

**Torbay Local Plan- A landscape for success: The Plan for Torbay 2012-32 and beyond
Schedule of representations –Name/Organisation Order (A-Z)**

Consultee ID	File No.	Person / Organisation
Agent: 844863 Consultee: 844862	HB11	Abacus Properties and Deeley Freed (Stride Treglown for)
Agent: 844190 Consultee: 791437	HB5	Bloor Homes (Barton Willmore on behalf of): mainly re. Churston interests.
Agent: 844198 Consultee: 791437	HB6	Bloor Homes - Boyer Planning on behalf of (mainly Collaton St Mary land interests)
Agent: 844334 Consultee: 844326	HB9	Devonshire Park (Former Nortel site). Blue Sky Planning for.
844875	HB14	Gladman Developments
844154	HB1	Home Builders Federation
Agent: 844186 Consultee: 844185	HB4	Landford Estates (K&L Gates on behalf of)
Agent: 844168 Consultee: 356404	HB2	McCarthy and Stone (The Planning Bureau/Ziyad Thomas for)
Agent: 830010 Consultee: 830289	HB13	Mrs Hosking (Smithsgore for)
Agent: 829991 Consultee: 844323	HB8	Mrs J. Tyrell (Herridge Property Consulting for)
Agent: 844870 Consultee: 442694	HB12	Northern trust (Tetlow King for)
844178	HB3	PCL Planning (for Sladnor Park)
Agent: 844316 Consultee: 844315	HB7	Taylor Wimpey (Exeter Ltd) Origin3 for (Colin Danks)
Agent: 844351 Consultee: 844349	HB10	Waddeton Park LTD -PCL Planning for ("Jackson family" land)



Torbay Local Plan
A Landscape for Success
The Plan for 2012 – 2032 and beyond
Proposed Submission Plan

For official use:
Agent: 844863
Consultee: 844862

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	<input type="text" value="Mr"/>
First name(s)	<input type="text"/>	<input type="text" value="Graham"/>
Last name	<input type="text"/>	<input type="text" value="Stephens"/>
Organisation (if you are representing that organisation)	<input type="text" value="Abacus Projects and Deeley Freed Estates"/>	<input type="text" value="Stride Treglown Ltd"/>
Address – line 1	<input type="text" value="9 Whiteladies Road"/>	<input type="text" value="Promenade House"/>
Address – line 2	<input type="text"/>	<input type="text" value="The Promenade"/>
Address – line 3	<input type="text"/>	<input type="text" value="Clifton Down"/>
Post Town	<input type="text" value="Bristol"/>	<input type="text" value="Bristol"/>
Postcode	<input type="text" value="BS8 1NN"/>	<input type="text" value="BS8 3NE"/>
Telephone number	<input type="text"/>	<input type="text" value=""/>
E-mail address	<input type="text"/>	<input type="text" value=""/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SS4

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

This representation refers to para 4.2.2, but also cross-references the following parts of the Plan: Policy SS4 and Policy SDP3. We have not replicated the comments below under these separate parts of the plan, and reserve our right to make further clarification and/or expansion comments in respect of these policies at a later stage.

Para 4.2.2 supports the role of the Local Plan to provide for key infrastructure projects and supporting facilities such as South Devon College. Our client has worked with South Devon College and facilitated their new Energy Centre development at White Rock. In order to positively plan for the future expansion of South Devon College, the Council is encouraged to allocate suitable land in close proximity to the College for such a purpose, alongside other employment opportunities in the heart of the Strategic Development / Delivery Area.

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In order to positively plan for the future expansion of South Devon College, the Local Plan should be amended to allocate suitable land in close proximity to the College for such a purpose, alongside other employment opportunities in the heart of the Strategic Development / Delivery Area under SDP3.5.

(Continue on a separate sheet if necessary)

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

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5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

To represent our clients interests, as owners of land within a Strategic Delivery Area and to contribute towards the discussions regarding housing need, land supply and countryside access and enhancement.

(Continue on a separate sheet if necessary)

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6. Do you want to be informed of the following:

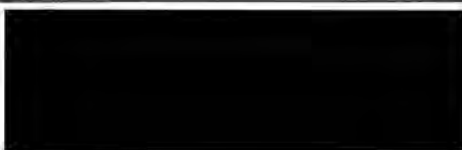
	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature:



Date:

4th April 2014

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

TC2

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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We object to the omission of White Rock, Paignton as a Local Centre under Policy TC2 (page 91). In light of the April 2013 outline planning permission at White Rock, the Local Centre should be considered a planned Local Centre under the purposes of emerging Policy TC3.

Over time, the focus of development around White Rock has the potential to be considered a future District Centre. This is a matter of factual accuracy in the context of being able to positively plan for, protect and otherwise assess the impacts of development which threaten the vitality and viability of existing and planned centres.

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

That the White Rock Local Centre be accurately included within the retail hierarchy to which Policy TC2 applies.

(Continue on a separate sheet if necessary)

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The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Signature:

Date:

4th April 2014

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SDB1

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| (1) Legally compliant | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (2) Sound | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) Complies with the duty to co-operate | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

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These comments relate to Table 5.13 which supports Policy SDB1. Land immediately south of White Rock (SHLAA Update 2013, site reference: T756b) has been the subject of a land promotion exercise, submitted to Torbay Council in April 2013: the land being well positioned along the Brixham Road Corridor and clearly within options 2 (Urban Focus and Limited Greenfield development approach), 3A (Mixed Greenfield Approach) and 3B (Single Urban Extension Approach) of the Consultation Local Development Framework of September 2009. The land is under the ownership of our client and is available for development.

The land in question has been the subject of an initial Landscape and Visual Character study as a precursor to a further land promotion study and future engagement with the Brixham Peninsula Neighbourhood Partnership. Initial investigations suggests that the 31.45ha site has the capacity to accommodate, amongst other land uses, employment land of c1.45ha. Our clients land is highlighted within Strategic Delivery Area SDP3.5, however, is located within the

boundary of the Brixham Neighbourhood Peninsula Neighbourhood Partnership.

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Our client recommends that the Plan be amended such that Table 5.13 (or alternatively part of Table 5.11, having a more meaningful relationship with this policy area) includes a reference to c1.45ha of employment land, specifically referring to "Land south of White Rock" as part of a mixed use development in this area. (see our representation in relation to SS9).

(Continue on a separate sheet if necessary)

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	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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(Continue on a separate sheet if necessary)

Signature:

Date:

4th April 2014

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Please state which policy this representation relates to?

Policy number

SS1

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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This representation refers to Policy SS1, but also cross-references the following parts of the Plan: Policy H1 and Key Diagram. We have not replicated the comments below under these separate parts of the plan, and reserve our right to make further clarification and/or expansion comments in respect of these areas at a later stage.

We consider that the basis of the housing requirement set out within this policy is unsound. The level of growth is not consistent with baseline evidence prepared on behalf of the Council and the mechanism used to calculate the current 5 year (and beyond) housing land supply appears to fail the test outlined in para 47 of the National Planning Policy Framework.

The baseline housing requirement should be based upon the objectively assessed need for housing in full. It is also necessary to consider the size of the buffer that should be added to the 5 year requirement in accordance with NPPF para 47. This should be set as a minimum of 5%, and potentially up to 20% (moved forward from later in the plan period) where there has

been a persistent under-delivery of housing in the area.

The Council has not appeared to objectively assess the need for housing and has erroneously applied a range of constraints, including the supply of housing, infrastructure and environmental, in coming to a proposed housing provision in the plan period. Projections have therefore not been calculated on facts and unbiased evidence, but have been informed by general assumptions. Constraints do not bear upon the actual need for housing (this is cross referenced in para 4.1.21 on page 29).

Whereas the Council cite a need to provide 8,000-10,000 units over the plan period – equal to 400-500 units per annum, relevant baseline data has suggested that the target should be 15,000 (750 per annum) (South West RSS, 2008). Based upon an unsuppressed housing need aligned with the aspiration to create 5,000-6,000 jobs, PBA, for the Council, equate the necessary housing target to be to 12,278 units (615 per annum). An objectively assessed target by PBA, for the Council, appears to state a need for 12,300 units. Indeed, their advice to the Council was that this figure “is consistent with the potentially achievable job growth”.

PBA also identifies the need for 2,370 affordable homes between 2011 and 2016, an average rate of 474 dwellings per annum. In setting a requirement of between 400 and 500 dwellings per annum in total, the Local Plan targets would fail to meet the objectively assessed need for affordable housing.

The Council’s Housing Requirements Report (PBA, May 2013) states that the recommended housing target of 12,300 homes is based upon a mid-economic growth scenario and the generation of 5,337 jobs in the area over the 20 year period. This averages out at 267 jobs per annum which is far less than the 750 jobs referred to in Policy SD1 as set out in the Consultation Draft Local Plan, September 2012. The provision of 400-500 houses and 750 jobs per annum are therefore not consistent as previously identified in the September 2012 Consultation Draft Local Plan. The constrained supply of housing will limit economic growth well below the areas economic potential. In this context, supporting para 4.1.12 states that under the Torbay Infrastructure Delivery Study, a constrained development scenario of 10,000 units in the plan period would result in a significant funding gap. Our client remains of the view that to reduce such a funding gap, additional development over and above this constrained 10,000 threshold should be supported in strategic development areas best able to accommodate development in a sustainable manner.

The Council has failed to achieve the level of requirements that was emerging through the Regional Spatial Strategy since 2008 and has fallen well short of the objectively assessed need for the last 5 years. Delivery rates are lower than the constrained supply set out in the emerging Local Plan in three of the last five years. Our view would be that this demonstrates a case where the 20% buffer is applied. Government approved approaches to address this encourage Local Planning Authorities to make good the recent shortfall as quickly as possible, rather than address this over the remaining Local Plan period.

(Continue on a separate sheet if necessary)

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with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We consider that the plan should be amended, and be consistent throughout, by applying a 20% buffer to the objectively assessed housing figure as recommended by the Regional Spatial Strategy (15,000 dwellings or 750per annum). In order to make the plan compliant, and sound, we consider that the housing target for the first 5 years should be at least 900 (750 x 1.2) dwellings per year, rather than the 400-500 set out in the Submission Draft Local Plan.

(Continue on a separate sheet if necessary)

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No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

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6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Please insert an X in the relevant box

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(Continue on a separate sheet if necessary)

Signature:

Date:

4th April 2014

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Please state which policy this representation relates to?

Policy number

SDP1

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1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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This representation refers to Table 4.3 of Policy SDP1, but also cross-references the following parts of the Plan: Policy SS1, Policy H1, Policy SDP3 and para 5.3.2. We have not replicated the comments below under these separate parts of the plan, and reserve our right to make further clarification and/or expansion comments in respect of these policies at a later stage.

Table 4.3 (page 56) refers to 2,625 units coming forward in Strategic Development Site SDP 3 Paignton North and Western Area: this area lists 5 sites. In order to promote the effective positive planning of the area, the Plan should objectively assess and clarify the calculated breakdown of this figure, allocating housing targets to each site of the SDP 3 areas.

Our client reserves the right to supply, following further and ongoing investigations, evidence to question the degree to which part or all of the 245 unit "capacity" of the "Brixham Urban Fringe and AONB Area", highlighted as being "conserved and enhanced to protect its intrinsic landscape and biodiversity value" under Policy SDB3 should be the target of potentially large

scale residential development(s). Indeed, para 5.3.2 states that the AONB boundaries within the north western part of Brixham have “been eroded” and that this is cited as a reason to defend the countryside around the settlement boundary of Brixham.

Part of the 245 target figure, should be migrated to the Brixham part of Strategic Development Area SDP3.5 (land south of White Rock) to ensure compliance with SDB3 and in the interests of positive planning for the development of Strategic Delivery areas (SDP3.5).

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Based upon initial site investigations, the Plan should re-allocate c250 units of that total set out in Table 4.3 being migrated to the SDB part of the same table. Part of the 245 units highlighted in SDB3.1 (Brixham Urban Fringe and AONB) is requested to be reduced (due to AONB issues cited in SDB3), and migrated to that part of SDP3.5 within the Brixham Area. Further details will be submitted to suggest the degree to which the 245 target is shared between SDB3.1 and SDP3.5.

(Continue on a separate sheet if necessary)

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(Continue on a separate sheet if necessary)

Signature:



Date:

4th April 2014

Pickhaver, David

From: Lauren Cook [REDACTED]
Sent: 04 April 2014 16:09
To: Planning, Strategic
Cc: Graham Stephens
Subject: Torbay Local Plan [STRI.14912 White Rock Masterplan Revision]
Attachments: Representation Form Part B - TC2.pdf; Representation Form Part A.pdf; Representation Form Part B - SDB1.pdf; Representation Form Part B - SDP1.pdf; Representation Form Part B - SS1.pdf; Representation Form Part B - SS4 - supporting text.pdf; Representation Form Part B - SS5.pdf; Representation Form Part B - SS9.pdf

Dear Strategic Planning

On behalf of Graham Stephens, please find attached our representations in respect of the Proposed Submission Local Plan, February 2014.

Kind regards

Lauren Cook MRTPI
Senior Town Planner

Stride Treglown Limited
Promenade House, The Promenade, Clifton, Bristol, BS8 3NE

www.stridetreglown.co.uk

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Registered in Cardiff. Registered Number: 1748850



ID Agent: 844190
Consultee: 191437

Making Representations - Guidance Notes and Representation Form

Notes for completing the Torbay Local Plan (Proposed Submission Plan) Representation Form and making representations using the online consultation portal

1. Making representations

Representations (comments) must be made in writing to the Council during the publication period – **9:00am on Monday 24 February to 9:00am on Monday 7 April**. Comments received outside this period will not be accepted and submitted to the Inspector appointed to conduct the Independent Examination of the Proposed Submission Torbay Local Plan (Plan). Please note that comments cannot be treated as confidential. Your comments will be published with your name as part of a document and made publicly available on the Council's website.

Torbay Council will be using an **online consultation portal** and **we would strongly encourage you to use this system** to make representations as it is the most efficient way in which to comment on the Plan. Alternatively, you should submit comments in writing via letter or e-mail using the provided representation form which will ensure you supply all the information necessary for your response to be valid. Copies of this form can be downloaded via the website or posted to you on request.

