2008/1268 P/2009/1268 P/2012/1214	R740	Adj St Marychurch CA
42 Warren Road	Torquay	P/2011/1085	C1038	KB in Abbey Road CA
Zephyrs Hotel, St Albans Road	Torquay	P/2011/1309	C1050	KB in Cary Park Ca
111 Abbey Road	Torquay	P/2011/1391 P/2012/0472	C1053	KB in Abbey Road
Great Parks Phase 2 H1.11	Paignton		H1.11	Archaeology on Site
Great Parks Phase 2 H1.12	Paignton		H1.12	X
Yannons Farm	Paignton	P/2012/1351 P/2010/0289 P/2009/1287	956	X
White Rock	Paignton	P/2011/0197	T756a	Archaeological investigations completed on east side
Marine Park Holiday Centre, Grange Road	Paignton	P/2009/1084/MOA P/2012/1078 P/2012/1079	954	Archaeological investigations completed
Oldway Mansion and Fernham	Paignton	P/2011/0925	986	LB II* in RHPG II
Former Paignton Police Station, Southfield Road	Paignton	P/2011/0324	R775	Archaeological Potential
Former Library, Courtland Road	Paignton		HC233	Polsham CA
Seaford Sands Hotel, 17 Roundham Road	Paignton	P/2011/0105	R782	Paignton Harbour & Roundham CA
SeafoRoad Hotel, 2-4 StaffoRoad Road	Paignton	P/2011/1201	C1081	X
Kings Ash House, Kings Ash Road	Paignton	P/2006/1571 P/2010/0666 P/2012/1223	R733	X
R/O 10-16 & 18-20 Gibson Road	Paignton	P/2008/0206	880	X

40-88 & 73-79 Hayes Road; 149-179 Totnes Road	Paignton	P/2009/1179	R774	Archaeological Potential
13-39 Langridge Road	Paignton	P/2011/1056	R777	X
25-35 Smallcombe Road	Paignton	P/2011/0777	R776	X
Totnes Road Service Station (adj 141) Totnes Road	Paignton	P/2005/1398 P/2007/1370 P/2011/0395	R693	Archaeological Potential
1 Fortescue Road	Paignton	P/2011/0906	C1080	X
Meadowfield Hotel, 36 Preston Down Road	Paignton	P/2006/1508 P/2008/1296 P/2010/0782	R712	X
10 Palace Avenue	Paignton	P/2010/1227	943	KB in Old Paignton CA
Paint Station	Brixham	P/1989/1577 P/2006/1066	163/H1.19	Adj Higher Brixham CA
H1.18 Brixham Town Centre	Brixham	P/2012/1309	H1.18	Archaeology on site
Churston Golf Club, Dartmouth Road,	Brixham	P/2011/0829	987	X
Sharkham (Former Dolphin Holiday Camp),	Brixham	P/2004/1032 P/2007/1064 P/2008/1386 P/2010/1083	782/H1.22	X
Churston Court Farm	Brixham	P/2008/0088 P/2010/0177	C887	X Archaeological investigations completed
Douglas Avenue	Brixham	P/2011/0470	908	X
Berry Head Garage, Berry Head Road	Brixham	P/2005/1381 P/2010/0902	R697	Brixham Town CA

The following sites have been identified, principally in the SHLAA, as sites that have potential for development, primarily for housing. They are subject to consideration in Neighbourhood Development Plans and shown on the Policies Map (as diagonal lines) for information purposes.

SiteName	Town	SHLAA or Policy reference	HE Assessment
Adjacent to Abbey Hall, Rock Road	Torquay	R149	Adj to LBs II; Abbey Road CA
Land R/O Market Street, Torquay	Torquay	T887	X
Pimlico	Torquay	13229	Part Torquay harbour CA
Site opposite Market, Market St (former Blockbuster site)	Torquay	13237	X
Palace Hotel (tennis courts)	Torquay	T761/13223	Adj Walls Hills SAM
Land adjacent to Broadly Drive, Livermead	Torquay	T707	Adj Cockington CA; key corridor in 19C designed landscape
Holiday Parks, Kingkerswell Road	Torquay	13232	X
Torquay Holiday Park	Torquay	T738	X
Land to North of Nuthatch Drive	Torquay	T749	X
Land off Plantation Way	Torquay	T748	19C Designed landscape
300-302 Union Street	Torquay	T753	Tormohun CA
Tor House and Gospel Hall - Former B and Q.	Torquay	T754	X
Fleet Walk Shopping Centre	Torquay	T766	X
Land adjacent to Union Street Car Park	Torquay	TM003	X
Zion Methodist Church, Zion Road	Torquay	T872	KB in Tormohun CA
Land to the r/o Lichfield Avenue	Torquay	T926	X
Starpitten Lane	Torquay	T818	Adj Barton CA
Transport Yard Road, Berachah Road	Torquay	T721	X
Braddons Street Disused Playground, Stentiford Hill	Torquay	T726	X
3-9 Pimlico	Torquay	T801	X
Garage Premises, Laburnum Street	Torquay	T794	Archaeology on site

Ingoldsby House, Chelston Road	Torquay	T802	X
Municipal Chambers, Union Street	Torquay	T795	KB in Upton CA
Cary Parade- The Golden Palms	Torquay	T834	Some KB in Torquay Harbour CA
Sherwell Valley Garage	Torquay	T841	X
Site 1 Higher Cadewell Lane	Torquay	T852	X
Site 2 Higher Cadewell Lane	Torquay	T853	X
Melville Street Joinery Works	Torquay	R232	KB in Abbey Road CA
Torre Station	Torquay	T856a	Adj LB II in Torre CA
Ansteys Lea Hotel, Babbacombe Road	Torquay	T864	Part KB in warberries CA
16/18 Lower Thurlow Road	Torquay	T876	Upton KA
Hermosa, Higher Woodfield Road	Torquay	T877	Adj KB in Lincombes CA
Lansdowne Hotel, Old Torwood Road	Torquay	T881	Warberries CA
Shedden Hall Hotel, Shedden Hill	Torquay	T884	Part KB In Belgravia CA
39 Abbey Road	Torquay	13001	Abbey Road CA
Roebuck House, Abbey Road	Torquay	13003	Abbey Road CA
Barclay Court Hotel, 29 Castle Road	Torquay	13011	X
Quintaville Junction Reddenhill Road	Torquay	13020	X
La Rosaire, Livermead Hill	Torquay	13024	X
40-44 Swan Street	Torquay	13045	Archaeological potential
22-28 Union Street	Torquay	13053	X
Foxlands, York Road	Torquay	13060	Adj Babbacombe Downs CA
8-9 Braddons Hill Road West	Torquay	13100	Adj LB II in Torquay Harbour CA
Brampton Court Hotel, St Lukes Road South	Torquay	13176	Part KB in Belgravia CA
Richwood Hotel, 20 Newton Road	Torquay	13160	Part KB in Torre CA
Lower Union Lane Office Block	Torquay	13221	Adj Abbey Road CA
Lee Hotel and Restaurant, Torbay Road	Torquay	T893	X
Torquay Girls Grammar Shipway Manor	Torquay	T814	LB & Archaeology on site
Crossways Shopping Centre	Paignton	13240	X

Corner of Hyde Road and Torbay Road	Paignton	13242	CA
Queens Park and Rugby Club	Paignton	13250	Adj LB II* & II
Council Depot	Paignton	T826	X
Great Parks (south)- Phase 2: Allocation H1:13	Paignton	H1:013	X
Land off Grange Road	Paignton	T824	Archaeology on site
Grange Road Golf Driving Range	Paignton	T825	X
Land at Preston Down Road North	Paignton	13195	X
Land at Preston Down Road South	Paignton	13196	X
Vauxhall Garage on Torquay Road	Paignton	T709	X
Angleside House	Paignton	T718	Roundham CA
20 Roundham Road	Paignton	T797	Archaeology on site; adj Roundham CA
Victoria Park Multi Storey	Paignton	T787	X
5 Broadsands Road	Paignton	HC213	X
Sunhill Apartments, 19 Alta Vista Road	Paignton	13006	X
Silverlawns Nursing Home, 31 Totnes Road	Paignton	13051	Part KB in Old Paignton CA
Vacant Land, Warefield Road	Paignton	13056	X
Lyndhurst Hotel, Lower Polsham Road	Paignton	13069	Adj Polsham CA
Alan Kerr Garage, Brixham Road	Paignton	13105	X
Land at 4-6 Eugene Road	Paignton	13123	X
63 Manor Road	Paignton	13148	X
4 Palace Avenue	Paignton	13162	KB in Old Paignton CA
Land r/o Quarry Terrace, Marldon Road	Paignton	13166	X
Modern Motoring, Torquay Road	Paignton	13189	Archaeological Potential
Lighthouse, Esplanade Road	Paignton	13066	X
Fishcombe Cove	Brixham	13126	Adj Battery Gardens SAM
St Mary's - Industrial Estate near to.	Brixham	AI H1:021	X
Northcliff Hotel.	Brixham	T822	Adj Battery Gardens SAM Adj important Open space in CA

King's Barton, Summer Lane	Brixham	T886	X
Beverley Court, Upton Manor Road	Brixham	T894	Adj LB II
Brixham Police Station, Rea Barn Close	Brixham	13168	X
Knapman's Builder's Yard, off Stoke Gabriel Road	Brixham	13264	Archaeological potential; Galmpton CA
Torbay Industrial Estate	Brixham	T791	X
74 New Road	Brixham	13155	LB II in curtilage

Rubric:

Green - X no known HE issues

Orange - HE consideration is one of design requirement because the site is either a listed building; a key building (KB - as defined in Map 1 of the conservation area appraisal); or adjacent to or in a Conservation Area.

Red - There is proven archaeology on site, because of previous assessments or evaluations; or there is prima facie evidence for archaeological potential but no assessment or evaluation has taken place.

Hal Bishop

Senior Historic Environment Officer

21 May 2014

Allocated Sites in the Brixham Neighbourhood Plan: Potential Impact on the Historic Environment

Site	Town	Historic Environment Assessment
Town Centre car Park	Brixham	Remains of medieval and early post-medieval wharfs/harbour – Northeast side
St Kilda	Brixham	Adjacent to Listed building in Higher Brixham conservation area
Fomer Jewson	Brixham	X
Castor Road	Brixham	X
Waterside Quarry	Brixham	X

Green - X no known HE issues

Orange - HE consideration is one of design requirement because the site is either a listed building; a key building (KB - as defined on Map 1 of the conservation area appraisal); or adjacent to, or in, a Conservation Area.

Red - There is proven archaeology on site, because of previous assessments or evaluations; or there is *prima facie* evidence for archaeological potential but no assessment or evaluation has taken place.

NB. Prehistoric sites/material can turn up anywhere outside known settlement patterns - fortunately this is much more frequent in Eastern England than here.



Cllr. Jackie Stockman - Chair Brixham Peninsula Neighbourhood Forum,
Brixham Town Council,
Town Hall,
New Road,
Brixham

Please reply to: Spatial Planning
2nd Floor, Electric House
Castle Circus
Torquay,
TQ1 3DR

My ref: AL/TB

Your ref:

Telephone: 01803 208804

Website: www.torbay.gov.uk/newlocalplan

E-mail: future.planning@torbay.gov.uk

Date: Friday 10th March 2017

Dear Cllr Stockman,

Brixham Peninsula Neighbourhood Plan ~ Pre-submission Consultation Response

Please find enclosed the consultation response on behalf of the local planning authority, it also includes the response to the accompanying SEA and HRA documents.

