

**Torbay Local Plan Update 2022-2040: A Landscape to Thrive. Frequently Asked Questions**

**Introduction**

Welcome to the Torbay Local Plan FAQs page! Please do “have your say” on the Site Options consultation at <https://yoursay.torbay.gov.uk/local-plan-update>. It’s open until 12 Noon on Monday 21st November 2022. This is an early stage of consultation, and the council really does want to hear your views.

This FAQs tries to answer some of the questions that arise about Local Plans. We will try to keep it updated if further questions come up.

We have tried to answer the following questions:

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**What is a Local Plan?**

Every local planning authority needs to have a local plan that sets out what can be built and where building should take place over a period of at least 15 years.

Local Plans hold important policies to support environmental protection, jobs and the economy. They also help to decide where investment is needed for infrastructure like roads, schools, recreation, and health services.

Together with neighbourhood plans, they are the legal starting point for deciding whether planning applications are approved. But they are not binding. Decisions may be taken if relevant matters (known as “material considerations”) indicate that a decision should go against the local plan.

**Is this a “new” Local Plan?**

Yes and no! The Council adopted the Torbay Local Plan 2012-30 “A Landscape for Success” in 2015. The Council reviewed the Plan in 2019 and found that most policies continued to serve a useful purpose. However, government policy on housing had changed which required a rethink on housing numbers.

The council also considers that a lighter touch update of its non-housing policies is also necessary, and will be consulting on these in early 2023.

Local Plans need to look ahead at least 15 years, so the Plan period has been rolled forward to 2022-2040.

So, we are using the title “Torbay Local Plan update 2022-40 “A Landscape to Thrive” to reflect that the plan is an evolution of the Local Plan that was adopted in 2015.

**What is the NPPF?**

The National Planning Policy Framework (NPPF) sets out the government’s national planning policy. National Planning Policy Framework - Guidance - GOV.UK (www.gov.uk) . It is not the law, but is a significant “material consideration” in plan making and determining planning applications. The NPPF is often updated to reflect government policy. The current NPPF was published in July 2021.

The NPPF provides detailed advice about what local plans should contain. In particular, it lays down a “Presumption in Favour of Sustainable Development” (paragraph 11) and a Test of Soundness (paragraph 35). Planning Inspectors test local plans against these when they examine them (see below).

The NPPF is accompanied by more detailed online National Planning Practice Guidance (NPPG or PPG).

**Why does the Council need a Local Plan at all?**

It is a legal requirement for councils to have a Local Plan for their area. The local plan should cover at least 15 years and be in accordance with national planning policy. The Plan should set out what we want our local area to look like at the end of this period. That might include things like:

* + - * Setting out how many new homes are required, where they should be built
* How many affordable homes are built
* Encouraging economic growth by identifying enough land for new businesses
* Improving the quality and quantity of parks and play space
* Delivering road improvements and planning for walkers, cyclists and public transport.
* Protecting the countryside and key landscapes such as the Area of Outstanding Natural Beauty (AONB)
* Planning for nature
* Avoiding development in areas of flood risk and protecting towns from the effects of climate change
* Policies on waste and minerals.

**Why don’t you wait until you know what the new planning system will look like?**

We are aware that there are proposed government reforms of the planning system. The Levelling Up and Regeneration Bill is currently before Parliament. The Government is expected to announce further planning reforms shortly. These may require primary legislation.

The Levelling Up and Regeneration Bill still proposes that councils prepare Local Plans.

Some councils have decided to wait until the changes are known before updating their plans. However, the government has urged councils to continue preparing local plans, and wishes all areas to have an “up to date” plan by the end of 2023.

Torbay Council consider that it is better to seek to update the local plan and address head-on the issues that we face. Delaying plan preparation would increase the chance of planning by appeal.

**How will the Local Plan affect me?**

The Local Plan affects everyone who lives in, works in, or visits Torbay.