2. Introduction

The Plan has been published in order for representations to be made prior to its submission to the Secretary of State. The representations will then be considered alongside the published Plan when it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the Independent Examination is to consider whether the Plan complies with the relevant legal requirements, the duty to co-operate and is sound.

3. Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements under S20(5)(a) and the duty to co-operate under S20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following points before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA), setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any Plan which the LPA proposes to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the Plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.

- The Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 [as amended] (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal (SA) Report when it publishes a Plan. This should identify the process by which the SA has been carried out, the baseline information used to inform the process and the outcomes of that process. SA is a tool for appraising policies to ensure they reflect social, environmental and economic factors.
- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

4. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective, and consistent with national policy.

- **Positively prepared**

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- **Justified**

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- **Effective**

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- **Consistent with national policy**

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF. If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via www.torbay.gov.uk/newlocalplan) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for **each policy** you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

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For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 208804.



Torbay Local Plan
A Landscape for Success
 The Plan for 2012 – 2032 and beyond
 Proposed Submission Plan

For official use:
 Agent: 849 190
 Consultant: 7914 37

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title		Mr.
First name(s)		Lawrence
Last name		Turner
Organisation (if you are representing that organisation)	Bloor Homes (c/o Agent)	Barton Willmore
Address – line 1	3 Stanton Court	101
Address – line 2	South Marston Park	Victoria Street
Address – line 3		
Post Town	Swindon	Bristol
Postcode	SN3 4YH	BS1 6PU
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SDB1

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Policy SDB1 (Brixham Peninsula) should be reviewed in respect of the scale of housing proposed at Policy SS11, which sets out the provision for between 8,000–10,000 new homes over the Plan period.

With reference to our representations to Policy SS11, it can be demonstrated that the draft Plan fails to identify the full objectively assessed housing need; and, in doing so, it applies a range of constraints (or limitations on capacity) in coming to a proposed housing provision for the Plan period of 8,000 to 10,000. These constraints are not sufficient to justify the failure to meet the objectively assessed need in full (having regard to Paragraph 47 of the NPPF).

Policy SDB1 proposes that Brixham will provide at least 2,700m² of employment space and 800 new homes (around 40 per annum) over the Plan period - subject to environmental constraints, such as the AONB and Special Areas of Conservation.

This follows on from Torbay Council's constrained approach to growth which limits the proposed housing provision for the Plan Period of 8,000 to 10,000 homes, as set out in Policy SS11.

The draft Plan's approach to growth is, therefore, evidently constrained. It appears to have set limits for both job and housing growth over the plan period, based on an assessment of Torbay's capacity for growth. What it does not appear to have done is to carry out an objective assessment of need in line with the PPG (Paragraph 6) based on facts and unbiased evidence, without applying constraints, such as the supply of land for housing, infrastructure and environmental constraints.

Our representations to Policy SS11 demonstrate the findings of Barton Willmore's objective assessment of housing need carried out in line with NPPF and associated guidance that finds there to be a need for between 900 and 1,100 dwellings per annum, equating to 18,000-22,000 homes over the Plan period.

The level of growth anticipated at Policy SS11 should, therefore, be significantly increased, necessitating the review of Policy SDB1. On this basis, the formulation of Policy SDB1 is not consistent with the NPPF, nor is it positively prepared and is unsound.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See above

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

This is related to a strategic matter on which Barton Willmore has prepared significant assessment to inform the consideration of the Plan. We believe we should be represented in the debate to ensure that these matters are appropriately addressed.

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature:

Lawrence Turner

Date:

4th April, 2013

Making Representations - Guidance Notes and Representation Form

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For official use:

Representation Form

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This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title		Mr.
First name(s)		Lawrence
Last name		Turner
Organisation (if you are representing that organisation)	Bloor Homes (c/o Agent)	Barton Willmore
Address – line 1	3 Stanton Court	101
Address – line 2	South Marston Park	Victoria Street
Address – line 3		
Post Town	Swindon	Bristol
Postcode	SN3 4YH	BS1 6PU
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SS11

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

(See Separate Statement)

Policy SS11 (Housing) proposes the provision for between 8,000–10,000 new homes over the Plan period. It can be demonstrated that the draft Plan fails to identify the full objectively assessed housing need; and, in doing so, it applies a range of constraints (or limitations on capacity) in coming to a proposed housing provision for the Plan period of 8,000 to 10,000. These constraints are not sufficient to justify the failure to meet the objectively assessed need in full (having regard to Paragraph 47 of the NPPF). To that end this statement presents an objective assessment of housing need carried out in line with NPPF and associated guidance that finds there to be a need for between 900 and 1,100 dwellings per annum, equating to 18,000-22,000 homes over the Plan period.

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

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This is a strategic matter on which Barton Willmore has prepared significant assessment to inform the consideration of the Plan. We believe we should be represented in the debate to ensure that these matters are appropriately addressed.

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
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The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

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See Separate Statement

(Continue on a separate sheet if necessary)

Signature:

Lawrence Turner

Date:

4th April, 2013

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- The Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 [as amended] (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal (SA) Report when it publishes a Plan. This should identify the process by which the SA has been carried out, the baseline information used to inform the process and the outcomes of that process. SA is a tool for appraising policies to ensure they reflect social, environmental and economic factors.
- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

4. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective, and consistent with national policy.

- ***Positively prepared***

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- ***Justified***

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- ***Effective***

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- ***Consistent with national policy***

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF. If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via www.torbay.gov.uk/newlocalplan) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for **each policy** you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

If submitting representations via e-mail, you will need to fill out and submit a separate copy of the form for each representation you make and attach them as separate documents. Note that the form is locked for editing but the text boxes will expand to fit the size of your written response to questions.

For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 208804.



Torbay Local Plan
A Landscape for Success
The Plan for 2012 – 2032 and beyond
Proposed Submission Plan

For official use:

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title		Mr.
First name(s)		Lawrence
Last name		Turner
Organisation (if you are representing that organisation)	Bloor Homes (c/o Agent)	Barton Willmore
Address – line 1	3 Stanton Court	101
Address – line 2	South Marston Park	Victoria Street
Address – line 3		
Post Town	Swindon	Bristol
Postcode	SN3 4YH	BS1 6PU
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

C1

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

(See Separate Statement)

Policy C1 (Countryside and the Rural Economy) proposes to limit the categories of development that can occur outside settlement boundaries. The representation set out how this proposed policy is inconsistent with National Planning Policy, in particular with paragraphs 28, 113, and 118 of the National Planning Policy Framework (NPPF), which in particular require that local planning authorities provide distinction between the hierarchy of international, national and local designated sites – so that the protection is commensurate with status and gives an appropriate weight to their importance (NPPF, Paragraph 113).

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See Separate Statement

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

This is a strategic matter on which Barton Willmore has prepared significant assessment to inform the consideration of the Plan. We believe we should be represented in the debate to ensure that these matters are appropriately addressed.

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

See Separate Statement

(Continue on a separate sheet if necessary)

Signature:

Lawrence Turner

Date:

4th April, 2013

Representations to the Proposed Submission Torbay Local Plan 2012-2032

on behalf of Bloor Homes

April, 2014

**Representations to the
Proposed Submission Torbay Local Plan
2012-2032**

on behalf of Bloor Homes

Project Reference:		
Status:	Draft	
Issue/Revision:	1	
Date:		
Prepared By:	Lawrence Turner/James Donagh	
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Date: 03 April 2014

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1 INTRODUCTION

- 1.1 These representations are submitted by Barton Willmore on behalf of Bloor Homes and are made in response to the Council's consultation regarding the soundness of the draft Submission Torbay Local Plan (February, 2014).
- 1.2 The National Planning Policy Framework (NPPF) requires that Local Plan should be prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. In accordance with Paragraph 182 of the NPPF for a plan to be sound it should be:
- **“Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;**
 - **Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;**
 - **Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and**
 - **Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”**
- 1.3 These representations highlight that the draft Local Plan is unsound in that it is neither positively prepared, nor consistent with the NPPF. It is also unclear how the duty to cooperate has been complied with: local planning authorities have a legal duty to engage 'constructively, actively and on an ongoing basis (s. 33A Planning and Compulsory Purchase Act 2004) with regard to strategic matters. If a Council has failed to comply with the statutory duty, there is no remedy; the plan is unlawful and the examination can go no further. In this case, consideration must be given to the interrelationship between Torbay Duty to Cooperate statement and its neighbouring authorities with regard to housing and employment, particularly in view of the unduly low housing provision proposed within the draft Plan, which undershoots the objectively assessed need and which would therefore place additional housing pressures on those neighbours.
- 1.4 It is a related and serious concern that, since the level of housing growth identified at Policy SS11 is prohibitively low and the draft Plan does not meet objectively assessed housing needs. On this basis, the draft Plan is neither positively prepared, nor is it in accordance with the NPPF – in particular Paragraph 47.
- 1.5 The representations made in relation to Policy S11 (Housing) can be summarised as follows:

- **Policy SS11 (Housing)** proposes the provision for between 8,000–10,000 new homes over the Plan period. It can be demonstrated that the draft Plan fails to identify the full objectively assessed housing need; and, in doing so, it applies a range of constraints (or limitations on capacity) in coming to a proposed housing provision for the Plan period of 8,000 to 10,000. These constraints are not sufficient to justify the failure to meet the objectively assessed need in full (having regard to Paragraph 47 of the NPPF). To that end this statement presents an objective assessment of housing need carried out in line with NPPF and associated guidance that finds there to be a need for between **900 and 1,100 dwellings per annum**, equating to 18,000–22,000 homes over the Plan period.

1.6 These representations are structured as follows:

- **Section 2** sets out the relevant planning policy framework to assessing housing need;
- **Section 3** outlines the assessment process we have followed in order to objectively assess Torbay's housing need;
- **Section 4** reviews the Local Authority evidence base;
- **Section 5** reviews the draft Local Plan's proposed growth strategy for Torbay
- **Section 6** examines market signals and their implications for Torbay's housing need, supplying evidence of suppressed housing need;
- **Section 7** reviews and addresses the implications of the latest population projections and mid-year estimates for Torbay and establishes in evidence the broad level of future migration required to grow the districts resident labour force;
- **Section 8** establishes the implications of the latest household projections and the headship rate they use, drawing conclusions about the extent of suppressed need inherent in the published projections for Torbay; and
- **Section 9** brings all the analysis together in an objective assessment of housing need for Torbay.

2 NATIONAL PLANNING POLICY AND GUIDANCE

2.1 We have set out below the relevant guidance in connection with objectively assessing housing need. This section sets out the national policy context by which local planning authorities should be determining future housing requirements.

Summary of Key Points:

- National Policy requires that local authorities ensure their plans are positively prepared and aspirational.
- Local authorities are required to meet full, objectively assessed needs for market and affordable housing, and that this is identified in a Strategic Housing Market Area (SHMA).
- Account should be taken of migration and demographic change in formulating housing requirements.
- Local authorities should ensure that assessments of, and strategies for, housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.
- Local authorities should work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing.
- The Government clearly recognises the link between housing and economic growth.

National Planning Policy Framework – 27th March, 2012

2.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The presumption in favour of sustainable development is said to sit at the heart of the NPPF, and this requires that local planning authorities should positively seek opportunities to meet the development needs of their area, and that local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change.

2.3 The NPPF must be taken into account in the preparation of local and neighbourhood plans. The NPPF confirms that 12 core land use principles should underpin plan-making, and these include, driving and supporting economic development to deliver homes, business and thriving local places. In doing so, it requires that every effort is made to objectively identify and meet housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

- 2.4 In respect of housing requirements, the NPPF (paragraph 47) confirms the need for local authorities to significantly boost the supply of housing and in doing so confirms that local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing.
- 2.5 In establishing its housing requirement, in accordance with the NPPF (paragraph 159), local authorities should have a clear understanding of housing need, through the preparation of a strategic housing market assessment (SHMA). The NPPF is clear that a SHMA must identify the scale and mix of housing that the local population is likely to need, which:
1. **“meets household and population projections, taking account of migration and demographic change**
 2. **addresses the need for all types of housing, including affordable; and**
 3. **caters for housing demand and the scale of supply necessary to meet this demand.”**
- 2.6 The NPPF confirms the need for local authorities to be aspirational. Furthermore, the NPPF is clear in its requirement to set out an up-to-date, and relevant evidence base, ensuring that assessment and strategies for housing and employment and other uses are integrated.
- 2.7 Paragraph 160 confirms that local authorities should work closely with business communities to gain an understanding of changing needs, as well as identifying and addressing barriers to investment, which includes a lack of housing.
- 2.8 It is clear therefore that the NPPF requires that local authorities undertake to meet the full, objectively assessed need for market and affordable housing, and that they seek to integrate this within their employment strategy so as to ensure there are no barriers to investment. In short, local authorities are required to present a coherent strategy that is aspirational and positively prepared.
- 2.9 The NPPF is also clear in its requirement that local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities, which include the homes and jobs needed in the area¹. The Government is clear in its expectation for joint working on areas of common interest which should be diligently undertaken for the mutual benefit of neighbouring authorities.

Planning Practice Guidance (PPG)

¹ DCLG (27 March 2012). National Planning Policy Framework. London: Crown. Paragraph 178.

2.10 On 6th March the Government published on-line its Planning Practice Guidance² (PPG). In terms of assessing housing requirements the PPG states the following:

"The assessment of development needs is an objective assessment of need based on facts and unbiased evidence. Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, infrastructure or environmental constraints. However, these considerations will need to be addressed when bringing evidence bases together to identify specific policies within development plans."(Paragraph: 004 Reference ID: 2a-004-20140306) (our emphasis)

2.11 The PPG is significant because it advises that plan-makers should:

- Use household projections, demographic projections and estimates as a starting point;
- Be aware that household projection based estimates of housing need may need adjustment because formation rates may be suppressed historically by undersupply and worsening affordability;
- Seek to ensure that the resilience of local businesses is not put at risk by projected growth in labour supply of working age that is insufficient to meet projected job growth; and
- Consider increasing supply where market signal trajectories of price (such as affordability) and or quantity (such as past rates of delivery) are deteriorating over time or deviate from the market signals in comparable housing market areas.