It is evident that a huge amount of time and effort has gone in to bringing forward the Plan to this stage and into bringing together the various themes into the cohesive Main Policy Document.

Our main comments relate to the Neighbourhood Plan Main Policy Document and its general conformity with the adopted Local Plan 2012-2030 policies, the ability for your plan to positively support local development in your area and the ability of policies to be concise, precise and supported by appropriate evidence.

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 Neighbourhood Forum members which we thought, and I believe they did to, 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 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

www.torbay.gov.uk

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

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

NPIERS (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 Brixham Peninsula Neighbourhood Plan.

Yours sincerely,

A solid black rectangular box used to redact the signature of Adam Luscombe.

Adam Luscombe

Team Leader Future Planning

Brixham Peninsula Neighbourhood Plan (Policies Document January 2017)

Torbay Council Local Planning Authority Policy Review:

<p>Key</p> <p>Green – acceptable in planning terms - Comments made to enhance or improve</p> <p>Amber – needs more work – Objection can be resolved with further amendments</p> <p>Red – Objection as not policy considered appropriate – Substantial modification/deletion required to resolve objection</p>

Please note that the comments below **do not** include Torbay Council’s corporate comments from colleagues in Housing, TDEC, Education, Conservation or Natural Environment etc. who will respond separately.

General Points: There is a lot of detailed supporting information in the Brixham Peninsula Neighbourhood Plan (BPNP) which would benefit from being put into appendixes and rationalised where possible. It is noted that the BPNP state all 10 Documents form part of the Plan. However, it is not clear in practical terms which parts of the draft plan form the ‘neighbourhood plan proposal’ (i.e. the neighbourhood development plan) and which parts do not form part of the ‘plan proposal’, and would, ultimately not be tested as part of the independent examination. The Local Planning Authority (LPA) suggests there needs to be a clear distinction between **Policies and Proposals (allocations)** and the **Supporting Documents and Supporting Evidence**. It may be suitable to clearly demarcate the **Policy/Allocation Maps and Brixham Town Centre Masterplan** as the **key documents**. A Second Appendix could be provided that comprising the **Village Design Statements** and a third appendix identified as an **‘Evidence Base’** including the Site Assessment Documents for Housing, Employment and Greenspace etc. The HRA and SEA documentation could sit alongside the main Policy Document and Form Part of the ‘basic conditions’ requirements. **The SEA HRA Documents have a separate set of comments.**

General note on policy wording: The Local Plan Title no longer includes *‘and beyond’* the LPA suggests removal of this in the Neighbourhood Plan text also.

General note on Policy format and drafting:

- Some BPNP Policy references may benefit from having a slightly different Policy reference format than that of the adopted Torbay Local Plan 2012-2030 to avoid confusion. It would be helpful to amend Policies ‘H1’ to ‘BH1’ for example? It may be helpful to identify the Policy sections within the overall Policy notation as ‘J1’ with a subsections as **‘J1.1, J1.2, J1.3’** etc instead of the concurrent paragraph numbering with the main text. The current format which no longer makes sense in the Summary Plan Document for Example. The suggested format will make the format work in the main document as well as any summary documents produced.

- Extracts from the Torbay Local Plan: Can extract quotes from Local Plan Policy include the Policy reference rather than the Local Plan page number. This will allow users/readers to cross reference more easily e.g. *Section 3, paragraph 3.0.1 and 3.0.2 are extracts from Local Plan **Policy SDB1** (page 125 and 126 of the Torbay Local Plan 2012 to 2030)*
- The Planning Practice Guidance (paragraph 41) states: *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

General Note:

- Main Local Plan Policies relating to Brixham Neighbourhood Forum (BNF) include **Policy SS1** Growth Strategy for a Prosperous Torbay, Strategic Delivery Policy Framework: **SDB1** Brixham Peninsula, **SDB2** Brixham Town Centre, Harbour and Waterfront and **SDB3** Brixham Urban Fringe and Area of Outstanding Natural Beauty (Policies for Housing and Employment: **SS12**, **SS13**, **SS4** and **SS5**).

Policy	Comment
<p>General Policy : the Future (F) –planning ahead</p>	
<p>Policy F1: Future strategy – a community-led response to change</p> <p>4.0.1 Future strategic development proposals not identified within this Neighbourhood Plan will be considered by the Brixham Peninsula Neighbourhood Forum before the Local Planning Authority provides pre-application advice or determines any planning application. When providing pre-application advice or determining applications the Local Planning Authority will pay close regard to the Forum's recommendations.</p> <p>4.0.2 In this context “strategic development proposals” are those which are not set out in this plan and involve either:</p> <ul style="list-style-type: none"> • new sites; or • different uses for existing sites <p>and are for proposals of:</p> <ul style="list-style-type: none"> • 10 or more homes; or • 200 sqm of employment floor space. 	<p>LPA Objection: Recommendation: Delete or substantially revise this Policy.</p> <p>The Policy as drafted is <i>ultra vires</i> and not in conformity with the NPPF (paragraph 14) or adopted Torbay Local Plan Policy SS3 ‘Presumption in favour of sustainable development’.</p> <p>Neighbourhood Planning Regulations 2012 (as amended) Regulation 3 amends the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) <i>to make provision for cases where a neighbourhood forum is notified of a planning application in their area, and for forums to be consulted on local development order proposals and applications for urgent Crown development</i> (from 1st October 2016). The BPNF can request formally Request that they are consulted as above. The Forum currently receives a copy of the LPA planning application ‘Weekly List’ via email.</p> <p>Pre-application advice with the LPA is confidential.</p>

<p>4.0.3 In making recommendations the Forum will have regard to the views of Brixham Town Council, the Brixham Community Partnership and the Churston, Galmpton and Broadsands Community Partnership.</p>	<p>Note: Should the Brixham Peninsular Neighbourhood Forum (BPNF) formally request consultation, they might wish to consider amending the BPNF constitution which currently prevents the Neighbourhood Forum from commenting on planning applications.</p> <p>The BPNF will be aware that when ‘made’, the BPNP will form part of the Development Plan for the Brixham Peninsula. The LPA is required to consider Planning Applications in the context of <i>Section 58 TCPA which requires that Planning Applications should be in accordance with the Development Plan unless material reasons indicate otherwise.</i></p> <p>Whilst neighbourhood planning adds responsibility for preparing planning policy within a neighbourhood area, its delivery and implementation through the development management system remains the responsibility of Torbay Council. The use of ‘will be’ and ‘will pay’ in effect commits Torbay Council to act in this manner. This is disingenuous as it unreasonably raises expectations that are not capable of being required or delivered by this plan. It would be better to use the words ‘the Forum encourages’ rather than ‘will’.</p> <p>Suggest the Forum may wish revise into a Statement /Aspiration which sets out a positive working relationship and protocol between the LPA, Brixham Town Council (BTC), Community Partnerships and adjacent LPAs/Neighbourhood Forums. The Forum may wish to suggest that major or ‘Strategic Developments’ (defined as 30 dwellings plus in the Local Plan) engage with the BPN Community at the earliest phase of the proposals.</p>
<p>Policy J1: Employment land – proposed, retained and refurbished</p> <p>5.1.1 Employment land, commercial and business premises are to be retained for Class B uses unless there is no reasonable prospect of the site being used for employment purposes on grounds of viability. Viability to be proven by evidence of attempts to lease or sell premises at a reasonable market rate for a minimum of six months.</p> <p>5.1.2 Projects that increase the diversity of industries within the town or promote key industries will be supported as will new leisure facilities which bring new employment to the sites identified. Development on brownfield sites in preference to greenfield sites will be promoted and supported. Those developments that generate permanent jobs will be viewed favourably</p>	<p>Local Plan Policy context: Policy SDB1 Brixham Peninsula & SDB2 Town Centre and Waterfront. Policy SS4 The Economy and Employment), C1 (Countryside and the Rural Economy) and in particular SS5 Employment Space</p> <p>NPPF Key paras: 22</p> <p>LPA Response: Objection which should be able to be resolved by amendments as set out below:</p> <p>Comments:</p> <p>The LPA supports the inclusion of a table of employment sites in the main BPNP Policies.</p> <p>Table J1: The Forum hasn’t included the Northfields Industrial Estate (BPNPE2) for employment use. This is an existing employment site is identified in the BPNP Employment Assessment . The rationale for omission is not clear in the Main Policy Document or supporting BPNP Employment Assessment.</p>

provided that they can be accommodated without prejudicing the integrity of the AONB, Special Areas of Conservation and the **Coastal Preservation Area**.

5.1.3 The sites set out in Table 1 below and on the accompanying Allocation Maps in Document 2 are allocated for employment development. This is to ensure that this plan is in general conformity with Local Plan Policy SDB1 by providing over the plan period 2012 to 2030 for a minimum of 2,700 sqm of new employment floor space.

5.1.4 Further details on these allocated employment sites, including detailed maps of each site, are provided in the Employment Site Assessment, Document 4, which has informed Policy J1.

Table 1: Allocated employment sites. Identified sites	Site Address Yield (sqm)
E1 – 1: Galmpton Sewage Works	3,000
E1 – 2: Broadsands Beach behind promenade	
E1 – 3: Oxen Cove and Freshwater Quarry	2000
E1 – 4: Torbay Trading Estate	186
E1 – 5: 74 New Road	93
E1 – 6: Brixham Town Centre	500
E1 – 7: Northcliffe Hotel	
Total	5779

There is a convention to Classify B1, B2 and B8 Uses as ‘employment’. Other uses will clearly form an important role in the local economy and provide jobs (such as Education, water sports & leisure and holiday accommodation). However these might be noted for their role in local economy and contribution to local employment or for ‘mixed use’ separately within J1 but not necessarily allocated as ‘employment uses’ in Table 1 and on the allocation (Policies) Map. The Forum might want to consider the unintended consequences of identify ‘B Class’ uses at Broadsands if this is not the intended outcome.

Table J1 amendment to identify ‘B class’ uses to accord with LP Policy SDB1 Table 17 to clarify. Perhaps include ‘Other Uses’ separately below. Suggest Broadsands Beach and Northcliff Hotel should be identified separately for D2 and C1 uses.

Para. 5.1.2 - As previously raised: The Local Plan no longer identifies **Coastal Preservation Areas** identified in the previous Local Plan. The adopted Torbay Local Plan 2012-2030 does have policies for ‘Undeveloped Coast’ see LP **Policy C2**.

The boundaries for allocated sites ‘**J1 Galmpton**’ and ‘**J2 Broadsands**’ may impact upon the SH SAC, AONB (SS8), Undeveloped Coast (C2) and Sports Facilities (SC2.6), Coastal Change Management Area (C3) and Biodiversity (NC1) and Flooding (ER1 & ER2) and Countryside (Policy C1).

HRA issues should be considered in the accompanying BPNP HRA and SEA. Comments on these provided separately. J1.1 and J1.2 are new allocations which have not been assessed in the HRA

Additional Comments: Very small employment sites, (under 100 sqm) such as 74 New Road may fit better within the ‘General employment retention/support’ policy rather than as an individual allocation on the Policies Map.

Suggest there is cross reference to BPNP Policies J8 & J4?