The Local Plan guides where and how changes to our towns, villages and countryside may happen over the next 15-20 years. This means that the Local Plan is likely to impact you at some point in the future. For example, over the next 15 years you or a family member may need to buy or rent a house in Torbay. You may work locally or want to set up a business here. You may simply want to be able to shop locally or make sure that our landscape, wildlife and cultural heritage is protected.

Changes which might affect you now or in the future include:

* The building of new homes, business areas, and shops
* The building of community facilities
* The location of parks and play spaces
* Routes for walking and cycling paths
* How town centres and waterfront areas are regenerated
* Which parts of the countryside are built on and which are protected.

**What** **is an Issues and Options consultation? (Also, what does Reg 18 mean?)**

An issues and Options consultation is the first stage of public consultation for the preparation of a local plan. It seeks views on a range of planning issues and proposed options for the future development of the area. It allows councils to float ideas for future development as a genuine consultation, rather than presenting a fully formed plan as a “done deal”.

There are often several “Issues and Options” consultations.

Local Plans are prepared under [The Town and Country Planning (Local Planning) (England) Regulations 2012 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2012/767/regulation/18) . We are at the stage covered by Regulation 18.

**What is the Local Plan Update Site Options Consultation?**

The Local Plan needs to be updated. The council consulted on possible growth options in early 2022. The next stage is to set out a proposed level of housing growth and recommended sites for development. These are included in the current consultation document which is the Torbay Local Plan 2022-40 Site Options.

This recommends that Torbay builds at least 300 homes a year. We know that this is fewer than is needed, but Torbay has very severe environmental constraints, including two Special Areas of Conservation (SACs), which are internationally important. The South of Torbay is an Area of Outstanding Natural Beauty, which has the same level of protection as a National Park.

The Site Options consultation strongly supports urban regeneration in the town centre and waterfront areas of Torquay, Paignton and Brixham. The council wants to exceed the 300 homes a year by regenerating sustainable brownfield sites. The Local Plan also seeks to protect Torbay’s most important environmental and historic environment assets.

The Site Options consultation also asks people to have their say on other housing policies, such as affordable housing, self-build housing, and sites for Travellers.

There is more information at: [Local Plan Update - Torbay Council](https://www.torbay.gov.uk/council/policies/planning-policies/local-plan-update/) and at <https://yoursay.torbay.gov.uk/local-plan-update>.

**When does the Issues and Options consultation take place?**

This consultation begins on Friday 7th October and closes at Noon on Monday 21st November 2022.

The consultation asks questions around the proposed sites and policies. We’re asking people to respond via the council’s online consultation webpage at: <https://yoursay.torbay.gov.uk/local-plan-update>

**Why do we need to keep building houses in Torbay?**

Torbay’s population continues to grow, so we need more homes to meet increased need. There is a national shortage of housing, and locally there is a very pressing need for affordable homes for local people. There are currently 150 families in temporary accommodation and over 1600 households on the waiting list for affordable housing.

The government sets a formula for calculating the minimum number of homes that an area should provide. This figure is currently 600 homes a year, or 10,800 homes by 2040. Whilst the council accepts that it has a pressing need for housing, it considers that this number of new homes would cause serious environmental harm.

**Does the Local Plan’s housing figure refer to the number of homes with planning permission or the number of homes completed?**

The housing target has to relate to completed dwellings. The council only has so much control over this. It can allocate sites, seek to ensure that development is in principle viable, and work with developers to try to get sites built out. Unfortunately, councils cannot force developers to build homes.

**Can we just build houses for local people?**

No. The main driver of population growth in Torbay (and Devon as a whole) is domestic inwards migration. That is people choosing to move to the Westcountry from elsewhere in the UK. Many of these people will have local connections – for example they may have left as young adults to study or work elsewhere. Immigration is a normal element of housing need, and we have to try to meet it. Failing to do so is likely to mean that more affluent people will push up the price of existing housing, making it more difficult for local people to afford a home.

Housing need is also driven by smaller households, an ageing population (which reduces the turnover of available homes) and local people forming new households.

Although we have to plan for the needs of inwards migration, the Local Plan Update does consult on the feasibility of a “primary residence” policy. This would stop homes from being bought as holiday homes. However, Torbay is a holiday resort and some accommodation in key tourism areas will be holiday apartments.