2.12 The caution that PPG advises regarding the use of household projections as a basis for setting the housing requirement is communicated by the guidance in terms of suppressed need, and the need to examine market signals in order to evidence suppressed need.

"The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. For example, formation rates may have been suppressed historically by under-supply and worsening affordability of housing. The assessment will therefore need to reflect the consequences of past under delivery of housing. As household projections do not reflect unmet housing need, local planning authorities should take a view based on available evidence of the extent to which household formation rates are or have been constrained by supply" (Paragraph: 015 Reference ID: 2a-015-20140306) (our emphasis).

2 DCLG. (2014). Planning Policy Guidance. Available: <http://planningguidance.planningportal.gov.uk/>. Last accessed 4th April 2014.

- 2.13 Clearly, the guidance anticipates that there are circumstances when the projections are not the correct basis for an assessment of housing need, a point that was confirmed by The Planning Minister on January 8th 2014.

"The first issue is housing projections. What is the role of figures from the Office for National Statistics in supporting housing projections? The fundamental situation is that, just as we expect local authorities to make plans to meet their needs for schools and for social care, we expect in the national planning policy framework that local authorities will make plans to meet their housing needs. Those plans have to be evidence-based. Of course, we cannot entirely reject ONS population projections, because the ONS is our national statistics body and those projections are the best that we have, although I entirely understand why they are often wrong and flawed, as all projections necessarily are.

What I have said, however, does not mean that those ONS projections are the last word. It is absolutely open to any authority—Cornwall Council will certainly have this opportunity—to look at the actual figures achieved in the past, relate them back to the projections that were in place then and then say why it thinks that projections are not the last word and that different numbers have an evidence base. It is absolutely open to authorities to do that, but their numbers must be based on evidence; they cannot be based on assertion alone. Authorities must use evidence and that evidence will be challenged in an examination by developers and others, so it needs to be pretty robust."³

Housing and Growth (6 September 2012)

- 2.14 The 'Housing and Growth' ministerial statement by the Rt Hon Eric Pickles MP reaffirms the Coalition Government's commitment to growing the economy, with a specific emphasis on house building:

"House building starts across England were 29 per cent higher in 2011 compared to 2009. But there is far more to do to provide homes to meet Britain's demographic needs and to help generate local economic growth."⁴ (Page 33) (my emphasis)

Housing the Next Generation – Keynote Speech (10 January 2013)

- 2.15 Most recently, Nick Boles MP, Parliamentary Under Secretary of State for Planning stated the following.

³ Hansard, January 8 2014, Westminster Hall (during Planning Reform debate)

⁴ Housing and Growth Ministerial Statement, 6 September 2012, CLG

"We have a simple choice. We can decide to ignore the misery of young families forced to grow up in tiny flats with no outside space. We can pass by on the other side while working men and women in their twenties and thirties have to live with their parents or share bedrooms with friends. We can shrug our shoulders as home ownership reverts to what it was in the 19th century: a privilege, the exclusive preserve of people with large incomes or wealthy parents. Or we can accept that we are going to have to build on previously undeveloped land and resolve that we will make these decisions locally and build beautiful places like we used to."⁵

- 2.16 The need to build more homes across the country is considered to be significant by Central Government, and it is essential that Local Plans ensure their targets are adequate to meet the Government's aspirations for growth.

PAS Guidance

- 2.17 In July 2013, the Planning Advisory Service published guidance⁶ for local planning authorities on how to objectively assess housing need. Titled 'Ten Key Principles for owning your housing number – finding your objectively assessed needs' it provides a framework for assessing housing need, closely aligned with PPG's guidance on assessing housing need. Although it is not a statutory document, it does supply the only best practice on the subject that fully reflects NPPF.
- 2.18 PAS advise that the following principles are fundamental to guiding an assessment of housing need. They clearly acknowledge that trends based evidence can be adjusted if justified and based on evidence, and that assessments should take account of projected economic growth:
- **"Use up to date demographic evidence to understand how the population has changed in the past and what the components of change (births, deaths, migration) are that have contributed to this;**
 - **Understand what the most up to date projections (population and household) are saying will happen over the plan period, explore the differences between different projections, past information and the census data;**
 - **Does the evidence justify the development of different scenarios, i.e. using the long term trend or varying migration assumptions (which must be based on evidence);**
 - **Benchmark the scenarios against the economic growth ambitions and population that will be required to deliver the number of jobs required;**

⁵ Housing the Next Generation, Nick Bowles MP, 10 January 2013

⁶ PLANNING ADVISORY SERVICE, LOCAL GOVERNMENT ASSOCIATION, *Ten Key Principles for Owning Your Housing Number – Finding Your Objectively Assessed Needs*, April 2013

- **Test the implications of the scenarios in terms of population and households, making clear what assumptions have been applied.”⁷**

Offenham Appeal Decision and the Impact of the Hunston Judgement

- 2.19 Appeal Ref: APP/H1840/A/13; decision dated 7 February 2014. Land between Leasowes Road and Laurels Road, Offenham, Worcestershire; by David Wilson Homes against the decision of Wychavon District Council⁸. Hereafter referred to as the Offenham decision. The appeal allowed the development of 50 dwellings, with 40% affordable. It followed shortly after the Hunston High Court Judgement (HCJ), which was upheld at the Court of Appeal Judgement (CAJ), referred to here as the Hunston Judgements⁹.
- 2.20 In setting out his reasons, the Offenham Inspector states (Paragraph 11) that at the heart of national planning policy, the Government aims to boost significantly the supply of housing, as expressed in paragraph 47 of NPPF.
- 2.21 Furthermore, and notwithstanding the weight it can be given, the Offenham Inspector contended that the Hunston judgements are supported by the Planning Practice Guidance (at that time the draft NPPG) :

“... the Draft *National Planning Practice Guidance (NPPG)* states that household projections, which formed the basis of the RS assessment of housing need are trend based and could have been suppressed by factors such as historic under supply and worsening housing affordability.” (, Paragraph 23) (our emphasis)

- 2.22 The Offenham Inspector summed up the cumulative impact of Hunston, PPG and RS revocations as follows:

“The Hunston judgments, the Draft PPG and the revocation of RS all change the strategic planning backdrop to this appeal and bring to the fore the need for local planning authorities to have a full understanding of housing needs in their area, as required in paragraph 159 of the Framework, and to meet it fully, as required in paragraph 47.” (Paragraph 25) (my emphasis).

- 2.23 Finally, in concluding that the Council is unable to robustly demonstrate a 5 year housing supply case, it is clear that the Offenham Inspector gave weight to market signals. Summing up one of his 5 reasons for finding the Council’s 5 years’ housing land supply unconvincing as follows:

“... ”

⁷ Local Government Association (April 2013). Ten Key Principles for owning your housing number – finding your objectively assessed needs. London: PBA. 53.

⁸ Appeal Decision: Land between Laurels Road and Leasowes Road, Offenham (Appeal Ref: APP/H1840/A/13), The Planning Inspectorate, February 2014

⁹ Administrative Court Document, Hunston High Court Judgement, 5th September 2013 (Claim Numbers: CO/4686/2013 and CO/5546/2013) and Court of Appeal Judgement, Hunston High Court Judgement, 12th December 2013 (Case No: C1/2013/2734)

- (iv) **the evidence of current market signals in relation to housing under provision and inaffordability” (Paragraph 36)**

Summary

- 2.24 In summary, the PPG clearly recognises the role that new residential development plays in assisting wider economic growth at a local level and across the country.
- 2.25 National Planning Policy requires that in planning for future levels of housing, local authorities should boost significantly the supply of housing in their area that meets in full, the objectively assessed need for market and affordable housing. In doing so local authorities should;
- identify a scale of housing that meets household and population projections;
 - account for migration and demographic change in formulating housing requirements;
 - ensure that assessment of, and strategies for, housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals; and
 - work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing.

3 OBJECTIVELY ASSESSING HOUSING NEED

- 3.1 Planning Practice Guidance (PPG) assessments of housing development needs and PAS guidance¹⁰ provide the latest advice regarding the approach that should be taken to calculate objectively assessed need. The assessment presented as part of these representations has been carried out in line with that guidance. The key features and purpose of the assessment approach are summarised below.

Starting Point Estimates of Housing Need

- 3.2 The guidance advises that the most up to date demographic evidence should be used. That includes the most recent projections, as a starting point for understanding housing need over the plan period. However the guidance cautions that projections are not the final word on housing need, because, amongst other reasons, they may serve to suppress need. Indeed it is increasingly clear that the latest household projections should not be relied upon.

"It seems likely that the 2011 Census results – and so the official household projections by DCLG for England – were influenced by both the economic downturn and the effects of a long period of poor housing affordability. In turn, this suggests that planning on the basis of these projections could lead to an under provision of housing in some areas."

(Page 122) (my emphasis)

Addressing the Shortcomings of Trend Based Projections

- 3.3 In light of the fact that projections are based on past trends, the guidance advises that components of population change (natural change and migration) should also be examined and taken into account, bearing in mind the prevailing market context that has conditioned them.
- 3.4 Natural change (births and deaths) is reasonably predictable and, as far as it is possible to tell, birth rates and death rates are largely unaffected by the operation of local housing markets. Further, of itself and over a 20 year period, natural change is not the key driver of local housing demand.
- 3.5 Migration on the other hand is heavily influenced by housing market context. Workplace and job prospects, house prices, house types, access, environment, local goods and other factors all combine to influence movement in, out of and within a housing market and its constituent sub market areas.

¹⁰ Planning Advisory Service (PAS), Local Government Association. *Ten Key Principles for Owning Your Housing Number, Finding Your Objectively Assessed Needs*, April 2013. 122

- 3.6 All things being equal, significant changes to those factors may precipitate changes to migration levels, including changes to the economic outlook and levels of house building. As such a focus on and understanding of past migration trends, what has influenced them, and how they might change in the future is fundamental to assessing housing need.
- 3.7 Of particular importance is that planning authorities understand the implications of planning for the future based solely on past migration and population trends and then address them; in light of the level of migration and population change necessary to support an objective assessment of employment growth over the plan period and to safeguard long run sustainability of local business and public services.

Taking Account of Employment Growth Projections

- 3.8 Both the PPG and the PAS guidance are clear that assessments of housing need should take account of projected job growth and plan to provide enough homes to accommodate the corresponding growth in resident work force. That is not to say that accommodating workers is the only consideration; there are other reasons why people chose to live in any given area and all need to be housed.
- 3.9 With that in mind, an objective assessment should assess the number of new homes required to meet all projected demand, passing two key thresholds; the number of homes required to accommodate demographic led need, and enough homes to accommodate projected jobs-led resident labour force growth.
- 3.10 Taking account of past and projected population change, the factors that have influenced migration in the past and the factors that are likely to influence it in the future go hand in hand with a need to understand household formation and planning to provide for all the households that are likely to form in the future.

Addressing Suppressed Household Formation in the latest Household Projections

- 3.11 Recent independent research and Census 2011 analysis by Cambridge University^{11 12} has revealed that in 2011, on average, households were larger than expected as a result of the recent recession and longer term affordability constraints. The household sizes recorded in the 2011 Census were used as a basis for the interim 2011 based household projections. As a result, to a significant degree, they project forward on the basis that recession and affordability problems will continue. They do not reflect the household sizes and rates of household formation that would occur under conditions of economic recovery and growth. Further, they break a long term trend rate of household formation that was observed through every Census from 1961 to 2001¹³.
- 3.12 The research shows that younger people (25-34 year olds) in particular have been prevented from forming households and that the Interim 2011 household projections embody suppressed need in this age group over the projection period 2011 to 2021
- 3.13 The research highlights the plight of 25-34 year olds in the housing market and reveals that, as a result of being unable to form households, more young people are being forced to live in shared accommodation and that the number of 20 – 34 year olds living with parents in the UK has increased by 21% since 2001 (over 100,000 in total).¹⁴
- 3.14 In planning to meet housing need in the future, it is therefore important to examine and understand headship rates¹⁵ locally and the extent to which they and the most recent household projections suppress need. An objective assessment of housing need should plan to release all evidenced suppressed need over the plan period and prevent need from being suppressed in the future.
- 3.15 Taking all of the above into account the remainder of the representations addresses the following components of the objectively assessed housing need for Torbay as follows:
- Local Authority Evidence Base (**Section 4**)
 - Torbay's Growth Strategy (**Section 5**)
 - Housing Market Signals (**Section 6**)
 - Implication of the latest population projections and mid-year estimates (**Section 6**)
 - Implication of the latest household projections and headship rates (**Section 7**)

¹¹ UNIVERSITY OF CAMBRIDGE. *Planning For Housing in England: Understanding Recent Changes in Household Formation Rates and Their Implications for Planning for Housing in England*, RTPi Research Report no.1, January 2014

¹² UNIVERSITY OF CAMBRIDGE. *Understanding the Latest CLG Household Projections*, RTPi Research Report No. 1, January 2014

¹³ HOLMANS Alan. *New Estimates of Housing Demand and Need in England, 2011 to 2032*, Town and Country Planning Tomorrow Series, Paper 16, 2013

¹⁴ UNIVERSITY OF CAMBRIDGE. *Planning For Housing in England: Understanding Recent Changes in Household Formation Rates and Their Implications for Planning for Housing in England*, RTPi Research Report no.1, January 2014. 130

¹⁵ The likelihood of an adult to form a household

- Torbay's housing need for the period 2010 to 2030 (**Section 9**).