Note: Table 1 Policy Labels, - change from ‘E1’ to ‘J1’ consistency with Policy Map

Policy J2: Provision of information and communication technology

5.1.9 Where recently established and emerging new communications technologies are not currently available, major developments will be required to install the necessary infrastructure. Wherever possible, information and communication technology will be installed as necessary in line with Local Plan Policy IF1. Such state-of-the-art communications infrastructure will be included

Key LP Policy context: IF1, Information and communications technology and **DE1 Design (SS7 Infrastructure, Phasing and Delivery)** and LP Aspiration 2 *Achieve A better Connected, Accessible Torbay and Critical Infrastructure*)

NPPF Key Paragraphs: 42, to 46 and 162

LPA Response: General Support. No in principal objection but suggested amendments

<p>in commercial and business proposals, including mixed housing live/work developments. Where this is not possible development will ensure that its future installation will be catered for in new development plans.</p>	<p>with minor objection which should be able to be resolved by amendments as set out below:</p> <p>Last Sentence: ‘ ... <i>new development plans</i>’ lack of clarity and would benefit from re-phrasing.</p> <p>Clarify if the policy applies to all ‘major development’ proposals? (i.e. 10 units or more, 1,000 sq m or 1 hectare in site size)? Clarify ‘wherever possible’ Clarify ‘commercial and business’ proposals</p> <p>The BPNF Forum should consider amending this policy.</p> <p>Please see extract from the emerging Arun District Council Local Plan Policy which the Forum might find helpful: <i>Policy TEL SP1 Strategic delivery of telecommunications infrastructure</i> <i>All proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure to ensure that fibre optic or other cabling does not need to be retro-fitted.</i> <i>Where relevant, evidence to show that development cannot be directly connected to high quality communications infrastructure due to viability or technical reasons, must be provided.</i></p>
<p>Policy J3: Local employment – traditional training and skills</p> <p>5.1.12 Major new developments (those that seek to employ 10 or more staff) are strongly encouraged and will be supported to link with local educational/training facilities, including South Devon University Technical College. Provision of apprenticeships and training for future job opportunities on the Peninsula will be encouraged and strongly supported.</p>	<p>LP Policy context: SC3, Education skills and local labour LPA Response: General Support. No in principal objection but suggested amendments A positive policy , generally acceptable (‘<i>strongly encouraged</i>’ and ‘<i>will be supported</i>’ will be difficult to enforce/deliver) LPA suggest the BPNP would benefit from re-wording: Mix of terminology ‘major’ (generally accepted definition of 1000 sq m) and ‘employment of 10 staff or more’. It might be useful to re-define and refer to Full Time Equivalent (FTE) and/ or numbers staff on-site. Note : South Devon University Technical College is based at Kingsteignton and partnered with South Devon College. The Forum may find it helpful to refer to an emerging Arun DC example : <i>Policy SKILLS SP1 Employment and Skills</i> <i>Applications for development proposals that include any or all of the following will be welcomed:</i> <i>a. Raise skills levels and increase employability;</i></p>

	<p><i>b. Tackle skills shortages in existing and potential business sector clusters that are, or have the potential to be, strengths in the local economy;</i></p> <p><i>c. Promote skills on strategic housing and employment sites particularly with regard to construction skills;</i></p> <p><i>d. Address barriers to employment for economically inactive people; and</i></p> <p><i>e. Provide for the development of childcare facilities within or close proximity to employment sites.</i></p> <p><i>Development shall also be consistent with all other Local Plan policies</i></p> <p>No Objection: Suggested amendments</p>
<p>Policy J4: Local employment – increased employment and local amenity</p> <p>5.1.16 Development of start-up businesses or incubation units will be supported within settlement boundaries and where the proposal also complies with Policy J8.</p> <p>5.1.17 Home-based jobs, web-based commerce, live/work units and work hubs providing/facilitating an increase in employment will be particularly welcomed.</p> <p>Development will not be allowed which generates unacceptable noise, air pollution, levels of traffic or where the residential amenity of the area will be adversely affected.</p> <p>5.1.18 Where a new employment development has 10 or more workers, travel planning is strongly encouraged to ensure that staff travel is made sustainable (e.g. via car share, public transport, bicycle, use of park and ride and walking)</p>	<p>LP Policy Context: DE3, SS4, SS5 & TA2 (Development Access) NPPF Para 32 States Transport Statements/Assessments should relate to proposals that <i>generate a significant amounts of movement.</i></p> <p>LPA Response: No Objection: Suggested minor amendments Positive policy, generally acceptable but difficult to enforce/deliver Link to BPNP E2 Settlement Boundaries however at see comments on E2. Is third sentence a separate point?</p>
<p>5.2 Area-specific employment policies for Brixham</p>	
<p>Policy J5: Sustaining a vibrant harbour-side economy</p> <p>5.2.1 Brixham Harbour shall be maintained and further developed as a working harbour, to support the harbour-based economy and harbour-side businesses, and to safeguard the town's heritage and image. Support will be given to applications for a range of fishing and marine-related developments, including shellfish processing on the Harbour Estate that would benefit the fishing industry and harbour-side economy. Developments around the harbour will comply with Local Plan Policy TO3 but will not rely on the construction of a</p>	<p>LP Policy context : Policies TO3 Marine Economy and SDB2 Brixham Town Centre, Harbour and Waterfront and DE3 Development Amenity NC1 Biodiversity and Geodiversity and C3 Coastal Change Management Area ER1 and ER2</p> <p>LPA Response: No in principle objection: Objection: which could be resolved with amendment. Positive policy, -suggest broaden scope to allow for a broader range of fishing industry related activities. Suggest might consider restrictions on noise and amenity (LP DE3)? Suggest moving last sentence into supporting text.</p>

<p>Northern Arm Breakwater as a prerequisite to new developments. Investigating the feasibility of this long-term project will be actively pursued.</p>	<p>Defining area on NP Policies Map..is it the LP TO3 area? Suggest providing context of Fish Quay/and Eastern Quay within Brixham Town Conservation Area. Suggest reference to LP Policy SS6 Strategic Transport improvements and SS6.6 Ferry Transport Links?</p>
<p>Policy J6: Redevelopment of the Town Centre Car Park and surrounding area</p> <p>5.2.5 A full planning brief/master plan should be undertaken as part of any development proposal to ensure that a satisfactory and comprehensive approach is taken that ensures the safeguarding of our heritage and designated conservation zone, hence maintaining the local character and the town's attractiveness as a tourist destination. Access, connectivity, transport issues and design characteristics will be addressed in any initial development proposal.</p> <p>5.2.6 Initial guidance can be obtained from the evolving Town Centre Master Plan.</p>	<p>Local Policy Context : SDB2, Brixham Town Centre, Harbour and Waterfront; SS10 Conservation and Historic Environment; TC1 Town Centres; TC2 Town Centre Retail Hierarchy; ER1 & ER2 Flood Risk, TA1 Transport and Accessibility (Air Quality Management Area) LPA Response: No 'in principle' objection: Objection : which could be resolved with amendment.</p> <p>Positive policy, generally acceptable. However this Policy would be difficult to use in order to determine planning applications. Suggest a requirement for information (full planning Brief) to be proportionate to size /impact of proposals with the area.</p> <p>Need to delineate Masterplan Area on the Policies Map. Is it just the BPNP J1-1 H3-I1 site? Suggest replacing 'zone' with 'area'</p> <p>Need to define the status of the current Town Centre Masterplan which forms part of BPNP and the extent to which developments must conform to this or engage in a new more detailed Masterplan.</p> <p>Since mixed use is referred to in supporting text...Suggest identifying key outcomes that proposals are expected to deliver within the uppercase Policy Text : e.g. 500 sqm employment space, X no. (affordable) housing units, improving Air Quality, reducing flood risk, retaining /providing X sqm retail floorspace , providing suitable short term public parking etc? General: Policy may benefit from positive phrasing stating what the community want to achieve from a scheme and Priorities for action. It would be helpful to have more details about scale of development and links to the harbour proposals.</p> <p>Helpful to cross reference with BPNP Housing and employment Policies where there is a specific allocation. Will the area be defined on the BPNP Policies Map?</p> <p>See Comments to J7 below.</p>

<p>Policy J7: Oxen Cove and Freshwater Quarry</p> <p>5.2.12 A full planning brief/master plan should be undertaken as part of any development proposal to ensure that a satisfactory and comprehensive approach is taken that safeguards heritage, environment and Brixham as a major tourist destination. Access and transport issues will be expected to be addressed in any initial development proposal and should include the potential short re-alignment route of the South Devon Coastal Path.</p> <p>5.2.13 Design and development options should be informed by the Port Master Plan and the evolving Town Centre Master Plan.</p>	<p>Local Policy Context : SDB2, Brixham Town Centre, Harbour and Waterfront; SS10 Conservation and Historic Environment; ER1 & ER2 Flood Risk, TA1 Transport and Accessibility ; Coastal Change Management Area C3 TO3.3 Northern arm Proposal. SS6.3 SWCP. SS5 Employment Space. NC1</p> <p>LPA Response: No 'in principle' objection: Objection : which could be resolved with minor amendment.</p> <p>Comments: Positive policy, generally acceptable. However this Policy would be difficult to use in order to determine planning applications. Suggest a requirement for information (full planning Brief) to be proportionate to size /impact of proposals with the area. What triggers preparation of a masterplan.</p> <p>Cross reference with BPNP housing /employment Policies where there is a specific allocation (J1 and J6). Will the area be defined on the BPNP Policies Map? Provide context of Brixham Town Centre Conservation Area.</p> <p>Since mixed use is referred to in supporting text...Suggest identifying key outcomes that proposals are expected to deliver within the uppercase Policy Text : e.g. 500 sqm employment space, X no. (affordable) housing units, improving Air Quality, reducing flood risk, retaining /providing X sqm retail floorspce , providing suitable short term public parking etc See comments Town Centre Masterplan.</p> <p>Since mixed use is referred to in supporting text...suggest identifying key outcomes and safeguards (that proposals and a Masterplan should show) within the uppercase Policy Text whilst retaining flexibility</p> <p>Ensure objectives relate to Landowner /operator. Useful link to Port Masterplan. Potential Marine SAC issues? - LP Policy T03. See HRA comments See Comments to J6 above</p>
<p>5.3 Area-specific employment policies for Churston, Galmpton and Broadsands</p>	
<p>Policy J8: Employment in the three villages of Churston, Galmpton and Broadsands</p> <p>5.3.1 New employment development in the three villages should respect the sensitive countryside and coastal setting of the Peninsula. Employment</p>	<p>Local Policy Context : SDB3, Brixham Urban Fringe and AONB SS5 Employment Space. SS4, C1 Countryside and the Rural economy.</p> <p>LPA Response: No objection in principle. Objections resolved with clarification or minor amendment.</p>