**Is ‘no development’ an option?**

No. The Government has a very clearly stated agenda for growth and to boost housing supply. The NPPF requires councils to support economic growth and productivity and to meet the assessed housing requirements of their local area, as far as consistent with “sustainable development”. The Local Plan will be tested on its ability to meet housing needs, including the government’s “Standard Method” housing figure.

**Why is the council challenging the government’s housing figure?**

The government does not actually set binding housing targets. However, it does require councils provide at least as many homes as the need, and to use a formula known as the standard method to calculate need. This takes historic household growth and adds a buffer to take into account the unaffordability of housing in the area. The NPPF does indicate that this should be consistent with “sustainable development” i.e., would improve the environment, mitigate climate change, adapt to its effects, and make best use of urban areas.

The council has not taken the decision to challenge the standard method lightly. We understand that this will be a key test of soundness issue when the Plan is examined.

In Torbay the standard method figure in 2022 is 600 homes a year. An additional buffer has to be added for “five year supply” purposes, which in Torbay’s case is 20%, taking the number to 720 dwellings a year.

Torbay does have some methodological worries about the “standard method”. It relies on population trends dating from 2009-14 (used to calculate the 2014 based sub-national household projections). However, we acknowledge that Torbay has a very pressing need for housing, in particular affordable housing for local people. Our main concern is the environmental impact of seeking to meet the standard method level of growth in Torbay.

Since 1980 Torbay has built on average about 430 homes a year, at a time when there was significant greenfield and brownfield land to build on. That land simply isn’t there now. Remaining greenfield land often has very significant environmental constraints, including the South Hams Special Area of Conservation and Area of Outstanding Natural Beauty in the South of Torbay. Torbay also has a significant historic environment, and is a UNESCO Geopark due to the importance of its geology.

**Why can’t you just allocate enough brownfield sites to meet your need?**

The Local Plan does all it can to promote development on brownfield sites and recommends a “presumption in favour of urban regeneration”. However, our assessment is that urban sites cannot meet Torbay’s need in full under the current planning system. The housing figure of 300 dwellings a year is a minimum and we will seek to exceed it through regeneration projects. However, we have to be realistic that such brownfield regeneration is complicated. There are often complicated site ownership, contamination, flooding, and historic environment hurdles. Such sites tend to deliver apartments rather than family homes.

Simply over-promising on brownfield sites will come back to bite us because of the way the current planning system pushes development towards higher value greenfield sites. Tools such as “Five Year Housing Supply” and the “Housing Delivery Test” can be, and often are, used by the development industry to override local wishes and gain planning permission on greenfield sites even though other sites are allocated in Local and Neighbourhood Plans. Over-promising on brownfield sites therefore risks opening a backdoor for developers or land promoters to gain planning permission on greenfield sites.

If the way that the NPPF was worded (and interpreted) were changed to make it easier for councils to prioritise urban regeneration sites, then it would be possible to be bolder about the number of homes that could be achieved.

The Local Plan site options consultation has tried to keep greenfield allocations to a minimum, but some are needed to help meet the pressing need for housing.

**Why don’t you just build upwards?**

The Local Plan does promote a “presumption in favour of urban regeneration”, and building upwards on some urban sites could help provide additional homes. We are asking people to have their say on these issues in the online consultation at <https://yoursay.torbay.gov.uk/local-plan-update>. However, tall buildings won’t solve all of our problems. Firstly, many of the town centres are conservation areas and contain listed buildings, scheduled monuments or other historic assets. These must be respected. Tall buildings generally provide apartments rather than family housing, and they are expensive to build and maintain. Other than in key waterfront locations, there may be limited demand for apartments in tall buildings in Torbay.

**Torbay’s Infrastructure Just Can’t Cope!**

There is a specific question on this at <https://yoursay.torbay.gov.uk/local-plan-update>. We understand people’s concerns about infrastructure in the area. The Local Plan will need to be supported by an infrastructure delivery plan showing how roads, open space, schools, and other infrastructure will be provided. Development is expected to pay for the some of the infrastructure that it generates a need for, for example through “Section 106” contributions and Community Infrastructure Levy.