4 LOCAL AUTHORITY EVIDENCE BASE

- 4.1 The NPPF requires that plans are positively prepared and based on a strategy which seeks to meet objectively assessed development and infrastructure requirements (Paragraph 182). It also requires, in Paragraph 47, that the identified housing supply should be sufficient to provide five years' supply against their housing requirements. In principle, this means that if a Council cannot identify its housing requirement, it equally is unable to demonstrate that it has an adequate supply.
- 4.2 In establishing its housing requirement, in accordance with the NPPF (Paragraph 159), the local authority should have a clear understanding of housing need, through the preparation of a SHMA. The NPPF is clear that a SHMA must identify the scale and mix of housing that the local population is likely to need, which:
- 1 Meets household and population projections, taking account of migration and demographic change;
 - 2 Addresses the need for all types of housing, including affordable; and
 - 3 Caters for housing demand and the scale of supply necessary to meet this demand.
- 4.3 In the case of Torbay, the latest SHMA pre-dates publication of NPPF (Exeter and Torbay SHMA 2007: Torbay Update 2011, September 2011) and whilst it identifies housing need, it only does so for the period 2011 to 2016. That being said, over that 5 year period it identifies an overall requirement for 4,103 additional dwellings (60% affordable) suggesting a pressing need for new homes from the outset.
- 4.4 In the absence of an assessment of full housing need that covers the plan period, the Council must look to the available evidence base in order to identify, if it can, the appropriate requirement that seeks to meet the objectively assessed need.
- 4.5 Prior to the revocation of the draft RSS for the South West, work had been well advanced in the preparation of a new Regional Strategy which was published in draft, had undergone Public Examination and the subject of Proposed Changes by the Secretary of State. The draft RSS 10 proposed an annual requirement of 750 homes over the Plan Period 2006-2026.

Consultation Draft Torbay Local Plan (Sept, 2012)

- 4.6 The emerging Torbay Local Plan Consultation Draft (September 2012 – entitled A Landscape for Success consulted on a draft housing requirement for Torbay of **8,000 – 10,000 dwellings** over the period 2012 - 2032 (400 – 500 dwellings per annum). Page 28 of the consultation document explains that the delivery of 8,000 – 10,000 dwellings:

“Is in line with Torbay’s position historically, ensures we protect our valued environmental assets and fits with the Bay’s infrastructure capacity.”

- 4.7 It is clear however that this consultation did not seek to identify the objectively assessed need. The explanation on page 28 is explicit that the figure is based on a combination of past trends in housing delivery, environmental constraints and assessed infrastructure capacity. This is not remotely close to identifying and seeking to meet in full the objectively assessed need for housing, as required in paragraph 47 of the NPPF. In the Riviera Way appeal decision¹⁶ (Paragraph 50), the Inspector dismissed the Council's view that environmental constraints to growth should be used to establish a maximum housing requirement of 10,000 dwellings for Torbay which was the housing requirement figure the Council put forward at the time. The Inspector did not share the Council's view that 'wider constraints' should influence the assessment of housing need.

¹⁶ Appeal Decision: Land at Area 4 South, Riviera Way, Torquay, Devon (App Ref: APP/X1165/A/11/2165846), The Planning Inspectorate, June 2012. 183

5 DRAFT TORBAY LOCAL PLAN – PROPOSED ‘CONSTRAINED’ GROWTH STRATEGY

- 5.1 In its introduction, the Local Plan is explicit that ‘this is a plan for growth, within environmental limits’ (Paragraph 1.1.1). Further explanation of the Local Plan’s approach to growth is provided as follows:

“1.1.4 The Local Plan takes a ‘bandwidth’ approach to growth. Serious economic and social consequences result from low levels of growth, as has been seen between 2008 and 2013; but growth that is too high causes irreversible environmental damage and infrastructure failure. Between these two margins, growth and change is sustainable. Sustainability appraisals have tested a range of growth scenarios, ensuring the Local Plan is based on the most sustainable bandwidth for Torbay.

1.1.5 In broad terms, sustainable growth over the long term is defined as 250-300 net new jobs per annum and 400-500 new homes per annum. The total number of new homes, over the next 20 years, is based on achieving economic recovery and success. During the first five years, growth is likely to be at the lower end of the bandwidth as the economy recovers demand for new homes starts to rise and investment delivers new infrastructure.” (our emphasis)

- 5.2 Torbay Local Plan’s approach to growth is evidently constrained. It appears to have set limits for both job and housing growth over the plan period, based on an assessment of Torbay’s capacity for growth. What it does not appear to have done is to carry out an objective assessment of need in line with the PPG (Paragraph 6) based on facts and unbiased evidence, without applying constraints, such as the supply of land for housing, infrastructure and environmental constraints.
- 5.3 Where need has been assessed that breaches the bandwidth, it has been rejected as unsustainable and the Local Plan does not seek to meet it. Whereas local authorities should ‘use their evidence base to ensure that their Local Plan meets the full objectively assessed need for market and affordable housing in the housing market area so long as it is consistent with the policies set out in the [National Planning Policy] Framework.’ (NPPF paragraph 47, first bullet point, page 12).
- 5.4 The PPG is clear that assessments of housing need must not be constrained (Paragraph 6) and in the Hunston High Court Judgement, Judge Pelling confirmed that constraints have no bearing upon the actual need for dwellings.

"I consider the reasoning of the inspector in Planning Appeal X1165/A/11/2165846 to be entirely convincing. As the inspector in that appeal said in Paragraph 47 of that Decision "... constraints do not bear upon the actual need for dwellings ... the stage at which growth constraints should be taken into account is when assessing how the identified need can be addressed ...they cannot reasonably be used ... simply to reduce the number of dwellings calculated as necessary to meet housing need". (AN7, Page 101, Paragraph 28)

- 5.5 The Local Plan does not explicitly state what the objectively assessed housing need of the district is. Instead, in Part 4 of the Plan (Paragraphs 4.5.11 to 4.5.17) it identifies a range of housing requirement assessments and land availability scenarios, which we have annualised and tabulated below (Table 5.1).

Table 5.1, Torbay Local Plan Housing Requirements and Supply Evidence

	Average Annual Requirement/ Supply 2012 to 2032	Source
1	Need for 615 dwellings per annum	Torbay Housing Requirements Report (PBA 2013) Economic recovery and success projection
2	Need for 425 dwellings per annum	Torbay Housing Requirements Report (PBA 2013) No economic recovery projection
3	Need for 820 dwellings per annum (60% affordable)	Exeter and Torbay Housing Market Assessment, Torbay Update 2011
4	440 new households forming per annum	CLG Interim 2011-based Household Projections
5	Supply of 560 dwellings per annum	Strategic Housing Land Availability Assessment (PBA 2013)
6	Supply of 460 dwellings per annum	Torbay Council's assessment of developable supply (paragraph 4.5.17)
7	Supply of between 400 and 500 dwellings per annum	Torbay Council's assessment of <u>positive but realistic housing delivery capacity</u> (paragraph 4.5.17) and Policy SS1

Source: Torbay Local Plan, Proposed Submission Plan, February 2014

- 5.6 It is evident that economic projections (numbered 1 and 2) place undue weight on pessimistic job growth projections that were prepared during the depths of recession and before the UK economy began to recover in 2013. PBA refer to 'Oxford Economics projections 2012' (Paragraph 3.6.1) and growth of 1,808 jobs over the period 2011 to 2031. This can be compared with the policy neutral Experian Economics forecast for 13,312 jobs over the same period published in December 2013, and reflecting a UK context of economic recovery (see Table 6.5, page 38 of this Statement).

- 5.7 A housing requirement of between 400 and 500 dwellings per annum, Policy SS1 'Growth Strategy for a prosperous Torbay' (Page 28) is quite clearly based on delivery capacity and would not necessarily meet need in full. Policy SS1 is accompanied by the explanation that 'it is based on the principles of sustainable development having regard to'

"The need to meet as far as possible, Torbay's objectively assessed need..." (Paragraph 4.1.19, first bullet point, page 29) (our emphasis)

- 5.8 Furthermore, the explanation given for Policy SS11 'Housing' which states that 'provision will be made for between 8,000 and 10,000 new homes over the plan period' (Page 59) makes the constraints led approach crystal clear:

"The Council believes that the delivery of around 8,000 to 10,000 new homes is a good and reasonable balance of the need for new homes, economic growth and environmental and infrastructure capacity limits. This would meet the requirement as measured by the 2011 based (released 2013) DCLG household projections, which would equate to 8,800 dwellings if extrapolated to 2031." (Paragraph 4.5.34, page 60); (my emphasis)

- 5.9 The Council clearly takes comfort in the fact that its constraints led assessment of housing need broadly aligns with the latest CLG household projection. However, like the Council's own assessment, these are also constrained, as evidenced by RTPi through their 'Understanding the Latest CLG Analysis Too'¹⁷ (See Charts 3 and 4).
- 5.10 It is evident, according to the analysis carried out by PBA (Torbay Housing Report, May 2013) that an unsuppressed assessment of housing need that supported the delivery of 5,000 to 6,000 jobs would give rise to a housing requirement of 12,278, or 615 dwellings per annum. Indeed, 12,300 dwellings is the objectively assessed housing requirement recommended by PBA (Paragraph 4.4.2).
- 5.11 PBA also identifies the need for 2,370 affordable homes between 2011 and 2016, an average annual rate of 474 dwellings per annum (Paragraph 4.4.1). In setting a housing requirement of between 400 and 500 dwellings per annum, Torbay will fail to meet objectively assessed need for affordable housing. Moreover, the Torbay Plan phasing anticipates delivery at a rate of 470 dwellings per annum in the first 5 years of the plan (table 7.1, page 178). That is below the level of affordable housing need which stands at 474 affordable homes per annum. Given that Policy H2 of the Local Plan (Page 129) will seek up to 30% affordable housing on qualifying sites, the implication is that to meet affordable housing need in full, then the district's housing requirement should be set at 1,580 dwellings per annum.

¹⁷ UNIVERSITY OF CAMBRIDGE. *Understanding the latest CLG Household Projections, University of Cambridge, RTPi Research Report no.1, January 2014*

- 5.12 Finally, it is of note that the Local Plan states that it will endeavour to bring around 150 homes per annum back into use for the first five years of the Plan. This strategy would bring 750 dwellings in total, which may attract affordable housing contributions 'where bringing homes back into use would aid the supply of housing' (Paragraph 4.5.18).
- 5.13 In addition 130 dwellings per annum over the plan period (2,600 in total) are expected to come forward from windfall, 'spaceless housing growth' is anticipated through the conversion of commercial/ retail premises, and it is intended to provide 50% of new housing on brownfield sites. (Paragraphs 4.5.19 and 4.5.20). All of which points to a constrained, inflexible land supply strategy that risks failing to meet an already constrained assessment of housing need.

PBA Housing Requirements Report

- 5.14 As part of the new Local Plan, the Council commissioned consultants PBA to undertake an assessment of housing requirements. Following an assessment of demographic trends, economic potential, housing need and deliverability, the Final Summary Report was published in July, 2013. The Report advises that:

"Our finding is that the housing requirement for the plan period could be identified somewhere between 9,600 and 12,300 dwellings. The lower figure reflects a poor and pessimistic performance in job creation, whereas the higher figure is consistent with the potentially achievable job growth."

"our recommendation is that the Council identify 12,300 dwellings as the objectively assessed housing requirement ... for the plan period" (Paragraph 4.2.2)

- 5.15 The Draft Local Plan (2012) placed a strong emphasis on the improvement of economic conditions in Torbay and the careful balancing of homes and jobs and states:

"The Regional Observatory has forecast Torbay to have the 4th fastest growing economy in the South West over the next 3 – 5 years, with employment growing to 48,900 by 2016 at 1.9% per annum, equating to around 800 jobs per annum. Beyond 2016, jobs growth is expected to continue at around 450 jobs per annum. We have already seen earnings growing by around 13% in the last two years, indicating these growth forecasts could come true" (Paragraph 1).

- 5.16 Consequently, the Torbay consultation draft Local Plan policy SD1 set a target of 750 jobs per annum for the plan period.

- 5.17 Economic changes are a key driver affecting housing demand and household formation rates. As the draft PPG states, working age population growth should balance with forecast job growth forecasts in order to meet economic growth aspirations. The PBA Housing Requirements Report (May, 2012) (Paragraph 3.8.5) explains that the recommended housing target of **12,300 homes** is based on a mid-economic growth scenario and the generation of **5,337 jobs** in the District over the 20 year plan period. This is an average of 267 additional jobs per annum which is considerably less than the economic growth aspiration (750 jobs per annum) set out in the Consultation Draft Local Plan policy SD1.
- 5.18 Despite Draft Local Plan Policy H1's aspirations for maintaining a balance in the provision of jobs and homes, the provision of 750 jobs and 400-500 homes per annum are considerably out of kilter with one another, particularly with reference to the Housing Requirement Report, which confirms that a recommended housing target of 12,300 homes would only support 267 jobs per annum, as explained in the preceding paragraph. An outcome of this policy position is that the constrained supply of housing (and hence labour force) will limit economic growth well below the area's economic potential which is wholly contrary to the Plan's overall objective for improving Torbay's economic performance. It cannot be assumed that even 12,300 dwellings will represent the objectively assessed need for Torbay or be the finally adopted requirement in the Plan once it has passed through its remaining stages.

2013 DCLG Interim Household Projections

- 5.19 Updated CLG household projections are now available, which are based on the 2011 Census data. While the CLG projections are a useful starting position for assessing an authority's housing requirements, it is important to note that they have been underpinned by recessionary trends. The RTPi, in partnership with the University of Cambridge have commented on this as follows:

"The 2011 census raises big issues for planners. In particular, average household size had not fallen as expected between the censuses but stayed constant. It seems likely that the 2011 census results – and so official household projections by DCLG for England – were influenced by both the economic downturn and the effects of a long period of poor housing affordability. In turn, this suggests that planning on the basis of these projections could lead to an under-provision of housing in some areas. In the light of this, should planners assume that household size will remain stable or resume, at least in part, the previous, falling trend? For some authorities that choice could affect the number of homes required by 30% or more."
(AN9, Page 122)

- 5.20 Furthermore the main points to note are:

- These are interim projections that only cover the 10 years (2011–2021), and not the whole plan period. As interim projections, the 'full picture' is not yet known, pending the full results of the 2011 census – leading to inevitable inaccuracies in the trends provided by DCLG at this stage;
- While it is possible to extrapolate the 2011 projections forward (to cover the Plan Period), this is not a straightforward case of doubling the figures, as it is highly dependent on the assumptions made with regard to average household size changes;
- As the Interim 2011-based projections differ significantly to the previous 2008-based projections, it is therefore necessary to consider whether these changes are temporary, or indicative of new long-term trends;
- To that end, it is important to understand that the Interim 2011-based projections are influenced by a number of factors including: the economic downturn (temporarily suppressing household formation, through children living longer with their parents and more young adults living in shared accommodation); long-term periods of poor housing affordability; and increased international migration (migrants tending to live in larger households).