<p>proposals should relate to the scale and nature of the existing communities and villages of Churston, Galmpton and Broadsands.</p> <p>5.3.2 Small-scale, sensitively designed proposals which provide local employment opportunities appropriate to the countryside and the rural economy (such as rural crafts, farming, heritage, marine, tourism, outdoor leisure and recreation) will be supported. There should be no adverse impact on the character of the village or amenity of residents. Any traffic generated should not adversely impact on the villages, either through impacts on their tranquillity and rural character, their environment or through impacts on the narrow lanes including the safety of vulnerable road users.</p>	<p>Comments:</p> <p>Generally acceptable. helpful to include LP Policy SDB 3 sets out provision of 200sq m of B class and Non B class space in the Urban Fringe. Specifically refer to LP Policy C1 as this is a determining factor.</p> <p>This is an Area-specific Policy but there is a lack of clarity of LP Policy C1 and BPNP ‘Policy E2: Settlement boundaries’ and the new boundaries. See comments To BPNP Policy E2 also.</p> <p>Para 5.3.2 : Define ‘small scale’ . Last Sentence: suggest replace ‘vulnerable’ with ‘all road users’</p> <p>Cross reference with BPNP J1 ensure that there is a comfortable relationship with the context set out in BPNP Policy J1?</p>
<p>Policy H1: Affordable housing</p> <p>6.0.1 Affordable homes will be provided in new developments as a proportion of new open market homes as per the ratios set out in the Local Plan.</p> <p>6.0.2 Provision of affordable homes is preferred on site and integrated into the new development.</p> <p>6.0.3 However, where it is determined that a larger number of affordable houses could be provided by payment of a commuted sum rather than on-site provision, a commuted sum may be paid but only where it can be directly allocated to the provision of affordable homes within the Peninsula.</p>	<p>Local Policy Context : SDB3 Table 22. Policy H2 Affordable Housing LPA Response: No objection in principle. Objections resolved with clarification or minor amendment.</p> <p>Would recommend an alternative Policy label, perhaps ‘BH’ for ‘Brixham Peninsula Housing’ to avoid confusion with LP Housing Policies.</p> <p>Would recommend using the convention of starting with Housing provision Policy (currently BPNP H3) to start this section of the Plan</p> <p>It would be more useful to specifically include reference to LP ‘Policy H2’ Affordable Housing in the upper case Policy.</p> <p>Suggest that ‘land in lieu’ for Affordable Housing might also be requested as a second approach to AH provision.</p> <p>Where commuted payments rather than on sites provision (i.e. H2 Small Greenfield sites (3-5 and 6-10 where 10-15% is requested - difficult to provide ‘part’ of an affordable housing unit on-site).</p> <p>Likely need to provide more robust evidence that commuted sums are <i>only</i> to go to affordable homes only within the BPNP. Especially if only a proportion (15%) of commuted payment has been made which may not make provision deliverable. Therefore it is suggested that a preference for affordable housing commuted payment delivery in the Peninsula but agreement to spend in wider Torbay if unable to deliver within 2 years?</p>

	<p>No reference to 'type' and proportion of affordable housing to be provided so assume as per the LPA Policy H2 provision: third social rented, third affordable rent and third shared ownership.</p> <p>No reference to self-build plots (LP Policy H3)?</p>
<p>Policy H2: Allocation of new affordable homes</p> <p>6.0.7 Affordable houses in the Peninsula shall only be occupied by persons (and their dependants) whose housing needs are not met by the market and:</p> <ul style="list-style-type: none"> • who have had a minimum period of 5 years in the last 10 years of permanent and continuous residence in the Peninsula and are currently living in the Peninsula; or • who have lived in the Peninsula for at least 5 years and whose parents or children are currently living here and have at least 10 years continuous residency; or • who are a key worker as defined by the UK Government and are working within the Peninsula. <p>6.0.8 Where persons cannot be found to meet these criteria, affordable housing may be occupied by people and their dependants whose housing needs are not met by the market. These occupancy requirements shall apply in perpetuity, and be the subject of a legal agreement negotiated during the planning process on any development of affordable housing.</p>	<p>Objection: Which may be resolved with amendments Recommend re-labelling 'BH' to avoid confusion with Local Plan Policies.</p> <p>Policy likely to require robust evidence to support change from the current 'eligible person' /local connection criterion.</p> <p>Suggest linking to BPNP Housing allocation Policy. Should the Housing Allocations</p> <p>Suggest re-wording : 6.0.7 'whose housing needs are not met by the market and third bullet point' and :</p> <ul style="list-style-type: none"> • who are a key worker as defined by the UK Government and are working has permanent employment within the Peninsula. <p>6.0.8 Where persons cannot be found to meet these criteria, affordable housing may be occupied by people and their dependants 'identified on the Torbay Housing Waiting List'</p> <p>Might be suitable to provide a time limit of 6 months for BPNP criterion to apply after which Torbay 'eligible' criterion applies.</p> <p>Objection: Which may be resolved with amendments</p>
<p>Policy H3: Delivery of new homes</p> <p>6.0.10 The sites set out in Table 2 below and on the accompanying Allocation Map are allocated for housing development. This is to ensure this plan is in general conformity with Local Plan Policy SDB1 by providing over the plan period 2012 to 2030 and beyond for a minimum of 660 new homes.</p> <p>6.0.11 These sites are all considered "deliverable" in line with the definition at note 11 to paragraph 47 of the NPPF.</p> <p>6.0.12 Further detail on these allocated housing sites including detailed maps of each site is provided in the Housing Site Assessment, Document 3 which</p>	<p>Key LP Policies to consider SDB1 and SS1, SS12 and SS13 NPPF: para 47 LPA Response: Objection: Policy H3 is not in General conformity with SS1, SS12 and SS13 and SDB1 or NPPF para47. LSE cannot be ruled out at this stage. Objection likely to be resolved with substantial modifications as set out below:</p> <p>General Note: Recommend re-labelling 'BH' to avoid confusion with Local Plan 'H'Policies.</p>

has informed Policy H3. That document also describes other sites that were considered but have been rejected and sets out the reasons for their rejection.

Neighbourhood Plan Reference	Site Name	Homes
Committed Sites		
Brixham Town		
H3 – C1	Wall Park Holiday Camp*	173
H3 – C2	Sharkham Village*	31
H3 – C3	Fishcombe**	30
H3 – C4	Kings Drive	22
H3 – C5	Douglas Avenue	12
H3 – C6	Bakers Hill	6
Churston, Galmpton and Broadsands		
H3 – C7	Churston Court Barns	9
H3 – C8	Gliddon Ford	9
H3 – C9	5 Broadsands Road	8
H3 – C10	Broadsands House	6
H3 – C10	Total	306
Windfall Sites		234
Identified Sites		
Brixham Town		
H3 – I1	Town Centre Car Park	25
H3 – I2	St Mary's/Old Dairy	25
H3 – I3	St Kilda	20
H3 – I4	Northcliffe Hotel	15

It cannot be demonstrated that all sites are NPPF para 47 'deliverable' (i.e. within 5 years). **Remove 6.0.11.** Local Plan Policy SS13 seeks site allocations for years 6-10 (i.e. NPPF 'developable').

Cross reference to BPNP Affordable Housing Policies (BPNP H1 and BPNP H2). The Forum may consider identifying proportion of Affordable delivered likely to be delivered through these allocations.

H3, Table 2:

Lack of clarity between LP Sites and BPNP housing sites in Table 2.

Clearly demarcate between sites that have already been allocated in the Local Plan (e.g. Wall Park) and those now allocated through BPNP .

Recommend Table 2 list sites clearly between Local Plan 'committed' sites (indicated with a and BPNP 'allocations' . If necessary a note can be added to clarify if permission has been granted without splitting into separate columns.

Remove term 'identified' and replace with 'allocated'.

Two of the sites should be removed from the Table 2 as they are considered 'windfall sites' (i.e under 6 units net gain). These are:

- H3 –C10 Broadsands House (one existing dwelling demolished with permission for 6 units With a Net gain of 5 units).
- H3-18 Waterside Quarry. The entire site has capacity for 3 units at present. An application for residential development in the remainder of the site would need to be considered on its merits. The Local Plan SHLAA update in 2013 (most recent) considered the site capacity to be under 6 and the site therefore forms a 'windfall site'. There are HRA issues (see Separate HRA comments) .

If windfall sites are identified in Table 2. All similar sites should be considered for inclusion for consistency. The LP/NP 'windfalls total' (234) should be rounded *down* accordingly.

Some housing sites have capacity identified that is unlikely to be achieved. Evidence is required from land owners that sites have appropriate the capacity e.g. St Kilda's AECOM Study indicates 7 units not 20.

See separate comments in Appendix 1 'Housing Site Assessment Comments' to this report and the LPA response to HRA & SEA. The certainty of some sites will depend on SEA/HRA findings.

H3 – I5	Torbay Trading Estate	15	<p>Table 2 Totals will not meet LP Target of 660 when sites amended. See recommendations in Appendix 1 which suggest alternative way forward of meeting LP housing Target.</p> <p>Subject to HRA Assessment findings. See separate comments on the HRA and SA.</p> <p>It is assumed that the final submission version of the BPNP will not specifically identify ‘Rejected sites’ (Table 3) and this processes of acceptance and rejection will form part of the Supporting Documentation in the Housing Assessments.</p>
H3 – I6	Oxen Cove and Freshwater Quarry	10	
H3 – I7	Brixham Police Station	7	
Churston, Galmpton and Broadsands			
H3 – I8	Waterside Quarry	10	
H3 – I9	Knapman's Yard	6	
		133	
Total sites		673	
<p>Policy H4: Brownfield and Greenfield sites Development on brownfield sites in preference to greenfield sites will be promoted and supported. <i>Should sufficient or suitable brownfield land be demonstrated to not be available for a development, then the use of greenfield land which has the least visual and ecological impact may be acceptable if it complies with all other policy in this Plan.</i></p>			<p>Recommend re-labelling ‘BH’ to avoid confusion with Local Plan Policies.</p> <p>Suggest rewording to positively encourage Greenfield before Brownfield but not extend beyond NPPF in terms of reasonable requirements for Planning Proposals. Remove italic Text.</p>
<p>Policy H5 - Retention of local character Development should retain the distinctive character of the area in general and the site in particular. It should be in keeping with its surroundings in character, scale, design, height, density and landscaping. Local building materials should be used. Colours should be chosen from a local palette. All development should comply with and reflect design guidance as described in the Brixham Town Design Statement and those of the 3 villages of Churston, Galmpton and Broadsands.</p>			<p>Recommend re-labelling ‘BH’ to avoid confusion with Local Plan Policies. LP Policy context: DE2 Building for Life and DE3 and Policy M3 (-Building Stone) HE1 Listed Building and SS10 Conservation of the Historic Environment.</p> <p>LPA Response: Generally acceptable. However already covered by LP DE1 .</p> <p>Re wording ‘<i>All development should comply with and reflect design guidance</i>’</p> <p>Will need to develop and consider consultation feedback on ‘local palette’ or Design Guide to define unique qualities upon which development is to be tested against.</p> <p><i>May be worth Re-naming ‘Respecting Local Character’ And referring to historical context/ heritage assets and their setting with reference to LP SS10 and HE1?</i></p> <p>Reference to BPNP BE1 However BE1 overlaps with LP Policy SS10 and HE1. Perhaps change the title given policy H5 to reflect <i>preservation of heritage assets</i>. If retaining BE1 suggest inclusion of terms <i>significance</i> and <i>setting</i>.</p>

	<p>Suggest re-wording to provide a proportionate approach : ...use of Local building materials (<i>such a local building stone</i>) should be used <i>where available</i>.....All development should <i>consider</i> the Design Statements and reflect design criteria as described...</p>
<p>Policy H6 - Roofscape and Dormer management Under Article 4 of the General Development Order, within the area covered by this Neighbourhood Plan, where permitted development rights would normally apply, this policy adds the following conditions and limitations to control impact and to protect local amenity: Dormers will only be approved where they:</p> <ul style="list-style-type: none"> • Are modestly scaled • Are subservient to the roofscape, by being below the ridge line and set in from the sides and eaves lines • Are sympathetic to the original fascia and eaves and retain traditional roof features (such as chimney stacks) • Do not include inappropriate projecting roof features (such as Juliette balconies or extractor fans) • use traditional materials and methods of fixing which are consistent with the local character of the area • Include windows that are subordinate in size, aligned to the windows below and sympathetic to traditional fenestration in materials, form and expression • Do not result in a detrimental impact to neighbouring residential amenity. <p>Design construction should reflect the traditional, intrinsic qualities of the original building. Large rooflights or solar panels can be as visually harmful as poorly designed dormer windows. They should be carefully designed and positioned to avoid impacting on the appearance of a building, particularly where they are not a characteristic feature in the area.</p>	<p>Local Plan Context DE1 and DE3, SS10 LPA Objection: may be resolved with revised wording and removal of first paragraph.</p> <p>Recommend re-labelling ‘BH’ to avoid confusion with Local Plan Policies.</p> <p>We are not clear if the policy seeks to introduce an Article 4 Direction or refers to situations where existing residential dwellings have had their permitted development rights removed. In the case of the former, the neighbourhood plan cannot introduce an Article 4 Direction. In the case of the latter, we consider that the guidance relating to Dormers might more reasonably and effectively apply to the development of all dormers within conservation areas rather than those restricted through Article 4.</p>
	<p>LP Policy context: SS1 SS14 and ES1 and DE2 Building for Life.</p>