Please also bear in mind that new homes are a form of infrastructure, particularly affordable homes to meet local needs. There is a national and local shortage of housing. Also, limiting the supply of housing will make it more difficult for key workers who are essential to the local economy to find homes, which in turn undermines essential services.

**What about Neighbourhood Plans?**

Torbay has Bay wide coverage of three Neighbourhood Plans, which were adopted (“made”) in 2019. They were resoundingly supported by local referendums following countless hours of work by volunteers. All three Neighbourhood Plans promote brownfield regeneration and to protect Torbay’s environment.

The Local Plan Update has sought to respect the Neighbourhood Plans and the tireless work of the Neighbourhood Forums. However, the Local Plan will partly supersede some parts of the neighbourhood plans, particularly where we have allocated housing sites. It is important that these are brought forward with the consent of the local community, which is one reason why this consultation is carried out as an “Issues and Options” stage rather than presented as a “Preferred Option.”

**Aren’t You Sacrificing Torbay’s Green Spaces?**

The Local Plan Update tries to minimise the loss of greenfield sites. It promotes urban regeneration of towns centres and waterfront areas. However, there will be a need for some additional greenfield development. In particular, there is a need to provide family homes, which is more difficult to achieve on town centre regeneration sites. The council has sought to identify land which has the lowest environmental impact. No new housing is proposed on the areas that the Neighbourhood Forums have identified as Local Green Spaces (LGSs). The Plan also seeks to avoid major development within the Area of Outstanding Natural Beauty in the south of Torbay, despite there being significant pressure to build here.

**How were sites assessed for inclusion (or rejection) in the Local Plan?**

The process is still underway, and this consultation is part of that selection.

An important document in assessing the suitability, availability and achievability of potential sites is the Housing and Economic Land Availability Assessment (HELAA). This is not a policy document but helps us make decisions about which sites should be put forward for consultation. We carried out a formal “call for sites” in 2021, as part of the Housing and Economic Land Availability Assessment (HELAA). Please see [Torbay Housing and Economic Land Availability Assessment - Torbay Council](https://www.torbay.gov.uk/council/policies/planning-policies/helaa/) for further details.

The Local Plan is also supported by a Sustainability Appraisal and Habitats Regulations Assessment, both of which consider how suitable sites and combinations of sites are for development, taking into account their environmental, economic, and social impacts.

**Can I submit a site for development?**

Yes. We will continue to accept site submissions throughout the Issues and Options consultation stage. The HELAA (see above) is an ongoing process, and we will still consider sites put to us.

**Will there be any opportunity to make further comments on the sites that are chosen for the final Local Plan?**

Yes. There will be further consultation on non-housing policies in early 2023. The next stage in the Local Plan process will be a public consultation on the “Preferred Option” (also known as “Regulation 19”) version of the Local Plan. This will take place in summer 2023.

**How will the Local Plan create and support more jobs?**

The Local Plan cannot directly supply jobs. One issue with the current Torbay Local Plan 2012-30 is that it sets jobs targets, which are beyond our control. However, the Local Plan can make land available for new uses that generate employment and support business development. It can create a planning environment that supports businesses. The Local Plan expects that larger developments should provide a mix of uses including employment as well as housing.

We will carry out an updated assessment of need for employment land before finalising the proposed employment floorspace targets.

**How do you make sure the Local Plan** **does not have a negative impact on the environment?**

It is a legal requirement that all Local Plans be scrutinised through environmental reports, called the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). These reports consider the Plan’s impact on our environment, wildlife, people, and the economy. They also set out how any negative impacts will be addressed.

Both the SA and HRA Scoping Reports are available for comment alongside the Site Options Consultation document.