5.21 The Torbay Housing Requirements Report, prepared for the Council by PBA extrapolates the average annual growth of the private households' population to provide a 2011-based housing projection for the 20-year plan period. Table 2.12 the PBA Report shows that the extrapolation of the latest household projections generates a housing requirement of **11,210 dwellings** over the period 2012 – 2032. Even so, this projection suffers from the same shortcomings that have been identified in the RTPi report and which I have outlined in paragraph 2.24 above.

5.22 This figure of 11,210 dwellings compares with the 2008-based household projections of 13,051 households over a 20 year period. It should be noted that households do not translate directly into the required number of dwellings. To do so, it is necessary in Torbay to add a provision for vacant dwellings and for the occupation of dwellings as second homes. The Inspector at the Riviera Way appeal¹⁸ added 6% for vacancies and occupation as second homes (Paragraph 52) translating the 2008-based projection of 13,051 extra households to a requirement of 13,832 dwellings over the 20 year period.

5.23 In summary, the CLG Interim 2011-based Projections are subject to a range of uncertainties, as explained above, and provide only the 'raw data' in terms of household projections, rather than a housing requirement figure.

¹⁸ Appeal Decision: Land at Area 4 South, Riviera Way, Torquay, Devon (App Ref: APP/X1165/A/11/2165846), The Planning Inspectorate, June 2012

Summary

5.24 These representations identify 3 different evidence based scenarios including:

- **15,000 dwellings** (2006 – 2026): South West RSS Proposed Changes (2008)
- **11,210 dwellings** (2012 – 2032): CLG 2011 based household projections, extrapolated to cover the plan period (Table 2.12, Torbay Housing Requirement Report, 2013)
- **12,300 dwellings** (2012 – 2032): Torbay Housing Requirement Report recommended objectively assessed requirement (2013)

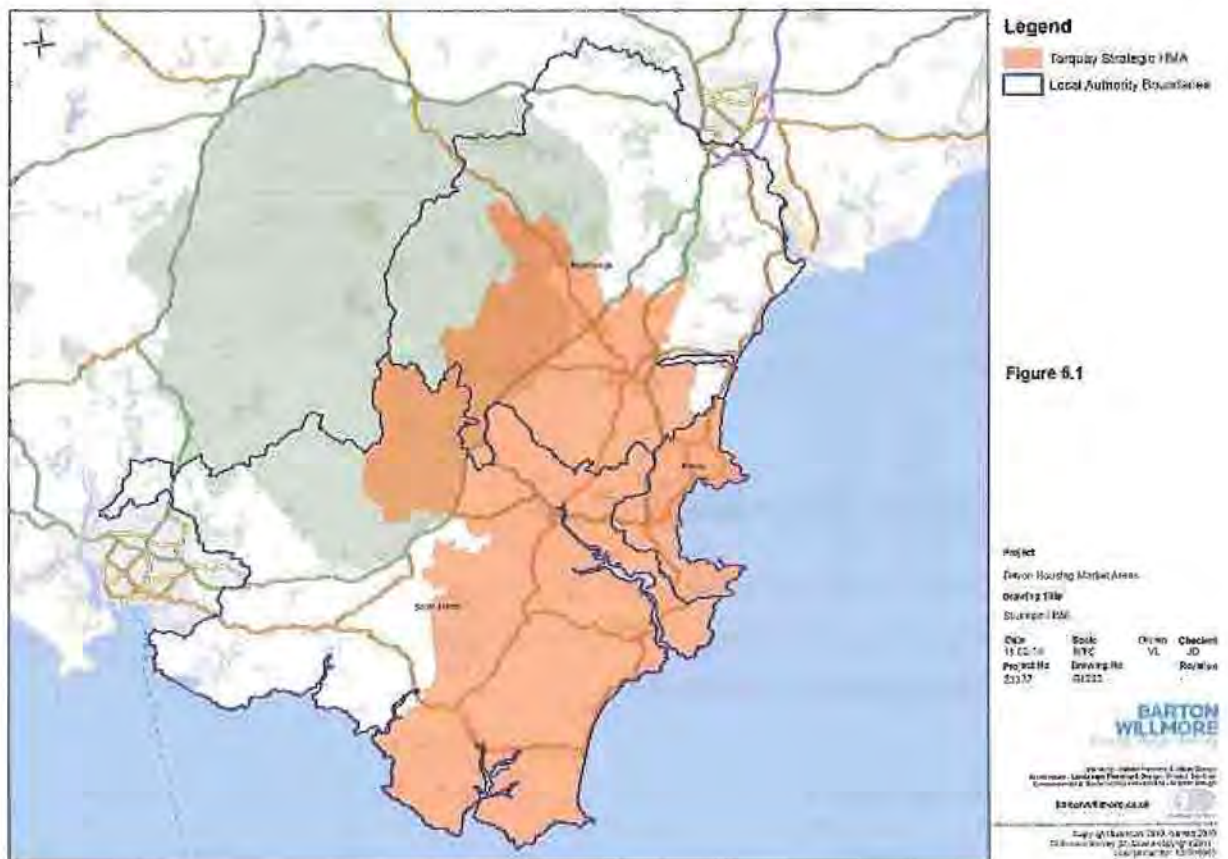
5.25 The emerging Local Plan housing requirement of 8,000 – 10,000 dwellings set out in Policy SS11 is not based on such evidence and does not represent an objective assessment of need and is, therefore, not positively prepared, nor consistent with Paragraph 47 of the NPPF and is thus **unsound**.

6 HOUSING MARKET SIGNALS

- 6.1 In order to make an informed, objective assessment of housing need in Torbay, it is first necessary to assess the current situation across its wider Housing Market Area (HMA). This chapter defines Torbay's HMA and analyses in detail the key characteristics and trends relating to the supply of (and demand for) housing in the area.

Housing Market Area definitions

- 6.2 These representations draw on research carried out by the Centre for Urban & Regional Development Studies (CURDS) at Newcastle University. The research was funded by the National Housing and Planning Advisory Unit at CLG, and centres on creating a robust set of HMA definitions with a tiered structure:
- The upper tier (Strategic HMA) covers the whole country, providing appropriate areas for the modelling and analysis of affordability in particular. Strategic HMAs are defined by long distance commuting flows and the long term spatial framework within which housing markets operate.
 - The lower tier (Local HMA) applies primarily to heavily urbanised regions, splitting the Strategic HMA boundaries into smaller areas for detailed monitoring of the balance of housing supply and demand. Local HMAs are defined by migration patterns that determine the limits of short term spatial house price arbitrage.
- 6.3 These sets of HMAs are termed 'gold standard' because their boundaries are defined to the maximum possible level of detail. They are built up from c.9000 wards using detailed migration and commuting statistics, which were made available to the CURDS researchers from the 2001 Census (similar data from the 2011 census have not yet been released).
- 6.4 In addition to the 'gold standard' definitions, a set of 'silver standard' definitions were also produced, providing a best fit between the detailed HMA definitions described above and LPA boundaries.
- 6.5 Figure 6.1 shows Local Authority boundaries laid over Strategic HMAs (using the gold standard boundaries defined by the CURDS research) in and around Devon. Torbay falls entirely within the Torquay Strategic HMA, which also includes parts of Teignbridge and South Hams. 58% of South Hams residents and 54% of Teignbridge residents live within the gold standard HMA boundary, and both are allocated to Torquay HMA in the CURDS silver standard definitions.



- 6.6 For the purpose of this study, therefore, an assessment area comprising the LPAs of Torbay, South Hams and Teignbridge has been assumed.
- 6.7 Creating an assessment area on this basis allows a much wider range of data sources to be employed than if it were constructed from smaller areas, such as Output Areas or Wards. This is because some detailed statistics (in particular those released by CLG) are only published at Local Authority level due to confidentiality and/or data accuracy issues.

Labour Force and Commuting

- 6.8 Analysis of commuting patterns provides some indication of the economic relationship between Torquay HMA authorities and nearby major economic centres Plymouth and Exeter. According to data from the 2011 Annual Population Survey (APS), 81% of employed workers residing in Torquay HMA are retained within the three HMA districts, whilst 8% out-commute to Exeter, 7% to Plymouth, and the remaining 4% to other destinations. In South Hams and Teignbridge, the proportions out-commuting to Plymouth (21%) and Exeter (17%) respectively are much higher. Table 6.1 below summarises the size of population and number of workforce jobs in Torquay HMA authorities plus Plymouth and Exeter.

Table 6.1: Key Data – HMA Districts

District	Main Settlement(s)	Population (2011)	Workforce Jobs (2011)
South Hams	Totnes	84,040	41,740
Teignbridge	Newton Abbot	127,840	54,400
Torbay	Torquay, Paignton	134,400	56,320
TORQUAY HMA TOTAL		346,280	152,460
Plymouth		260,310	122,000
Exeter		120,040	109,710

Source: Experian Economics, UK Local Markets Quarterly

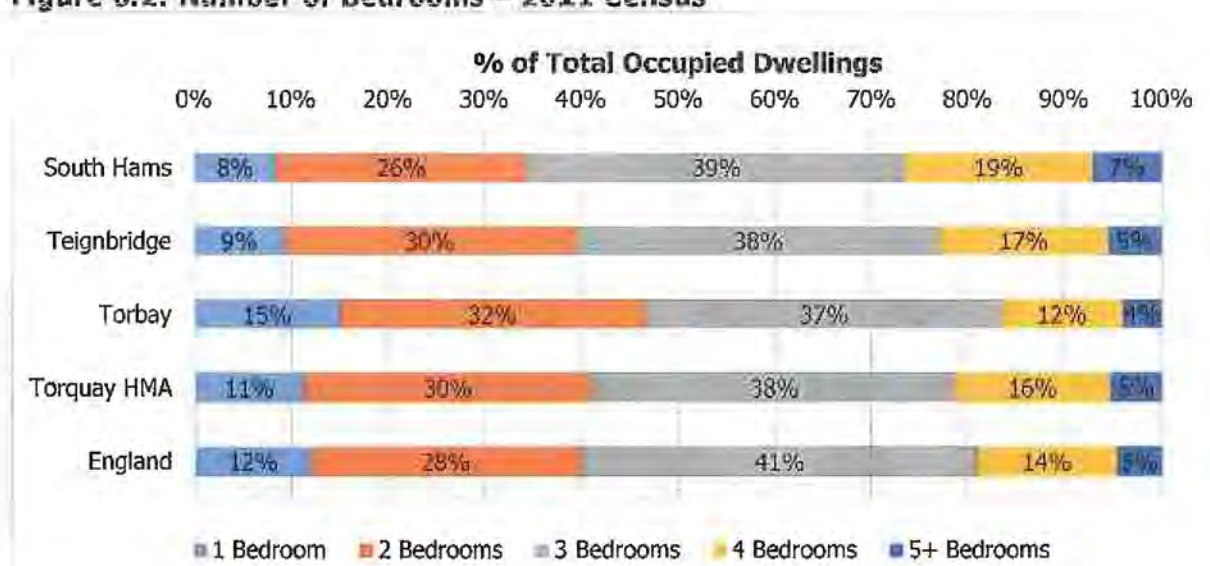
Current Housing Stock Characteristics

- 6.9 In order to fully understand the dynamics of an HMA, it is necessary to identify characteristics of local dwelling stock. Four key characteristics have been taken into account: Number of Bedrooms, Type of Property, Tenure, and Second/Empty Homes.

Number of Bedrooms

- 6.10 Figure 6.2 below shows the size profile of occupied dwellings in Torquay HMA and constituent local authorities, according to the 2011 Census. Overall, dwellings are similar in size (average of 2.7 bedrooms) to national average, although Torbay has significantly more 1 and 2 Bed properties. Overall, it is unlikely that dwelling size will influence the housing market in this area significantly.

Figure 6.2: Number of Bedrooms – 2011 Census

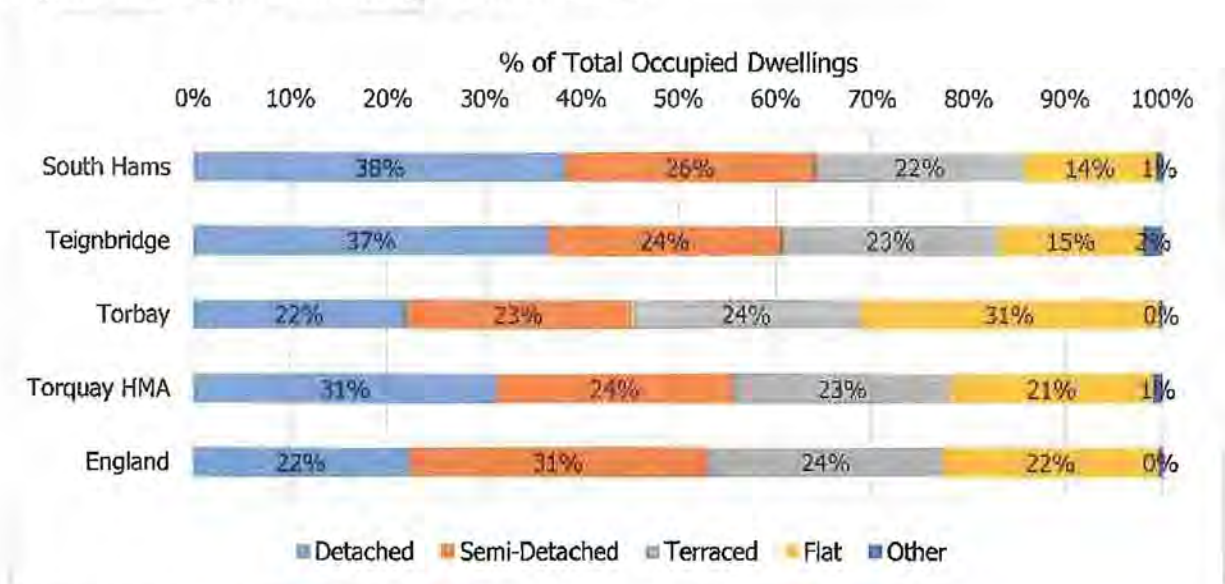


Source: ONS, Census 2011 (Table DC1402EW)

Type

6.11 Figure 6.3 below shows the profile of dwelling types within Torquay HMA and constituent local authorities. Compared against national average, Torquay HMA has significantly more detached houses than national average. However, in Torbay there is a much higher proportion of flats, which may have an effect on house prices and affordability, as flats (along with terraced houses) are often the most affordable entry point into the private market.