<p>Policy H7 – Sustainable Construction New development should incorporate the latest developments in sustainable construction, adaptive technologies, eco-innovation and other measures to combat climate change and enable sustainable lifestyles</p>	<p>LPA Response: Positively policy generally acceptable (difficult to enforce/deliver). Minor amendments suggested:</p> <p>The word ‘encouraged’ should be used rather than ‘should’. The words, ‘proportionate to the scale of the development proposal’ should be added to the sentence. This will strengthen the deliverability and effectiveness of this policy.</p> <p>Reference to H6 Roofscape Policy constraints?</p> <p>Consider building orientation? E.g. The design and layout should minimise energy use and maximise energy efficiency Recommend re-labelling ‘BH’ to avoid confusion with Local Plan Policies.</p>
<p>Policy H8 - Noise and Light Pollution New development throughout the peninsula will accord with Policy DE3 of the Local Plan. Additional consideration will be required where any development could impact detrimentally upon the nightscapes, soundscapes and natural tranquillity of the South Devon AONB</p>	<p>LP Policy context: DE3 ,Policy SS8, SDP1 and SDB3 LPA No in principle objection Does this add to LP Policy DE3 in the LP? Perhaps relate spatially to particular setting? Identify AONB boundary on PoliciesMap. Cross refer to Landscapes LP SS8 and NPPF Para 125 ‘intrinsically dark skies’ The Forum May consider reference to tranquillity and the Dartmoor NPA policy [DMD5] on this. Might be worth reshaping their wording to link with landscape policy E1. http://www.dartmoor.gov.uk/_data/assets/pdf_file/0008/370907/2-DMDDPD-AdoptedVersion-010813_Part2.pdf</p>
<p>Policy H9: Access to new dwellings 6.0.29 No more than five dwellings shall be accessed off an existing unadopted highway.</p>	<p>LPA Context SS6 and TA1 LPA objection revolved with rewording LPA There is a lack of justification or reasoning for a 5 dwelling threshold. Suggest that this policy be reworded to be less prescriptive allow for ‘exceptional circumstances’</p>
<p>Policy E1: Landscape beauty and protected areas 7.0.1 The natural beauty, landscape character, tranquillity and biodiversity of the Brixham Peninsula will be preserved and enhanced as required by national and local planning policy. New development will respect and wherever possible enhance its natural assets. 7.0.2 Designated landscapes including the Area of Outstanding Natural Beauty (AONB), the Coastal Preservation Area (CPA) and its Geopark status will be protected. Prevailing national and local policies will be rigorously and consistently applied. 7.0.3 Any development within the AONB will conform to The South Devon AONB Planning Guidance.</p>	<p>LP Context: SS8 Natural Environment and SS9 Green Infrastructure and C1 Countryside and Rural economy. SDB 3 Brixham Urban Fringe and AONB. NPPF: Define local planning Policy ...should LP policies SS8, SS9 and C1 and C2 be indicated here? Para 7.0.2 :Coastal Preservation Area (CPA) no longer exists refer to LP policy C2 ‘The Coastal Landscape’ and ‘undeveloped coast’ Potential Non –conformity with Strategic Policy SS8 and NPPF hierarchy of protection. Calrify Village Envelopes : As per LP Policy C1?</p>

<p>7.0.4 Outside of the urban area boundary of Brixham and the village envelopes of Churston, Galmpton and Broadsands, priority will be given to protecting and enhancing the countryside from inappropriate development.</p>	<p>Para 7.0.3 South Devon AONB Planning Guidance not yet adopted at time of responding. The guidance will form an Annex to the SD AONB management Plan and as such will be a material consideration in Planning Applications affecting the AONB. Suggest re-wording to that effect.</p> <p>Rather than using the words ‘natural assets’ suggest that the ‘the natural quality of Brixham Peninsula’ would work better.</p> <p>The word ‘rigorously and consistently applied’ is unnecessary and inappropriate in terms of compelling the Council to act in a particularly special manner with regards to this particular policy. Suggest rewording to change the emphasis.</p> <p>Does the word ‘village envelopes’ refer to ‘settlement boundaries’ (Policy E2)? Check and clarify in the policy wording.</p>
<p>Policy E2: Settlement boundaries</p> <p>7.0.15 Settlement boundaries are defined by this Neighbourhood Plan for the respective settlements of the Town of Brixham and the three villages of Churston, Galmpton and Broadsands. They are shown on the accompanying Allocation Maps in Document 2.</p> <p>7.0.16 The Village and Town Design Statements, Documents 6 to 9 respectively, have informed Policy E2. Proposals for sustainable developments within settlement boundaries will be supported where developments retain the local character in accordance with Neighbourhood Plan Policy H5 and follow the guidelines described in the relevant Village or Town Design Statement.</p> <p>7.0.17 Outside of the settlement boundaries, development will need to comply with Local Plan Policy C1 and other relevant policies for landscape and biodiversity protection.</p> <p>7.0.18 Areas outside settlement boundaries will be treated as open countryside where development will only be supported where it serves or supports the following:</p> <ul style="list-style-type: none"> • development that has an operational need for a countryside location such as for agricultural, horticultural or forestry operations or dwellings for their workforces • there is a need for replacement buildings of similar size • small-scale and low-impact rural/farm diversification schemes appropriate to the site, location and its rural setting 	<p>LP Policy Context: C1 and SS8 and SS9</p> <p>LPA Response: Objection : Potential strategic conflict/ lack of conformity with Policy C1 Countryside and rural Economy. This could be resolved with re-wording and /or amendment of Settlement Boundaries.</p> <p>Para 7.0.17 and 7.0.17 Lack of clarity for use in determining planning applications. How do Settlement Boundaries relate to Village Envelopes in Policy C1? If a site is outside the BPNP settlement boundary E2 but inside LP C1 ‘village envelope’? This policy should refer to the context of the Local Plan with regards to Village Envelopes and how this policy changes/builds upon Local Plan Policy C1.</p> <p>Include justification for the policy approach and boundaries identified, e.g. has it been informed by landscape character assessment?</p> <p>Define ‘small-scale’.</p> <p>Note: Permitted Development rights (prior notification) for conversion of Agricultural buildings (reference TCPA PD rights). Unreasonable 20% restriction. Affordable Housing and Reference to BPNP H2 Cross Reference H2 to E2?</p> <p>Suggest Policy revision which reflects Policy C1 that retains 7.0.15 and 7.0.16 and 7.0.17 only.</p>

<ul style="list-style-type: none"> the conversion and/or reuse of existing rural buildings that are permanent structures and can be reused without major reconstruction the expansion of existing buildings to facilitate the growth of established businesses proportionate to the original nature and scale of the site and its rural setting extensions and alterations to dwellings are restricted to add no more than 20% floor area to the original building affordable housing proposed for an exception site are specifically to meet local need in accord with Neighbourhood Plan Policy H2 facilities for outdoor sport and recreation are appropriate to the rural setting and do not generate unacceptable levels of traffic onto unsuitable roads. . 	
<p>Policy E3: Green wedges</p> <p>7.0.26 The green wedges separating the towns of Paignton and Brixham and the villages of Churston, Galmpton and Broadsands must be preserved as valued countryside to prevent the merging of settlements.</p> <p>7.0.27 Development on the edge of the villages, within the settlement boundaries, should present a “soft edge” to the wider landscape. This means that the development should be no more than two storeys high, and have garden areas with native tree planting to screen and blend in with hedgerow boundaries where possible.</p> <p>7.0.28 A map delineating some of the most important green wedges is provided in Appendix 3 to this document. This map is not presented as an exhaustive description of all green wedges but is intended to identify green wedges to illustrate by way of example how this policy should be applied.</p>	<p>LPA Policy Context: C1 Countryside and the Rural economy SS2 Future Growth areas. NPPF Context: Paras 79 to 91. LPA Response: Objection which could be resolved with revised wording and delineation however potential conflict with Policy C1 Note: Green Belts are proposed by LPAs and new green belts should only be established in ‘<i>exceptional circumstances</i>’ (NPPF para. 82).</p> <p>Could be perceived as duplication LP Policy C1 which protects rural areas and resists development leading to the loss of open countryside /urban sprawl.</p> <p>Para 7.0.28 require Revision. Appendix 3 does not clearly delineate Green Wedges which should be defined on the Policies Map or clearly described i.e. ‘<i>Green Wedges shown of the Local Plan Policies Map as Countryside in Policy C1</i>’). The Policy lacks clarity for the purposes of determining planning applications. Support for para 7.0.27 Suggest revised wording to value green wedges identified in LP C1 and set out ‘soft landscaping to respect AONB and C1 and take account of Torbay Landscape Character Appraisal. Suggest be less prescriptive in terms of defining what ‘soft edge’ means as this may differ depending on the setting and situation of a site.</p>
<p>Policy E4: Local Green Spaces</p> <p>7.0.30 The sites set out in Table 3 below and shown on the accompanying maps in the Green Site Assessment, Document 5, are allocated Local Green Spaces (LGS), as defined in the NPPF and designated as such by the community. They will be protected beyond the lifespan of this Neighbourhood Plan. Development within a LGS will only be permitted in “very special</p>	<p>Local Plan Policy context: SS8 SS9 C5 NPPF Paras 77 & 78 LPA Response: Generally acceptable. LPA Objection to some sites which may be overcome with additional evidence and or justification.</p>

<p>circumstances” and would require robust justification on grounds of specific benefit to the community. For example, where the proposal would enhance recreational, sport or leisure facilities and provided it met stringent design and environmental requirements it may be viewed favourably.</p> <p>7.0.31 In general each site designated a LGS is deemed by both the local community and visitors alike to be irreplaceable, of significant recreational value, to have a unique and fine view, or to be of special historic, wildlife or cultural importance.</p> <p>7.0.32 Further details on these LGS sites including detailed maps of each site is provided in the Green Space Site Assessment, Document 5, which has informed Policy J4.</p>	<p>Local Green Spaces have protection equivalent to Greenbelt. NPPF 77 and 78. The Forum will need to ensure that each site meets the Criteria in NPPF 77 and that does not conflict with other Neighbourhood Plan Designations.</p> <p>Suggest change ‘and would require...’ to ‘such as providing special benefit to the local community’</p> <p>The text referring to providing an example (i.e. recreational, sport or leisure facilities’ is superfluous and it may not be appropriate for every Local Green Space. The definition of ‘recreation development’ can be very wide and far-reaching. Suggest Para 7.0.32 moved to supporting Text.</p>
<p>Sites E4-1 to E4-17</p>	<p>The LPA would advise that should the sites have potential future development value, they should not be designated as Local Green Spaces. Caution should be exercised if landowners are promoting such sites for development, as this would constitute a de facto objection to Policy E4.</p> <p>Some sites may be better considered as Open Spaces of Public value (Policy E5)</p> <p>Further detailed discussion on LGS sites is requested</p>
<p>Policy E5: Open Spaces of Public Value</p> <p>7.0.34 The sites set out in the table in Appendix 1 to this document and shown on the accompanying maps in the Green Space Site Assessment, Document 5, are allocated as Open Spaces of Public Value (OSPV).</p> <p>7.0.35 OSPVs are high-quality areas of public value that contribute to the health and well-being of our community. They include areas such as recreational fields, allotments and sports facilities, or they contain public rights of way. Also, they include small undeveloped areas, greens or play areas that are deemed intrinsic to the design of housing estates or other urban developments, either to enhance the aesthetic of the surrounding buildings or to protect against overdevelopment.</p> <p>7.0.36 OSPVs should be retained as open space for public recreational use.</p>	<p>Local plan Policy context : SS8, SS9 , C5 and SC2 and SC1 NPPF para 74 LPA Response: No ‘in principle’ objection to Policy</p> <p>Minor Re-wording of Policy Text Suggested.</p> <p>The intention of this Policy is supported in accordance with Policy E4 above. The criteria should reflect NPPF 74</p> <p>Sites: Further Discussion of the detailed Sites with the LPA is requested</p>