**What is being done to tackle the current climate emergency?**

Torbay and Devon declared a Climate Emergency in June 2019. More details of this, and what the council is doing to respond to climate change are available at [Climate change - Torbay Council](https://www.torbay.gov.uk/leisure-sports-and-community/climate-change/)

The Local Plan Update Site Options Paper proposes a revised Policy SS1 which increases the urgency that climate change will be given in planning decisions. We also believe that the Local Plan’s approach of prioritising development on brownfield urban regeneration sites is the right approach to take from an environmental point of view.

**What about other policies?**

The Local Plan covers a wide range of issues. We intend to publish a further consultation in early 2023 on the non-housing policies in the Local Plan. As indicated, we believe that these remain basically sound and should need less of a radical change than the housing policies. We will of course wait to see what comes out of the consultation before making any firm decisions.

**Where can I find more information about the Local Plan?**

The easiest way to find out and comment on the Local Plan update is to visit <https://yoursay.torbay.gov.uk/local-plan-update>. There is more information on the Local Plan, including previous stages at [Local Plan Update - Torbay Council](https://www.torbay.gov.uk/council/policies/planning-policies/local-plan-update/) . For wider information about planning in Torbay, please see [Planning and Building Control - Torbay Council](https://www.torbay.gov.uk/planning-and-building/) .

**Why is it important to take part in the Issues and Options consultation?**

The Local Plan will affect everyone who lives works, or visits Torbay. The preparation of an updated Local Plan and this consultation is an opportunity for local people and all other interested parties to help shape what Torbay will look like over at least the next 18 years. This input is vital to create the policy framework that will help guide investment and development decisions over the plan period.

**How do I comment on the consultation?**

The council has a dedicated online consultation platform called EngagementHQ available at <https://yoursay.torbay.gov.uk/local-plan-update> . It would be really helpful if as many people as possible use this to respond to the Local Plan. The online platform is quick and easy to use, and contains an interactive map of the Local Plan Site Options allocation proposals. Whilst the consultation questionnaire is quite detailed, it does give the option of a “quick question” if you have a single point or site to raise.

**Can I send my comments and feedback in a letter?**

We’re asking that representations be made via our dedicated website if possible. Alternatively, they can be sent by email to Future.Planning@Torbay.gov.uk or by post to by post to Strategy and Project Management, Spatial Planning, Tor Hill House, 2nd Floor North, Castle Circus, Torquay, TQ1 3DR.

**How can people without a computer get involved?**

All four of Torbay’s libraries provide access to computers, where people can view and comment on the online consultation and other documents. Information about their location and opening hours is available at: [Our Libraries - torbay (torbaylibraries.org.uk)](https://www.torbaylibraries.org.uk/web/arena/ourlibraries)

A reference copy of the Issues and Options document can be made available to view by appointment at Tor Hill House, Castle Circus, Torquay during office hours. Please ring 01803 207801 to make an appointment.

**Do I have to provide my contact information as part of my representation?**

Yes. We do ask for your contact details. All consultation responses must be made publicly available and published on our website. However, we will keep personal details such as private addresses, emails and telephone numbers private.

We are legally required to collect and hold this information in order that the Planning Inspector, who will hold the Public Examination, can contact those who have made representations, if needed. All data is processed and held in compliance with the General Data Protection Regulation (GDPR).

**What happens next?**

After this consultation closes, we will look carefully at all the feedback received and summarise this in a consultation report. This consultation report will set out the key findings from the consultation, along with our response to them.

Responding to this consultation will help us to understand your priorities when it comes to the key issues, as well as site specific comments. All of this will help inform and shape the new Local Plan.

It is important to note that consultation responses are only one part of the plan making process. The Local Plan must be supported by robust and up-to-date evidence. The Local Plan cannot therefore include things which are not supported by evidence, regardless of the strength of public feeling.

The consultation findings will help us prepare a Preferred Option draft Plan, which will be the subject of consultation in Summer 2023. We will then aim to submit the Plan to the Secretary of State in Autumn 2023. They will appoint an inspector to carry out an Examination of the Plan.

**What if my question** **is not answered here?**

If you have any questions that are not covered by the information on our website, please email them to Future.Planning@Torbay.gov.uk. If we are able to answer them, we will update this FAQ.