Figure 6.3: Type of Dwelling – 2011 Census

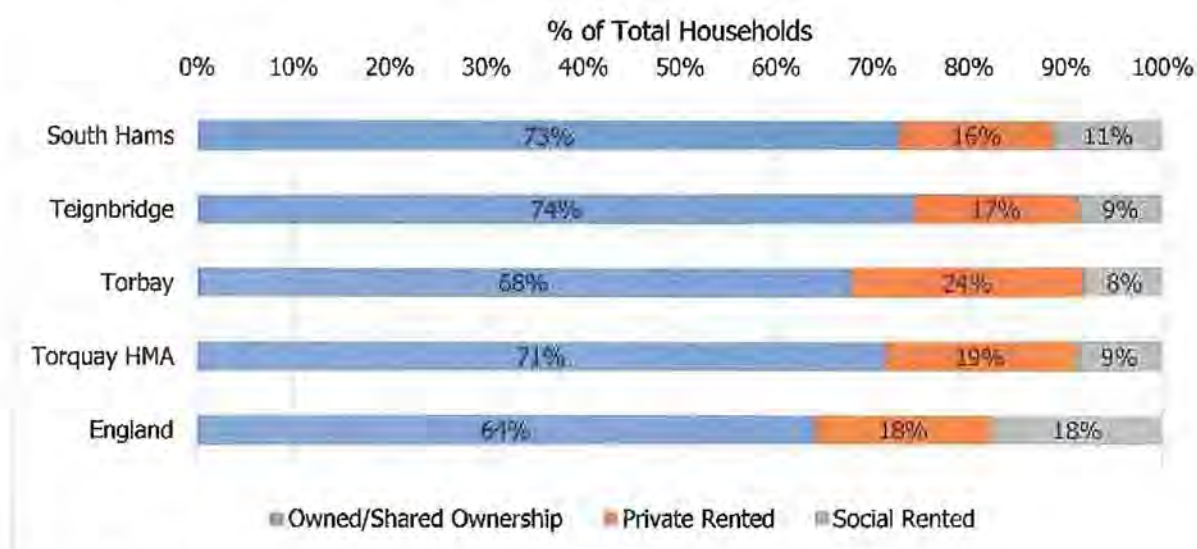


Source: ONS, Census 2011 (Table KS401EW)

Tenure

6.12 Figure 6.4 below shows household tenure within Torquay HMA and its constituent local authorities. Compared against national average, the social rented sector is much smaller than national average, balanced by a much higher proportion of Owned/Shared Ownership properties. In this case, tenure does not deviate far enough from national average to be likely to have a significant effect on the housing market.

Figure 6.4: Household Tenure – 2011 Census



Source: ONS, Census 2011 (Table KS4104EW)

Second Homes and Empty Homes

6.13 According to the Council Taxbase database published by CLG (see Table 6.2 below), there were 6,951 properties classified as second homes across Torquay HMA in October 2013 – 4.2% of all residential properties liable to pay council tax. Over half of these were located in South Hams, where second homes account for 9.8% of taxable dwellings. With the exception of the City of London and Isles of Scilly, South Hams has the highest proportion of dwellings considered to be second homes for council tax purposes in England. In total, 2.1% of Teignbridge and 2.5% Torbay's taxable dwelling stocks were classified as second homes. This is significantly higher than national average (as may be expected given Devon's popularity with tourists), and is likely to have an effect on prices and affordability.

6.14 Taxbase also provides data on empty homes. Across the HMA, 2.4% of liable homes were vacant, rising to 3.2% in Torbay. This is slightly above national average (2.1%).

Table 6.2: Second Homes and Empty Homes

	South Hams	Teignbridge	Torbay	Torquay HMA	England
Total Chargeable Dwellings	42,226	58,008	64,245	164,479	22,793,300
Number of Second Homes	4,133	1,194	1,624	6,951	254,981
Number of Empty Homes	750	1,169	2,064	3,983	480,322
% Second Homes	9.8%	2.1%	2.5%	4.2%	1.1%
% Empty Homes	1.8%	2.0%	3.2%	2.4%	2.1%

Source: CLG, Council Taxbase 2013

Market Signals

- 6.15 The problems arising from historic under-delivery of housing across the country can be observed locally through analysis of market signals. The Planning Practice Guidance (PPG) provides an overview of the ways in which assessments of housing need should take market signals into account.
- 6.16 The PPG states that market signals should be assessed in context, with appropriate comparisons made both over time and between locations. Furthermore, the guidance declares that:

"Divergence under any of these circumstances will require upward adjustment to planned housing numbers compared to ones based solely on household projections."¹⁹

- 6.17 More specifically, it suggests that the local housing supply targets should be proportionally increased based on the extent to which prices are rising and affordability ratios are widening. It is not, however, necessary to calculate the exact number of houses that would need to be built to alleviate a given problem:

"Plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period."²⁰

- 6.18 Five key market signals have been taken into consideration – Rate of Development, House Prices, Affordability, Residential Rents and Overcrowding.

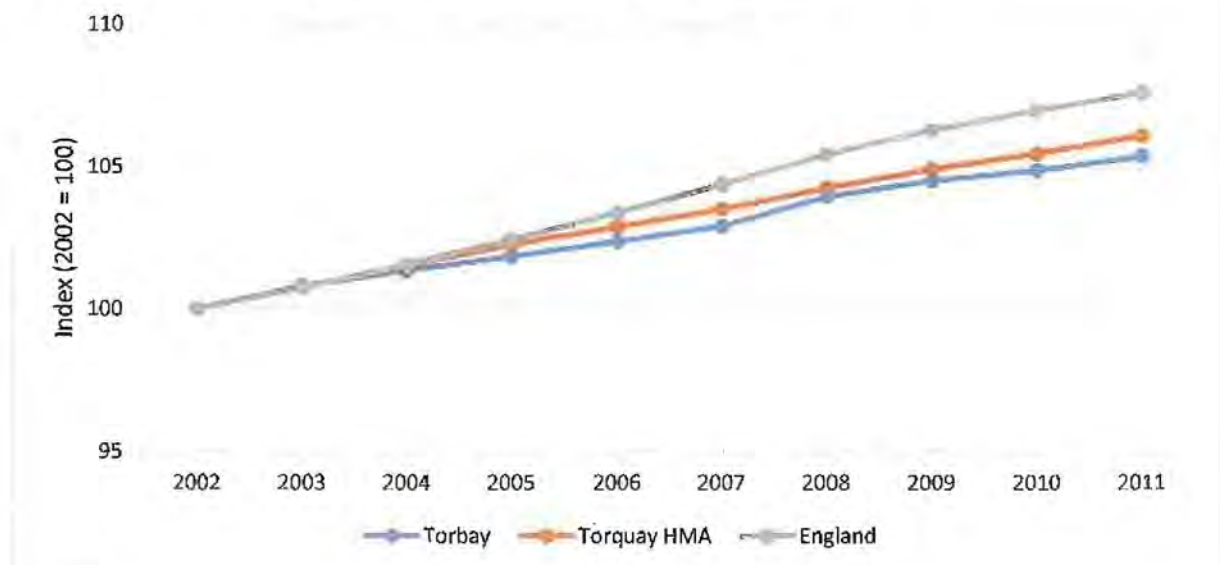
i) Rate of Development

- 6.19 The first indicator taken into account is Rate of Development. Local Authorities which have permitted their dwelling stock to grow significantly over an extended period of time should, in theory, see house prices rise more slowly than those authorities which have seen smaller increases in dwelling stock. Additionally, local authorities which have kept pace with their house building targets over time should reap similar benefits, assuming that their targets were underpinned by an evidence base which fully appreciates the need for housing locally. Figure 6.4 shows total dwelling stock for Torbay and the wider Torquay HMA, indexed against 2002 levels, whilst Figure 6.5 shows under/over delivery of housing vs. targets.

¹⁹ 'How should plan makers respond to market signals?', National Planning Policy Guidance, 28 August 2013, http://planningguidance.planningportal.gov.uk/blog/guidance/assessment-of-housing-and-economic-development-needs/what-methodological-approach-should-be-used/#paragraph_020

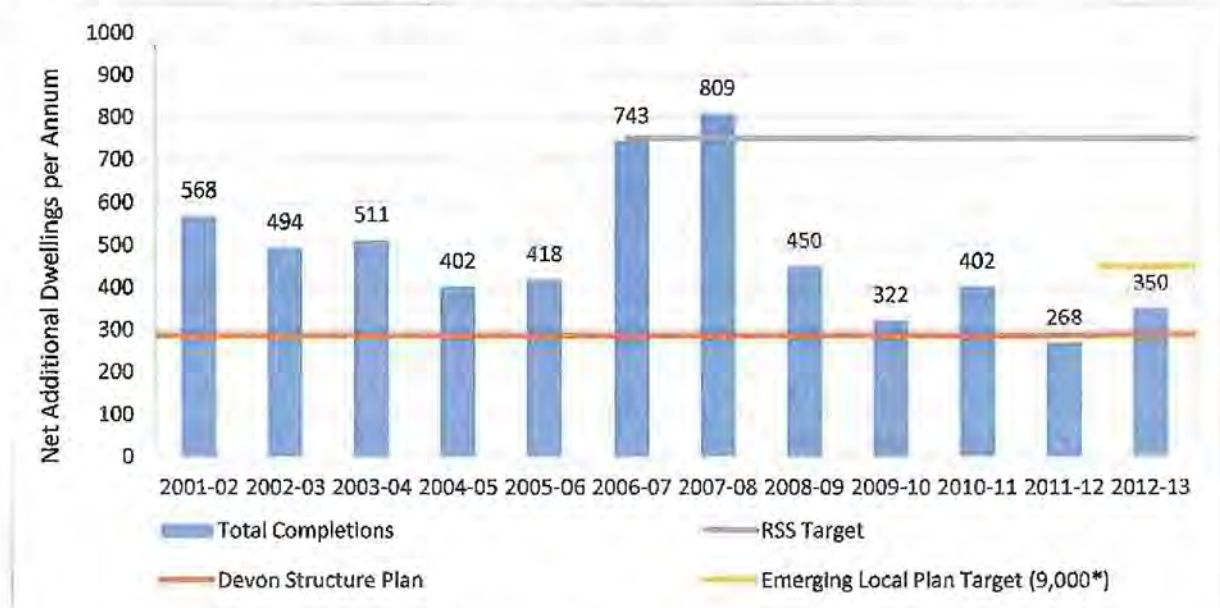
²⁰ Ibid.

Figure 6.4: Dwelling Stock Growth 2002-2011 - Index



Source: Office for National Statistics, via CLG Live Table 125

Figure 6.5: Torbay Housing Delivery vs. Target – 2001/02 – 2011/12



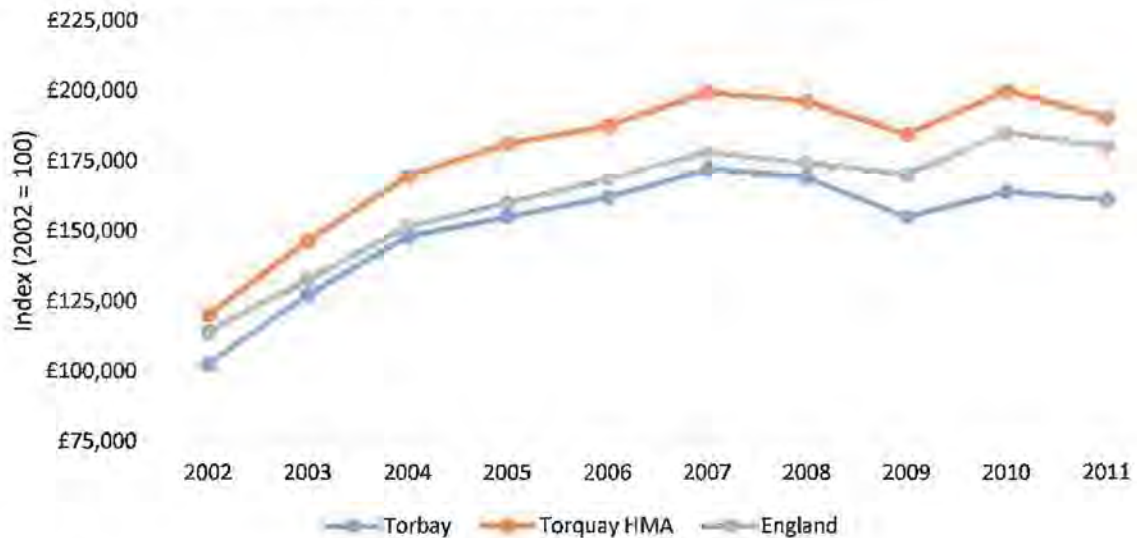
Source: Torbay Council Annual Monitoring Reports. *Emerging target in range 8,000-10,000

6.20 Both Torbay and the wider HMA have grown their dwelling stocks more slowly than national average. Over the period 2001/2 to 2012/13, Torbay has delivered 5,737 homes – 2,297 above the Devon Structure Plan target but significantly below the level that would have been required had the South West Regional Spatial Strategy (RSS) target been adopted. The Torbay emerging Local Plan target of 8,000 to 10,000 dwellings 2012-32 falls significantly below the RSS target. Since 2006/07, Teignbridge has under-delivered by 25% relative to the RSS target, whilst South Hams has under-delivered by 71%.

ii) *House Prices*

6.21 The second indicator taken into account is median house price. House prices are influenced by a wide variety of factors and can vary significantly even within a local authority; the median house price has been used to limit the influence of extreme high and low values. Figure 6.7 tracks the median house price for Torbay and Torquay HMA over the period 2002-2011, compared against national average.