<p>7.0.37 Development on them will only be acceptable where it enhances the public enjoyment of the space or an alternative facility will be provided to an equivalent or better standard and location without detriment to biodiversity and landscape requirements.</p> <p>7.0.38 Further details on these OSPV sites, including detailed maps of each site, are provided in Appendix 1, Open Spaces of Public Value, which has informed Policy E5.</p>		
E5 – 1:	Brixham College Playing Fields	
E5 – 2:	Brixham AFC Football Ground – Haycock Lane	
E5 – 3:	Brokenbury Field	
E5 – 4:	Chestnut Heights School Playing Field	
E5 – 5:	Churchill Memorial Gardens	
E5 – 6:	Dixons Field Allotments	
E5 – 7:	Drew Street Allotments	
E5 – 8:	Mount Pleasant Allotments	
E5 – 9:	Wall Park Allotments	
E5 – 10:	Penn Meadows Allotments	
E5 – 11:	Ferrers Green	
E5 – 12:	Field off Summercourt Way	
E5 – 13:	Galmpton Memorial Playing Field	
E5 – 14:	Garlic Rea and North View Road Greens	
E5 – 15:	The Grove	
E5 – 16:	Indigos Go Wild	

E5 – 17:	Monksbridge Road Brixham Skate Park		
E5 – 18:	North Boundary Road Playpark		
E5 – 19:	Parkham Field		
E5 – 21:	Penn Meadows extended green verges		
E5 – 22:	Rowan Way Play Area		
E5 – 23:	St Margaret Clitheroe Primary School Playing Field		
E5 – 24:	St Mary's Hill Play Area		
E5 – 25:	Washbourne Close Green		
E5 – 26:	Wishings Field		
<p>Policy E6: Views and vistas</p> <p>7.0.41 Views and vistas, particularly those to and from the sea or the river Dart, including horizons and skylines, must be protected. New development should preserve public views of the townscape, seascape, landscape and skyline that are valued by residents and visitors alike. In cases where impacts on such views are probable, and the development requires a Design and Access Statement, photomontages should accompany any planning application to assess and quantify any landscape visual impact on views into and from the site.</p>			<p>Local Plan Policy context: SS8 , C1 also SS10 Conservation and Heritage Assets.</p> <p>NPPF Hierarchy of Protection</p> <p>LPA Objection but Resolved With Re-wording</p> <p>Define Key Areas and Views to be protected. Relate to Torbay Landscape Character Assessment , Urban Fringe Study and AONB designation and LP Policy C1</p> <p>Refer to appropriate level of Landscape and Visual Impact assessment (LVIA) in addition to D&AS. Remove ‘Photomontages’</p> <p>Shown AONB on Policies Map</p> <p>Suggest change policy wording to ‘...preserve and/or enhance the quality of public views of the townscape...’.</p>
<p>Policy E7: Local wildlife sites</p> <p>7.0.43 Designated county and local wildlife sites will be preserved and protected <i>in any development proposal wherever possible</i>. Devon banks (stone-clad hedges often over 800 years old), hedgerows and trees should be managed and conserved to maintain and enhance wildlife habitats, landscape value and historic landscape features.</p>			<p>Local Plan Policy context SSS8, SS9, SDB1 and NC1 and Policy C4</p> <p>NPPR reflect Heirachy of Protection and Biodiversity Net gain</p> <p>LPA Repsone : Objection: Which Could be overcome with Re0wording</p> <p>Policy Maps</p> <p>Duplication with LP Policy NC1 and ss8 and ss9 and C4 and C1</p> <p>Clarify for use in determining planning Applications: <i>in any development proposal wherever possible</i></p>
<p>Policy E8: Nationally important ecological sites</p> <p>7.0.49 Development will not be permitted where it would adversely affect the ecologies of the important areas designated as Sites of Special Scientific</p>			<p>Local Plan Policies SS8 and NC1, SDB1</p> <p>NPPF</p>

<p>Interest (SSSI) (including Berry Head to Sharkham and Saltern Cove), part of the South Hams Special Area of Conservation (Berry Head to Sharkham) or a National Nature Reserve (Berry Head).</p> <p>7.0.50 All species found on our Peninsula, covered by the Wildlife and Conservation Act (1981) and the Conservation of Habitats and Species Regulations (2010), including Wildlife Countryside Marine Management – The Conservation of Habitats and Species (Amendment) Regulations 2012, will be protected.</p> <p>7.0.51 In particular, development will not be permitted where it could: threaten the habitat of the Greater Horseshoe Bat, its roost, its strategic flyways and its sustenance zones¹⁴</p> <ul style="list-style-type: none"> • threaten the habitat and nesting sites of the Cirl Bunting 	<p>Objection: Which Could be resolved by Revised Wording. Not inconformity with NPPF as written.</p> <p>Policy Mixes National and international protection (NPPF heirachy of protection.</p> <p>Conflict and lack of Conformity with Local Plan.</p>
<p>Policy E9: Flood prevention</p> <p>7.0.65 This plan advocates and supports a multi-agency and multi-professional approach to resolving environmental issues that place our neighbourhood at significant risk of flooding, from either sudden unexpected flash flooding or as a result of the longer term increased probability due to climate change.</p> <p>7.0.66 Development will not be permitted within the potential flood risk zones or upon surrounding land where any increase in runoff and/or foul drainage will exacerbate the problem, unless proposals contain clear mitigation measures.</p>	<p>Local Plan Policy Context ER1 and ER2 SDB1,2 and 3</p> <p>LPA Response Objection which could be resolved with re-wording . However potential conflict with Polices ER1 and ER2</p> <p>The issues referred to (7.0.66) by this Policy are already covered in great detail by the Local Plan. Suggest deleting as the content is superfluous. Further discussion advised.</p>
<p>Policy BE1: Preservation of local character</p> <p>8.0.9 Any development, including alterations to existing local heritage buildings and features (e.g. historic pumps or war memorials), will be expected to maintain or enhance where possible the area's heritage character. Heritage buildings, ancient monuments and their surrounds, and all existing buildings, not otherwise protected by national legislation will be judged against the characteristics described in our design statements. Proposals that contribute to the distinctive local character and quality of our heritage will be favoured.</p>	<p>Local Plan Policy Context: SS10, HE1, DE1</p> <p>Local Plan Objection : Which could be resolved with re-wording.</p> <p>Are there buildings they would like to identify as of value? Is this an opportunity to create a list of locally significant buildings? 'Any development?' This needs clarification, not <i>all</i> buildings. Perhaps provide some better definitions.</p> <p>Further discussion with the LPA is requested.</p>
<p>Policy BE2: Alteration or repair of existing structures of heritage value</p>	<p>Local Plan Policy Context: SS10, HE1, DE1</p> <p>Local Plan Objection : Which could be resolved with re-wording</p>

<p>8.0.12 Proposed alterations or repairs to existing buildings of local heritage interest will be expected to take care to preserve the local heritage character, architectural design and use of traditional materials in keeping with the location. Development within conservation areas, including alterations to existing buildings, must be of a high quality of design and should maintain or enhance the character and architectural quality of its setting. In particular, all development will:</p> <ul style="list-style-type: none"> • be sympathetic to the character, scale and massing of surrounding buildings and/or the character of the landscape • Brixham Peninsula Neighbourhood Plan • respect existing settlement patterns and building styles • use high-quality materials appropriate to the architectural, geographic and historic character of the area, and ensure that any such refurbishments or new builds will stand the test of time • replenish the existing fabric of historic buildings and other structures (to apply to shop fronts, windows, doors and other architectural features), using designs and materials appropriate to the situation • include reinstatement of traditional features that have been lost over time where appropriate. <p>8.0.13 Reference to and adherence to the principles and practices described in the Design Statements will be required for all proposals.</p>	<p>‘All development will..?’ ‘Local Heritage Interest?’ Perhaps use the term <i>heritage assets</i> – what is the definition of ‘local heritage interest’? Further discussion with the LPA is requested.</p>
<p>Design Statements</p>	<p>Local Plan Policy Context DE1 , DE2, DE3, DE4, DE5 , Ss10, HE1LPA Response: Objections: which could be resolved with further modification. Suggest further discussion with LPA.</p> <p>There seems to have been a great deal of time producing these documents. They are very well written and they provide design guidelines, statements and have ‘identified policies’. It is not clear how this additional another policy layer works in conjunction with the NP and LP as a parallel approach.</p> <p>Further Discussion on the Scope , clarity and Role of the Design statements is Requested.</p>
	<p>6. Broadsands Village ; 7. Churston Village; 8. Galmpton Village</p>

	<p>The general design guidelines may not provide useful additions to the existing LP Polices. However, the guidelines for specific villages areas may provide a useful tool. Suggest further work that could be used to identify buildings of local significance/community value.</p> <p>The inclusion of roads, footpaths and lighting are not in the control of NPs.</p> <p>9. Brixham Town Some repetition of the NP policies.</p> <p>LS1 Development Briefs [Page 74]. Who will prepare these?</p>
<p>Brixham town Centre Masterplan</p>	<p>LPA Policy Context SDB1, SDB2 (CDSB4) TC2, C3, TO3 ER1 SS10 et al Positive</p> <p>The Developing Masterplan sets out what is wanted from the developments in the town centre. It identifies scale, uses and design elements, however further discussion is needed on the extent (delineation) of the Masterplan Area and the quantum and phasing of development in relation to BPNP Policies J1, J5, J6 and J7</p> <p>The LPA would request further discussion with the BPNF</p>
<p>Policy T1: Linking of new developments to travel improvements 9.1.5 Employment and residential developments will include safe walking and cycling access as well as being within a short walking distance to bus routes.</p> <p>9.1.6 Wherever possible, new employment proposals will seek to maximise opportunity for environmentally friendly transport of freight as well as the movement of its workforce.</p> <p>9.1.7 Such proposals will also seek to minimise commuting distances.</p> <p>9.1.8 Proposals will include improvements to the safety of cyclists and pedestrians by the provision of new off-road cycle ways wherever possible.</p>	<p>LPA Policy context: SS6, TA1 TA2 and TA3 and SS7 LPA Response: Objection Which Could be Resolved with Re-wording</p> <p>How does the plan define ‘short walking distance’?</p> <p>The wording of 9.1.6 should be clarified as it slightly obtuse. We suggest that a better way of delivering the aims of this policy would be to refer to travel plans required as part of proposals needing to consider the impact of business and commuting travel associated with development.</p> <p>9.1.8 providing new off road cycle ways will not be appropriate for all scale of development and there is uncertainty as to how or what is being asked to be delivered and indeed if it is viable or possible. Needs clarity in terms of what is being asked.</p>