Figure 6.7: Median House Price 2002-2011



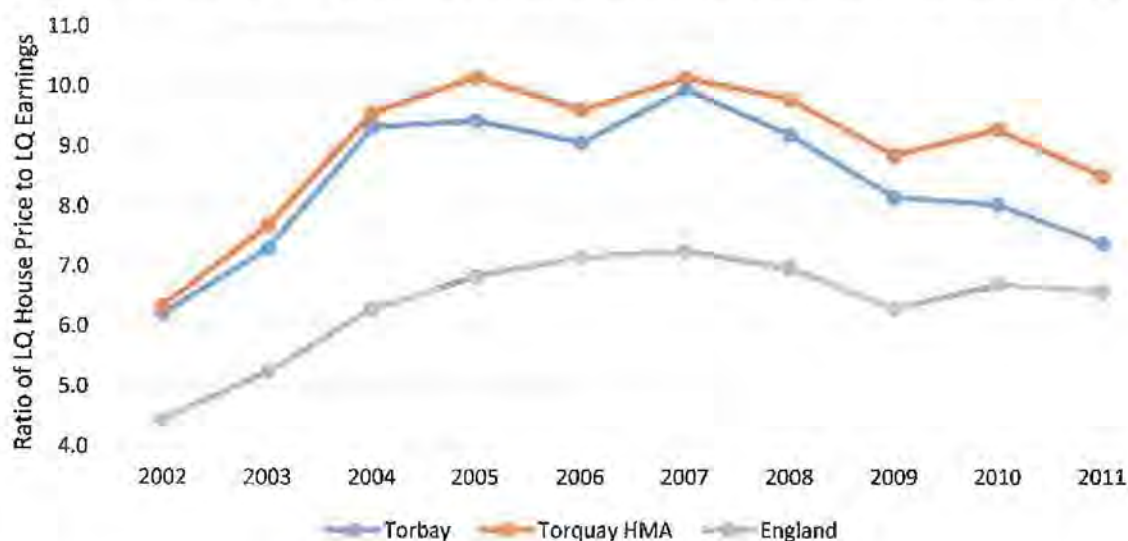
Source: Office for National Statistics, via CLG Live Table 586

6.22 Across the HMA as a whole, median house prices remained higher than national average for the entire period analysed. However, in Torbay itself, prices have remained lower, and in 2011 were around 10% below than national average. This may be explained (at least to an extent) by the high proportions of Flats and Terraced houses in Torbay relative to the other LPAs within the HMA.

iii) Affordability – Lower Quartile

6.23 The third indicator taken into account is affordability, assessed using the ratio between lower quartile house prices and lower quartile earnings. This indicator is particularly salient given the well-publicised barriers to ownership faced by many first time buyers and low-earners. Figure 6.8 tracks the affordability ratio for Torbay and Torquay HMA 2002-2011.

Figure 6.8: Lower Quartile House Prices to Lower Quartile Earnings Ratio 2002-11



Source: Office for National Statistics, via CLG Live Table 576

6.24 Although the difference between national average and Torbay has narrowed over the period analysed, the district still experiences significant affordability issues: A lower quartile-valued property in 2011 costs 7.4 times the lower quartile wage (0.8 above England), and at its peak in 2007, the ratio was close to 10. Across the HMA as a whole, affordability issues are worse still, with a ratio of 8.5 in 2011 (10.1 in South Hams).

iv) Private Rents

6.25 The fourth indicator taken into account is private rent. Table 6.3 below summarises average levels of private rent (all property types), plus increases between 2010-11 and 2012-13.

Table 6.3: Median and Lower Quartile Private Rents – 2010/11 – 2011/12

	Lower Quartile			Median		
	2010-11	2012-13	Increase %	2010-11	2012-13	Increase %
Torbay	450	464	3%	550	575	5%
Torquay HMA	475	501	6%	572	612	7%
England	450	455	1%	575	595	3%

Source: Valuation Office Agency, Private Rental Market Statistics, data for years ending 30th September

6.26 Lower Quartile rents in Torbay are broadly in line with national average, although have grown more quickly than national average between the years analysed. Median rents are below national average, but again have grown more quickly. At HMA level, private rents have grown much more quickly than national average; lower quartile rents growing 6% and median rents growing 7% over the period analysed.

v) *Overcrowding and Concealed Families*

6.27 The final indicators are Overcrowding and Concealed Families, taking into account the proportion of over-occupied dwellings (i.e. having fewer rooms than required for the number of usual residents) and concealed families (i.e. living in the same dwelling as another family). Table 6.4 summarises census occupancy rating data from 2001 and 2011.

Table 6.4: Over-occupation, 2001 vs. 2011

	2001	2011	Change
Torbay	7.3%	7.6%	4.6%
Torquay HMA	5.4%	5.7%	5.6%
England	7.1%	8.7%	22.7%

Source: Office for National Statistics, Census 2001/2011

6.28 Torbay is the most overcrowded part of the HMA, with 8% of households having fewer rooms than they need. Between Census years, more households have become overcrowded. However, the rate at which this has occurred is significantly lower than national average. Nevertheless, the fact that the situation has not improved suggests that overcrowding remains an issue.

6.29 Table 6.5 shows the proportion of families classified as concealed, meaning that they are living in the same dwelling as another family. This has been broken down by the age of the Family Reference Person (FRP) of the concealed family. Overall percentages based on the 2001 census are also provided, but it is not possible to compare age group percentages due to changes in the bandings used.

Table 6.5: Concealed Families by Age of Family Reference Person (FRP)

	Torbay	Torquay HMA	England
FRP Age 24 and under	10.0%	12.5%	12.8%
FRP Age 25 to 34	3.7%	4.0%	4.0%
FRP Age 35 to 49	0.7%	0.6%	0.8%
FRP Age 50 to 64	0.8%	0.7%	0.9%
FRP Age 65 to 74	1.4%	1.2%	1.8%
FRP Age 75 to 84	1.6%	1.7%	1.8%
All Ages 2011	1.6%	1.5%	1.9%
All Ages 2001	1.2%	1.0%	1.2%

Source: Office for National Statistics, Census 2001/2011

- 6.30 The proportion of families classified as concealed has increased significantly since 2001. In Torbay, 1.6% of all families are concealed, including 10% of families where the FRP is aged 24 or younger. This suggests that the affordability issues identified in Figure 5.9 are preventing younger families in particular from forming their own households.

Affordable Housing Need

- 6.31 The need for affordable housing is an important consideration when calculating the level of housing provision required in a given area.
- 6.32 Families, couples and individuals must have sufficient income to sustainably afford market rents or house prices. In order to calculate the number of newly forming households prevented from accessing the private housing market on affordability grounds, a minimum income threshold has been defined for renting and purchasing at the Lower Quartile (LQ) of the market. Median values have also been provided to illustrate the number of newly forming households unlikely to have the means to access the top 50% of the market.

Purchase Threshold

- 6.33 The formula for calculating the income threshold for buying a house is as follows, based on a basic formula for mortgage eligibility:

$$\text{Median/LQ Price} - \text{Typical Deposit} / \text{Typical Income Multiplier} = \text{Required Income}$$

- 6.34 The Median/LQ house price for Torbay has been derived from CLG Live Tables 586 and 587. In 2011 (the assumed base year), the Median house price in Torbay was **£161,000**, whilst the lower quartile house price was **£125,000** (rounded to nearest £500).
- 6.35 According to the Council of Mortgage Lenders (CML), the average Loan to Value ratio for first time buyers in November 2013 (the latest release at the time of writing) was **80%**, meaning that a typical deposit is 20%. The average income multiplier was **3.35**. For movers, the average Loan to Value Ratio was lower at **70%**, and the income multiplier was also lower at **2.97**.²¹ As the total amount raised using both the First Time Buyer and Mover assumptions above is very similar, the First Time Buyer data has been assumed in this instance, as it more accurately reflects the situation of many newly forming households.

²¹ Council of Mortgage Lenders, 'Continued year-on-year home-owner house purchase growth in November', <http://www.cml.org.uk/cml/media/press/3805>

6.36 Based on the assumptions outlined above, the income requirement for purchasing a Lower Quartile-valued property in Torbay is **£29,800** (rounded to nearest £100), whilst the requirement for purchasing a Median-valued property is **£38,400**.

Private Rent Threshold

6.37 The formula for calculating the income threshold for renting on the private market has been based on an assumption of the proportion of gross salary that could be sustainably spent on rent. The English Housing Survey (EHS) 2011/12 suggests that the median salary of private renters in England is **£21,840**, whilst the median annual rent is **£7,200**. This suggests that **33%** of gross salary can be sustainably spent on rent.

6.38 Based on Private Rental Market data the Valuation Office Agency (see Market Signals section above) the Lower Quartile rent for Torbay (2010/11) is £450 per month (£5,400 per annum), whilst the median monthly rent is £550 (£6,600 per annum). This equates to income requirements of **£16,364** (LQ) and **£20,000** (Median).

Household Income Distribution

6.39 Having established the income thresholds required to access the private housing market, the distribution of income within Torbay must now be ascertained. In the absence of official data, household income data from Experian have been used. Figure 6.9 below shows the income distribution of income marked with the threshold values identified above.

Figure 6.9: Private Housing Market Entry Points on Household Income Scale



Source: CML, VOA, CLG, Experian

6.40 Based on the calculations described above, 23% of households at current income levels are unable to afford the lowest threshold to enter private housing market (Lower Quartile rent), whilst 33% are unable to afford Median private rents. 54% are unable to meet the requirements for the lowest purchase threshold, whilst 72% are unable to afford to buy a median-priced property, even assuming a 20% deposit is available.

6.41 Table 6.6 below summarises the proportion of newly forming households unable to afford entry to the private housing market at the points described above, and compares the percentages against a benchmark - the average for England (excluding Greater London).

Table 6.6: Affordable Need in Newly Forming Households 2011-2031

	Torbay Households % Unable to Afford	Benchmark % (England exc. Gtr. London)
Median Buy	72	64
LQ Buy	54	48
Median Private Rent	31	32
LQ Private Rent	22	24

Source: Barton Willmore Analysis

6.42 Based on this calculation, the barriers to home ownership are significantly higher than the national benchmark. This means that a very high proportion of newly forming households are unlikely to be able to afford to buy. Nevertheless, barriers to entering the rental market are slightly below the benchmark.

Local Authority Waiting Lists and Reasonable Preferences

6.43 In order to calculate the full extent of affordable need, it is necessary to take into existing need within Torbay from the council housing waiting lists.

6.44 Within these waiting lists, certain groups are given priority, known as 'reasonable preference' groups. Those in the following situations are classified as reasonable preference:

- People who are homeless, regardless of whether there is a statutory duty to house them;
- People who are owed a duty by any local housing authority or who are occupying accommodation secured by any such authority;
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds, including grounds relating to a disability;

- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)²².

6.45 According to the Local Authority Housing Statistics (LAHS) returns for 2012-13 (Released January 2014), there are **3,066** households on Torbay council's housing waiting lists. Of these households, **1,046** are deemed to belong to reasonable preference groups.

6.46 Given that those in reasonable preference groups are likely to be facing severe social and economic difficulties, it has been assumed that all 1,046 households will require new affordable housing. However, a certain number are likely to relinquish re-lettable accommodation when they move; this has been factored in to the objective assessment. In this case, the number of dwellings returning to market is estimated at **1,040**.

Economic Forecasts

6.47 In addition to market dynamics, economic development is also likely to influence the demand for housing in Torbay and the surrounding HMA. Table 6.7 below summarises the most recent Experian Economics job growth forecasts for Torbay and the wider HMA for the period 2011-31, as well as historic data for 2001-11.

Table 6.7: Forecast Workforce Job Creation 2011-31

Industry	Jobs Created 2001-11		Jobs Created 2011-31	
	Torbay	Torquay HMA	Torbay	Torquay HMA
Agriculture, Forestry & Fishing	430	2,330	-60	-930
Extraction & Mining	-2	-212	-8	-308
Manufacturing	-3,480	-4,230	-440	-1,310
Utilities	230	580	110	280
Construction	-470	-70	440	2,290
Wholesale & Retail	-720	1,030	1,730	5,100
Transport & storage	0	530	290	1,070
Accommodation, Food & Recreation	920	2,390	3,340	7,640
Information & communication	190	730	230	790
Finance & Insurance	-110	-290	130	340
Professional & Other Private Services	1,230	3,330	2,350	5,900
Public Services	4,630	8,850	5,200	8,920
TOTAL	2,848	14,968	13,312	29,782

Source: Experian Economics, UK Local Market Forecasts Quarterly, December 2013 (Workforce Jobs)

²² Local Authority Housing Statistics dataset, England 2012-13

6.48 Over the forecast period, job growth of 29,782 (1,490 per annum) is anticipated across the HMA, 13,312 (666 per annum) of which would be located in Torbay. The industries forecast to experience the largest growth are Public Services, Accommodation, Food Services & Recreation, and Professional & Other Private Services. Employment in Manufacturing, Agriculture, Forestry & Fishing, and Extraction & Mining is expected to decline. Over the period 2001-11, Torbay experienced net job growth of just 2,848, with net losses experienced in Manufacturing, Wholesale & Retail, Construction, Finance & Insurance and Extraction & Mining.

Implications for Torbay

6.49 Analysis of housing market signals and characteristics in Torbay and its wider Housing Market Area has revealed a significant affordability problem, with a lower quartile property costing more than 7.4 times the lower quartile salary in 2011 and an estimated 74% of households being unable to afford to buy a property in the top 50% of the market (by value). These affordability problems have caused private rents to increase more quickly than national average and prevented a growing number of families from forming households.

6.50 Although housing delivery in Torbay has exceeded structure plan targets over the last decade, affordability problems have worsened, suggesting that the target was set too low in the first place. Had the South West RSS target been adopted, delivery in Torbay would have been 36% under target. The emerging local plan target of 8,000-10,000 dwellings over 20 years is broadly in line with past delivery, meaning that current trends would be likely to continue.