<p>Where appropriate, highway crossings and greater separation between motor vehicles and other travellers will be funded using Section 106 or CIL monies.</p> <p>9.1.9 Any CIL realised from new developments will be directed firstly at three key projects aimed at changing modes of transport by improving sustainable travel options:</p> <ul style="list-style-type: none"> • a park-and-ride scheme fit for the 21st century • provision of safe cycle routes between Brixham and Windy Corner • an alternative mode of transport from the park-and-ride into Brixham. 	<p>Referring specifically to S106 or CIL is unnecessary and could be seen as inflexible as the delivery mechanism for highway and sustainable transport improvements/mitigation may have a number of potential delivery mechanisms.</p> <p>9.1.9 Re-word so that this represent a wish of how the local component of CIL should be spent or projects which the community would wish to see delivered. The Neighbourhood Plan itself cannot compel the local contribution of CIL to be spent on such projects. The projects may also be delivered via alternative means to CIL.</p>
<p>Policy T2: Provision of sustainable transport to access Brixham Town Centre</p> <p>9.1.12 To achieve sustainable modes of transport into Brixham's Town Centre whilst enhancing its air quality, road safety and environmental aesthetic will require:</p> <ul style="list-style-type: none"> • a greatly improved park-and-ride facility to create a central transport hub for the Peninsula, that includes a range of on-site amenities and facilities • protection of existing land currently available between Churston and Brixham to enable the development of a cheap, family friendly alternative means of getting into town • a new town centre public transport hub as described in the Town Centre Master Plan • major improvements to our public transport systems including a fast ferry service across the Bay. 	<p>Local Plan Policy Context: SS6 SDB1 CDSB4 SS6LPA Response: Objection which could be resolved by re-wording</p> <p>Uncertainty as to how this how this policy will function.</p> <p>How would a developer comply with it?</p> <p>This Policy may read better as an aspiration rather than a planning policy.</p> <p>Further discussion with the LPA is requested.</p>
<p>Policy T3: New approaches to travel across and beyond the Brixham Peninsula</p> <p>9.1.17 New developments, domestic or commercial, will be favoured that incorporate into the scheme reductions in unnecessary travel, support for alternative modes of sustainable travel or improvements in road safety for all road users.</p> <p>9.1.18 This will be achieved by:</p> <ul style="list-style-type: none"> • integrating proposed projects with the development of our Town Centre Master Plan 	<p>LPA Policy Context: SS6 TA1 TA2 TA3 ES2 SDB1 and SDB3 AND sdb3</p> <p>Objection : which could be resolved with re-wording.</p> <p>It is not clear how this policy will function.</p> <p>How would a developer comply with it?</p> <p>Is the neighbourhood plan seeking to reduce all 'travel' or does it mean vehicular travel? Increasing travel and mobility is generally a good thing in terms of economic vitality and certain trips undertaken via means such as active travel should be positively encouraged to increase.</p>

<ul style="list-style-type: none"> • integrating a range of road safety features into new developments, especially where they are accessed by major highways, using Section 106 or CIL monies • encouraging working from home, car sharing and improving ferry and other public transport services • supporting current Torbay Local Plan health policy that actively encourages cycling and walking to school (using supervised “walking buses” and “park-and-stride” schemes for younger pupils) thereby reducing childhood obesity and improving physical fitness. <p>9.1.19 Projects that will be prioritised as feasible schemes that can improve road safety, encourage sustainable travel and shift public attitudes are listed in Appendix 2 to this document.</p>	
<p>Policy HW1: Retention of current estates to provide the range of day care, in-patient, day hospital or social respite day/residential care needed</p> <p>10.2.8 Facilities currently providing health and social care will be strongly encouraged to be retained for such purposes unless the service provided can be demonstrated not to be viable, either financially or clinically at that location. Developments to health facilities that reduce travel and improve accessibility both for our town and village communities will be favoured.</p>	<p>LP Policy Context: SC1, SS11 Objection: Which could be resolved with re-wording.</p> <p>Does this need to be criteria based or site based?</p> <p>This policy should also refer to facilities that do not represent the most sustainable way of delivering care in Torbay. Reference to the local strategy of delivering ‘new models of care’ would strengthen the justification and deliverability of this policy.</p>
<p>Policy HW2: Operational space for voluntary support organisations</p> <p>10.2.12 Given the increasing role of the voluntary sector in promoting strong and healthy communities across the Peninsula, wherever possible, where new development may jeopardise vital activity, provision of adequate operational space for voluntary organisations to facilitate their multiple social functions will be prioritised.22</p>	<p>LP Policy Context: SC1, SS11 Objection: Which could be resolved with re-wording.</p> <p>As above with HW1. How would a developer comply with the policy?</p> <p>This policy lacks precision and needs justification.</p>
<p>Policy HW3: The housing needs of healthcare workers</p> <p>10.2.15 In all larger housing development proposals, where provision for an anticipated significant increase in the low-paid essential healthcare workforce is included, such developments will be considered favourably. This policy will support Policies H1 and H2 of this plan.</p>	<p>LP Policy Context: SC1, SS11 and H2 Objection: Which could be resolved with re-wording.</p> <p>As above. A single robust health and wellbeing policy might be more appropriate.</p> <p>This issue is covered by the reference to keyworker housing elsewhere in this plan. This policy currently lacks justification and clarity.</p>
<p>Policy L1: Protection of existing educational facilities</p> <p>11.2.4 School buildings, associated playing fields and other educational facilities will be expected to be retained for these purposes. Any proposal to develop these facilities for other purposes should clearly demonstrate that</p>	<p>LP Policy Context: SC1, SS11, SC3 Objection: Which could be resolved with re-wording.</p>

<p>they are either not required to meet either current or anticipated need or that they are no longer viable for appropriate reasons, such as educational policy, financial support, or health and safety.</p>	
<p>Policy L2: Matching educational provision to local need 11.2.7 Development of Early Years and Primary School facilities will be supported to ensure excellence in educational provision that is easily accessible to local communities and fully responsive to future demand.</p>	<p>LP Policy Context: SC1, SS11 Objection: Which could be resolved with re-wording. Does there need be caveats here about design and impact?</p>
<p>Policy L3: Providing for 16–18 years and beyond –education and training 11.2.9 Educational and training developments will be supported where they are within, or in close proximity, to our schools, colleges and work places. The latter will include horticultural, maritime establishments and farms, where training and education can be provided within or close to the Brixham Peninsula.</p>	<p>LP Policy Context: SC1, SS11 Objection: Which could be resolved with re-wording. As above. Additional rewording to provide clarity in what is seeking to be achieved from planning applications. Suggest that this is an aspiration rather than a policy.</p>
<p>Policy TO1: Support for the development of tourism on the Brixham Peninsula 12.2.3 Subject to compliance with other policies in this plan, developments that increase the quality and range of tourist accommodation and leisure potential in the Peninsula area will be supported, especially where it can be demonstrated that the development will lead to the creation of local jobs. 12.2.4 Where there is no reasonable prospect of a tourist facility or amenity being re-developed explicitly for tourism purposes, other types of development will be viewed favourably with the following provisos:</p> <ul style="list-style-type: none"> • where trends in holiday activity, evidence from similar neighbouring tourist businesses or wider economic decline suggest that a tourist facility is no longer financially viable, and • an alternative proposal for the land use will not have any derogatory effect upon the holiday character of the surrounding area or any nearby tourism facility, and • an alternative use would benefit the tourist industry either by creating jobs, enhancing the tourist economy or adding an environmental attraction or tourist amenity to the area. 	<p>LP Context: T01 , TO2, TO3 SS4 and H2 Objection: which Could be resolved with re-wording. Potential conflict with LP Policy T02 How can a developer demonstrate the jobs will be local? 12.2.4 what are the other types of development they would view favourably? This policy would generate a lot of supporting information as part of any application. How do you define ‘tourist facility or amenity’. This could be very wide e.g. accommodation, shop, leisure facility, etc. Does this policy restrict the development of tourist facilities being redeveloped into residential dwellings (see words referring to ‘creating jobs’. Is that the intention? The LPA would request further discussion.</p>
<p>Policy S&L1: Increase available space for outdoor sport and leisure</p>	<p>LP: SC2 & SC1 LPA Objection which could be resolved with re-wording</p>

<p>13.0.3 Notwithstanding areas already designated as Local Green Spaces or Open Spaces of Public Value, additional outdoor playing space should be made available to the community. Subject to the requirements of other policies in this plan, proposals for development of areas both within and bordering the town and village settlements for purposes of outdoor pursuits, including both organised and free-play activities, will be encouraged. Land should be identified and set aside to address the major shortfall in outdoor recreation and play space.</p>	<p>How will the policy function? Who will encourage proposals and identify the land?</p> <p>Suggest that this policy focuses on improving ‘access’ to available space for sport and recreation.</p> <p>This policy needs rewording to ensure it is deliverable, justified and evidenced.</p>
<p>Policy S&L2: The potential of our coastal location should be maximised</p> <p>13.0.5 The excellent work already being done by local organisations in meeting the needs of young people should be recognised, and their experience and expertise used to support future development. Presumption will be in favour of new developments of watersport and coastal recreational facilities as well as proposals that enhance existing recreational and sporting amenities along our coastal hinterland.</p>	<p>LP Policy Context: SDB1 , SDB2 and SDB3 , SC2 C3 and C2.LPA Response: Objection Which Could be resolved With re-wording.</p> <p>Support Aspiration to maximise location. ‘<i>Presumption is favour</i>’ isn’t the right approach. The policy needs a caveat to ensure any large scale recreational facility doesn’t impact on landscape character.</p> <p>This policy may be better suited to sit elsewhere in the plan as an aspiration rather than a policy. Further discussion with the LPA is requested.</p>
<p>Policy S&L3: Integration of sport and recreational facilities into new residential developments</p> <p>13.0.9 All new large residential development proposals (10 homes or more) are strongly encouraged to integrate space into the development or utilise nearby ground specifically for sport or recreational use by residents and the local community.</p>	<p>LP Policy Context SS7, SS8 and SC1 and SC2 LPA Objection: Which could be resolved with re-wording.</p> <p>‘<i>Strongly encouraged</i>’? The NP can’t control use of land outside development sites. Again, perhaps a single robust policy on sport and leisure. I’m not sure the three work.</p>
<p>Policy A&C1: Promotion and protection for the arts and local culture</p> <p>14.0.1 Proposals for developments that contain fringe benefits, and promote or create new space for cultural activity will be supported. Developments that threaten the cultural activities and/or facilities of our communities will be resisted.</p>	<p>Local Plan Policy context: T01 and T03 Objection which May be resolved with re-wording:</p> <p>remove ‘<i>fringe benefits</i>’ Suggest rewording with positive phrases “supporting artists, activity, places and the use of heritage assets’</p>
<p>Appendix 2: Priority projects to evolve from Neighbourhood Plan policies</p>	<p>Further discussion with the LPA is requested.</p>

Appendix 1

Brixham Neighbourhood Plan Consultation comments:

Housing Site Assessment Comments (AECOM & Neighbourhood Plan)

In general, consistency between the AECOM Housing Site Assessment and the Neighbourhood Plan Site Assessment is an issue eg. AECOM site pro formas for Kings Barton and Beverley Court suggest that the landowner is willing to submit the site for development, yet the NP Assessment suggests that the owners of Beverley Court have made it clear they do not wish to develop the site (see page 73) and that Kings Barton is not available (see page 70).

It would be expected that the AECOM Study site pro formas would consistently mention biodiversity/species issues and viability assumptions, but this is not the case, therefore some sites are lacking in detail in these areas where others are covered in more detail (even, for instance, mentioning 'likely' importance to bats in some cases and not others).

NEIGHBOURHOOD PLAN SITE ASSESSMENT;

Para 3.0.3 first bullet point – should be noted as '5 or fewer homes **net**'

Para 3.08 suitability = no insurmountable physical or environmental factors which would restrict development check application of 'suitable' –

Table 1: Summary of Brixham Peninsula Neighbourhood Plan sites;

- H3-C10 Broadsands House should not be included as a committed site as it is a windfall, providing 5 net new homes (see also comments re para 6.0.3). Suggest removing from allocations as failing to do so would result in double-counting.
- H3-I3 St Kilda – evidence required for allocating 20 units to this site, when the AECOM study suggests 7. Suggest allocating as general housing, not being specific about the type (eg. assisted living). Just because the previous use was as a care home, doesn't mean that future redevelopment would only be considered for housing for a similar group. The Housing Site Assessment (at page 34) suggests 20 units arise from a density of 80 dph. Would recommend the study figure is used, as no justification for the higher figure at this stage.
- H3-I4 Northcliff Hotel – agree with the site yield of 15 units, as stated in the SHLAA.
- H3-I6 Oxen Cove and Freshwater Quarry – AECOM study suggests 12 units, therefore recommend this study figure is used, for consistency.
- H3-I7 Brixham Police Station – evidence required for reducing number of units on site from 12 (in AECOM study and the SHLAA), to 7. Again, would recommend that the study figure is used, as no justification for the lower figure at this stage.

- H3-I8 Waterside Quarry – note AECOM no mention of landscape/ecology issues tested in recent planning application(s) – which are outline approval for 3 units, reserved matters for 2 of those units, with an application pending for the third unit. The most recent SHLAA (2013) states the site (SHLAA Ref T924) is below the study threshold/unlikely to achieve 6 dwellings. Housing Site Assessment page 50 refers to 42 units suggested in the 2008 SHLAA and does not mention the 2013 SHLAA, which is the more up-to-date evidence. Recommend the site is removed and treated as windfall to avoid double-counting.
- H3-I9 Knapman’s Yard – both the SHLAA and AECOM suggest a yield of 8 units on this site. Again, would recommend that the study figure is used, as no justification for the lower figure at this stage.

Para 6.0.2 – advisable not to refer to the Brixham Town Centre site as being undevelopable if Neighbourhood Plan is allocating it (albeit in a different form to the consented application), as this could prejudice the inclusion of the site. Berry Head Garage (referred to in the second bullet point) is developable, as builders are currently on site, but implementing a permission for 4 units (ie. a windfall) – so not an undevelopable site. Suggest removing the whole paragraph.

Para 6.0.3 both Walcot and Broadsands House are comparable in that on each site there is/was an existing unit, which once demolished, makes way for 6 new units. This means there is a net gain on each site of 5 units. It does not matter that at Broadsands House (the original property) was demolished prior to the application for 6 units being given consent. The overall net gain on the site is still 5 units. Therefore, as noted above H3-C10 Broadsands House should be removed from allocations and counted as a windfall.

Making the changes noted above under the comments on Table 1 would result in a committed sites total of 300 (-6 from Housing Site Assessment figure due to deletion of Broadsands House from allocations), and a total of 119 units from identified sites (-14 units from Housing Site Assessment). The overall total would then be 653 units, just short of the Peninsula target. In order to make up this shortfall, the inclusion of King’s Barton (7 units) and Beverley Court (9 units) as sites would take the total to 668 units. There evidence presented does not indicate why these two sites should not be included – the site pro formas in the AECOM study suggest that the only ‘constraint’ to these sites is that the “landowner has expressed doubts over whether the site is viable for residential development”, yet each also suggests that the landowner is willing to submit the site for development. It may not be appropriate to assume that the landowner has the expertise to comment on the viability of the site for redevelopment.

Note, AECOM study notes both Archery Field and White Rock Extensions have potential for taking forward as NP sites (could be used to overcome the deficit issue mentioned above if Beverley Court and King’s Barton remain rejected) and would give a ‘buffer’ in case of suggested site yields not being met/sites not being developed.

Torbay Council Consultation Response on the Brixham Peninsula Neighbourhood Plan

28th January - 11th March 2017

Strategic Environmental Assessment

General Comments

The SEA has not included the BPNP Plan policies assessment. The SEA of the policies would ensure they are compliant with environmental legislation and would result in more robust policies by introducing recommendations that benefit the wider environment. Similarly the SEA has not included an assessment of the allocated employment sites.

The impact of development on the Lyme bay and Torbay Marine SAC and the Marine Conservation Zone (MCZ) has not been considered in the Biodiversity and Geodiversity theme. Similarly the impact on the Mineral Safeguarding Area under Land, Soil and Water Resources theme has not been checked.

The commentary under the SEA themes does not reflect the colour coded score in a number of sites e.g. Berry Head Road under Health and wellbeing, Brixham Town Centre Car Park and Copythorne Road under Climate change. The commentary includes both positive and negative effects on the relevant SEA themes; however the scores awarded was neither positive or a negative effect.

It would be helpful to outline reasons for rejecting sites; particularly since some of them have scored reasonably well against the SEA themes. These include Beverly Court, Shoalstone Overflow Car Park and Kings Barton.

Specific Comments on section 3.3.3: Appraisal of sites through SEA

Page No.	Site	SEA Theme	Comment
12	Berry Head Road (Site 1)	Soil land and water resources	Change score to negative. Development on the site would result in loss of Grade 2 agricultural land (good) at the southern part of the site (T712 SHLAA).

Page No.	Site	SEA Theme	Comment
13	Berry Head Road (Site 1)	Population and community	The commentary suggests development of the site could have negative impact on this SEA theme. However, the score awarded is uncertain effects.
15	Brixham Town Centre Car Park (Site 3)	Soil land and water resources	The Brixham town centre is designated as an Air Quality Management Area (AQMA). Increased number of dwellings and commercial units could worsen the air quality in the area. Measures to reduce the impact should be outlined in the SEA.
16	Copythorne Road (Site 4)	Biodiversity and geodiversity	The site is within the Greater horseshoe bat (GHB) sustenance zone. A detailed bat survey will be required to ensure there is no likely significant effect on South Hams SAC. The survey effort required is defined in the Natural England 2010 Guidance ¹ . The eastern part of the site lies within the 2km Cirl bunting buffer zone and the western part lies within 250m buffer zone. A survey would be required to ascertain the presence of Cirl bunting and inform suitable mitigation measures. A new Cirl bunting technical guidance note and RSPB survey method document is available.
18	Mathill Road (Site 6)	Biodiversity and geodiversity	The site lies within the GHB sustenance zone. A detailed bat survey will be required to ensure there is no likely significant effect on South Hams SAC. The survey effort required is defined in the Natural England 2010 Guidance
20	Freshwater Car Park and Oxon Cove (Site 8)	Biodiversity and geodiversity	The site is located within flood risk area. This could have a negative impact on the Lyme Bay and Torbay Marine SAC. An HRA screening would be recommended for this site to ascertain no likely significant impact on the Marine SAC qualified features (reefs and sea caves).
21	Police Station (Site 9)	Biodiversity and geodiversity	Development of the site could cause additional recreational pressure on the European dry heath

Page No.	Site	SEA Theme	Comment
			and calcareous grassland at the Berry Head which is a component of South Hams SAC. It is recommended that mitigation measures to reduce negative impact of additional recreational pressure in line with Policies NC1 and SDB1 of the Torbay Local Plan.
22	Shoalstone Overflow Car Park (Site 10)	Biodiversity and geodiversity	The site is brownfield land located within the urban area, however the site is within GHB sustenance zone and adjacent to South Hams SAC.
25	St Mary's / Old Dairy (Site 13)	Land Soil and water resources	Change score to negative effect due to presence of contaminated land. Recommend mitigation measures.
26	Torbay Industrial Estate (Site 14)	Biodiversity and geodiversity	The eastern part of the site lies in Parkham Field Urban Landscape Protected Area (ULPA). The delivery of 15 dwellings on this site should not compromise the quality of the ULPA.
29	Golf Club (Site 17)	Historic Environment and Landscape	The commentary does not reflect the negative effect score. The open space hasn't got any formal designation to justify the negative score.
30	Greenaway Road (Site 18)	Biodiversity and geodiversity/Land soil and water resources	The site lies within GHB sustenance zone as well as in Mineral Safeguarding Area.
32	The Piggery (Site 20)	Land Soil and water resources	Change score to negative effect because the loss of Grade 2 agricultural land would be permanent.
33	Waterside Quarry (Site 21)	Biodiversity and geodiversity	The site lies within GHB sustenance zone. The site also lies within Waterside ULPA and there is RIGS and OSWI on the southern part of the site.

Page No.	Site	SEA Theme	Comment
			The assessment lacks recommendation of mitigation measures.
34	White Rock Extension (Site 22)	Biodiversity and geodiversity	The site lies within GHB sustenance zone. It is also within cirl bunting 2km buffer zone and the south west part is within 250m buffer zone. Protected species have been recorded within the site. The northern part of the site is designated as a Landscape and Ecological Management Plan (LEMP). Would the Form consider the LEMP as a green Open Space?

Habitats Regulations Assessment

General comments

Torbay Council as the competent authority should ensure there are no likely significant effects on European designated sites. All housing and employment sites have to undergo HRA screening before they can be allocated in the plan.

There are two housing sites (St.Kilda and Waterside Quarry) as well as two employment sites (Galmpton Sewage Works and Broadsands Beach behind promenade) that have not been covered in the Torbay Local Plan HRA and we do not think they have received the appropriate level of HRA screening and therefore further HRA screening is needed at this stage.

The Future Planning Team has instructed the Council's ecologist to provide HRA screening similar to the Torbay Local Plan HRA Site Appraisal Report on these four sites as well as a review of the Ecological Survey Report. This piece of evidence will be made available to the Forum as soon as the Team receives it.

Specific comments:

Page	Section / Policy/Table	Comment
11	Table 1/ Policy J1	Add under potential impact pathway present, include: <ul style="list-style-type: none"> Water quality and recreational pressure on Lyme Bay and Torbay Marine SAC.
13	Table 1/ Policy J7 and J8	The policy should comply with the Local Plan Policy TO3 regarding Lyme Bay and Torbay Marine SAC.
14	Table 1/ Policy H3	Add under potential impact pathway present include <ul style="list-style-type: none"> Water quality and recreational pressure on Lyme Bay and Torbay Marine SAC
18	Table 1/ Policy E8	The Policy referred to the South Hams SAC, which is international designated site. Change the title to: <i>Internationally and Nationally Important Ecological Sites.</i>
23	5.1.1 second paragraph	Employment sites have to undergo HRA screening before they are been allocated. Galmpton Sewage Works and Broadsands Beach behind promenade have not been covered in the Torbay Local Plan HRA and therefore should be HRA screened at this stage prior to allocation in the BPNP.
24	5.1.2 Table 2 Waterside Quarry	The survey method used does not cover the full period from April to October as required for sites within the South Hams SAC GHB Sustenance Zone as set out in Natural England's 2010 SAC Planning Guidance for South Hams.
24	5.1.2 Table 2 Knapman's Yard	The HRA should recommend strategic mitigation for the in-combination impact on Greater horseshoe bats.
26	Section 6	Include in the in-combination assessment a third bullet point: <ul style="list-style-type: none"> Water quality and recreational pressure on Lyme Bay and Torbay Marine SAC.