6.51 The high proportion of second/vacant homes in Torbay is also a contributing factor to affordability problems. Whilst it is neither desirable nor feasible to prevent people from purchasing second homes in and around Torbay, it is important that sufficient homes are built to meet local demand as well as demand from outside. An objective assessment of housing need should therefore reflect this reality by making an assumption that a proportion of all newly built housing will be purchased for use as a second home.

6.52 Based on the analysis presented in this section, it can be concluded that Torbay needs to grow its dwelling stock significantly in order to make it an affordable place to live for local people and support high levels of projected employment growth from 2011 to 2031.

7 IMPLICATION OF THE LATEST POPULATION PROJECTIONS AND MID YEAR ESTIMATES

a) OFFICE FOR NATIONAL STATISTICS (ONS) POPULATION PROJECTIONS

i) Torbay

- 7.1 Table 7.1 sets out the official ONS population projections for Torbay Council, in chronological order from the 2008-based series to the most recent Interim 2011-based series (September 2012). The most recent (September 2012) ONS Sub National Population Projection (SNPP) is the first projection series since the ONS Census 2011 data was published (July 2012) and records the mid 2011 population as 131,200 people to allow for growth since the Census 2011 figure (131,000 people in March 2011). The ONS Interim 2011-based SNPP projects growth of 760 people per annum in Torbay, 2011-2021, higher than the previous 2010-based SNPP (March 2012) and slightly lower than the 2008-based SNPP (May 2010).

Table 7.1 ONS Population Estimates and Projections for Torbay, 2011-2021 & 2011-2031

	2006	2011	2016	2021	2026	2031	2011-2021 (per annum)	2011-2031
Interim 2011-based	-	131,200	134,900	138,800	-	-	7,600 (760)	-
2010-based	133,200	133,700	135,400	137,700	140,200	142,700	4,000 (400)	9,000 (450)
2008-based	133,200	136,000	140,200	145,100	150,200	155,200	9,100 (910)	19,200 (960)

Source: Office for National Statistics (rounded to nearest hundred) Note: Figures may not sum due to rounding

ii) Torquay Housing Market Area (HMA)

- 7.2 Table 7.2 sets out the official ONS SNPP in chronological order from the 2008-based series to the most recent Interim 2011-based Interim series (September 2012) for the wider Housing Market Area, incorporating the local authorities of Torbay, Teignbridge, and South Hams. The most recent Interim 2011-based SNPP recorded the mid 2011 population as 339,100 for the combined local planning authorities in the Torquay HMA, and shows projected population growth of 1,960 people per annum, 2011-2021. This represents an increase from the previous 2010-based ONS SNPP (March 2012), and a slight decrease from the 2008-based ONS SNPP (May 2010).

Table 7.2: ONS Population Estimates and Projections for the Torquay HMA, 2011-2021 & 2011-2031

	2011	2016	2021	2026	2031	2011-2021 (per annum)	2011-2031 (per annum)
Interim 2011-based	339,100	348,300	358,700	-	-	19,600 (1,960)	-
2010-based	344,400	349,500	355,900	362,900	369,300	11,500 (1,150)	24,900 (1,245)
2008-based	349,400	360,200	373,100	386,700	399,600	23,700 (2,370)	50,200 (2,510)

Source: ONS

b) ONS ESTIMATES OF NET MIGRATION**i) Torbay**

7.3 Net-migration is one of the key components of population change in Torbay, and the recent levels of net migration are shown in Table 7.3. On the advice of the ONS consultation report on 'unattributable population change' (UPC, January 2014) the figures below exclude the UPC element from the net migration trends we present. This approach was reinforced by the Inspector in the Vale of Aylesbury Plan examination, in his letter of 07 January 2014 (**AN18**).

Table 7.3 ONS Estimates of Net Migration and Other Change: Torbay

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Annual average	
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2002-2007	2007-2012
Net Migration	1,623	1,587	1,001	399	954	471	321	423	368	524	767	421

Source: ONS revised in light of the 2011 Census

7.4 As Table 7.3 shows, there has been continuous, albeit fluctuating, net in-migration to Torbay over the past decade. In the early part of the 10-year period net in-migration exceeded 1,000 people per annum, and the 10-year average trend shows net in-migration of 767 people per annum. The more recent 5-year period has shown a decline in the level of net in-migration to an average of 421 people per annum. However it should be noted that the most recent year (2011/12) shows the highest level (524 people) of net in-migration over the past 5 year period, suggesting a gradual increase in net in-migration to Torbay.

7.5 Furthermore the ONS Interim 2011-based SNPP show net in-migration in Torbay to average 860 people per annum, 2011-2021.

ii) Torquay HMA

7.6 Table 7.4 sets out the net migration experienced in the three local authorities of the Torquay HMA. It shows what the trend has been for net in-migration over the past decade, with a short-term trend of 1,416 people per annum, and a long-term trend of 2,028 people per annum. It is important to note how the first three years of the recession resulted in the lowest three years of net in-migration of the past 10 years. This could be due to poor housing delivery during these years alongside other factors.

7.7 In the context of these trends it is important to note how net in-migration of 2,400 people per annum is projected by the most recent ONS Interim 2011-based SNPP.

Table 7.4: ONS Estimates of Net Migration and Other Change: Torquay HMA

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Annual average	
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2002	2007
Torbay	1,623	1,587	1,001	399	954	471	321	423	368	524	767	421
Teignbridge	1,279	1,292	1,082	584	1,141	747	717	546	668	1,030	909	742
South Hams	52	351	630	672	555	345	103	260	141	415	352	253
TORQUAY HMA	2,954	3,230	2,713	1,655	2,650	1,563	1,141	1,229	1,177	1,969	2,028	1,416

Source: ONS revised in light of the 2011 Census

c) ONS PROJECTIONS OF WORKING AGE POPULATION GROWTH

i) Torbay

7.8 The draft National Planning Practice Guidance (PPG) highlights how local authorities should consider increasing their housing numbers to ensure that growth in the working age population matches projected job growth. In this context it is important to understand how the broad 'working age' population (16-64 years) is projected to grow over the Plan period. Table 7.5 sets out how the working age population of Torbay is projected to change based on the past three ONS projections.

Table 7.5: ONS 'interim' 2011-based SNPP; working age (16-64) population change, 2011-2021

	2011	2016	2021	2026	2031	2011-2021	2011-2031
Interim 2011-based	78,353	76,957	76,417	-	-	-1,936 (-194)	-
2010-based	78,860	76,340	74,960	74,220	73,120	-3,900 (-390)	-5,740 (-287)
2008-based	80,560	80,100	80,780	81,620	81,520	220 (22)	960 (48)

Source: ONS

7.9 As Table 7.5 shows, the most recent ONS 'interim' 2011-based sub national population projections show a decline in working age population between 2011 and 2021 of 194 persons per annum. This can be contrasted with the projected increase of 666 jobs per annum (see Section 6, paragraph 6.48). It is therefore clear that a housing requirement based on the interim 2011-based population projections will completely fail to satisfy projected demand for labour, doing great harm to prospects for sustainable economic growth.

ii) Torquay HMA

7.10 Table 7.6 outlines the projected change in working age population across the three local authorities of the HMA, from the 2008-based ONS SNPP (May 2010) to the most recent ONS Interim 2011-based series. In all the projections shown, the working age population is projected to decline over the 2011-2021 and 2011-2031 periods. In contrast, 1,490 jobs per annum are expected to be created between 2011 and 2031 (see Section 6, paragraph 6.48).

Table 7.6: ONS Interim 2011-based SNPP; working age population growth, 2011-2021

	2011	2016	2021	2026	2031	2011-2021	2011-2031
Interim 2011-based	203,174	198,735	197,375	-	-	-5,799 (-580)	-
2010-based	204,720	198,320	194,980	192,760	189,120	-9,740 (-974)	-15,600 (-780)
2008-based	207,220	203,860	203,960	204,300	202,400	-3,260 (-326)	-326 (-16)

Source: ONS

d) Council's Evidence Base

7.11 It is important to note how the scenarios for growth set out in the Council's evidence base show lower population growth than the official ONS Interim 2011-based SNPP. In the context of our analysis above, this will fail to support projected job growth in Torbay.

e) IMPLICATIONS FOR TORBAY'S HOUSING REQUIREMENT

7.12 In summary the demographic projections and estimates we have set out above show the following:

- The population of Torbay and the surrounding Housing Market Area is projected to grow significantly over the next 10 years when compared with the previous 2010-based ONS SNPP;
- Torbay and the surrounding HMA have experienced net in-migration throughout the past 10 years (2002-2012);
- Despite the net in-migration experienced in Torbay and the HMA over the past 10 years, and the projected increase in population, working age population is projected to decline over the next 10 years;
- A decline in working age population contrasts with job growth at district (666 jobs per annum) and housing market area level (1490 jobs per annum);
- Torbay Council's preferred population projections for the district are in line with the Interim 2011-based population projections and do not support projected job growth, doing great harm to prospects for sustainable economic growth.

7.13 It is evident that neither the migration trends that underpin the Interim 2011 based population projections nor the revised 10 year average migration trend would be an appropriate basis for any forward projection of housing need that fully addressed projected labour demand in Torbay.

7.14 Planning for housing need on the basis of past trends and projections will constrain economic growth and conflicts with paragraph 17, third bullet point of NPPF; that planning should proactively drive and support sustainable economic development to deliver the homes that the country needs, responding positively to wider opportunities for growth, taking account of the need of the residential and business communities.

7.15 Further, to do so would conflict with the first of NPPF's twelve Core Planning Policies; building a strong competitive economy (paragraph's 19 and 21):

"Planning should operate to encourage and not act as an impediment to sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system..... And that planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing."

8 IMPLICATION OF THE LATEST HOUSEHOLD PROJECTIONS AND HEADSHIP RATES

- 8.1 The household projections produced by the CLG take the population projections produced by ONS, deduct the population that is not in households and apply a headship rate to all adults aged over 16.
- 8.2 The latest household projections are the Interim 2011-based household projections and correspond to the Interim 2011-based population projections; the subject of the analysis presented in Section 4 concerning their shortcomings as a basis for assessing housing need.
- 8.3 This section is concerned with the headship rate and the extent to which the Interim 2011-based headship rates suppress need at the local and HMA level, as recent research²³ suggests they do. The lower level of household growth resulting from the Interim 2011-based household projections however should not be taken at face value for a number of reasons, as follows.
- 8.4 The household formation rates underpinning the latest Interim 2011-based household projections are considered to show unrealistically low household growth given that they represent household formation over the recent recessionary period in which younger people have struggled with mortgage availability.
- 8.5 To further add to the case, a recent Royal Town Planning Institute (RTPI) research paper (January 2014) in collaboration with Cambridge University, stated the following in regards to the latest ONS Interim 2011-based household projections:

"The implications of this vary considerably from area to area and it should be considered on an authority by authority basis whether the resulting local area projection is the most appropriate basis for planning; the projection should not be adopted uncritically. Instead the projections should be used as a starting point, providing as they do a mutually consistent set of local authority projections based on the 2011 census figures for population and households. If it is concluded that the assumptions made in the projections are not the most appropriate basis for planning it is possible to make adjustments to them and produce revised projections. This would, of course, have implications for surrounding areas and those implications need to be carefully considered, ideally in consultation with the local authorities concerned."²⁴ (Page 133)

- 8.6 The above extract emphasises the need to not solely underpin emerging housing targets based on the latest Interim 2011-based household projections. Moreover, adding that to objectively assess housing need the latest household projections may not be the most appropriate evidence for planning and assessing housing need.

²³ Planning For Housing in England: Understanding Recent Changes in Household Formation Rates and Their Implications for Planning for Housing in England, University of Cambridge, RTPI Research Report no. 1, 2014

²⁴ Planning For Housing in England: Understanding Recent Changes in Household Formation Rates and Their Implications for Planning for Housing in England, University of Cambridge, RTPI Research Report no. 1; Page 12, 2014.

- 8.7 As such I do not consider that these projections should solely determine the future housing requirements of the forecast population, particularly in younger age groups where the household formation rates are much lower than in the previous 2008-based projection (see Table 8.1).

Table 8.1: Household growth in England per annum, 2011-2021: Interim 2011-based household projections vs. 2008-based household projection

Age of Household Representative Person	2011-based projection Average annual change 2011-2021	2008-based projection Average annual change 2011-2021	Difference*
Under 25	-2,000	-6,000	3,200
25-34	23,000	49,000	-26,300
35-44	15,000	22,000	-7,500
45-54	17,000	11,000	6,600
55-64	50,000	47,000	3,100
65-74	46,000	48,000	-2,500
75-84	40,000	41,000	-1,400
85+	32,000	33,000	-200
All households	221,000	245,000	-24,900

*Indicative values; Source: Table 8, Page 17, CLG Housing Statistical Release, 9 April 2013

- 8.8 This reduction in household formation in the younger age groups is due to the interim 2011-based projections being underpinned by recessionary trends over the past five years and worsening affordability since 2001.
- 8.9 It is not expected that these recessionary trends will continue in the long-term, and in this context it is not considered prudent to plan on this basis over a 15 to 20-year period, particularly in the context of the NPPF's aspirations to 'boost significantly the supply of homes', 'promote economic growth' and positively prepare Local Plans.
- 8.10 Indeed the Planning Advisory Service (PAS) published 'Ten principles for owning your housing number: finding your objectively assessed needs (2013)', and state the following in respect of the use of projections when formulating housing targets as part of an NPPF compliant objective assessment of housing requirements:

"caution should be applied if the trends experienced in the past five years reflect a period of particular economic decline or likewise economic buoyancy. Projecting forward a recessionary trend may lead to concealed households not being catered for and an underestimate of the true level of household change. It is also important to understand how this may impact on any economic recovery and growth ambitions that the council have." (AN5, Page 55, Paragraph 6)

- 8.11 The PAS Guidance advice is reflected in draft National Planning Policy Guidance which states the following in respect of the CLG household projections:

“The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. For example, formation rates may have been suppressed historically by under-supply and worsening affordability of housing.” (AN1, Page 8, Paragraph 26)

- 8.12 In respect of the above, it is considered that caution should be applied when using the most recent Interim 2011-based household projections to underpin household projections, and they should form a ‘starting point’ only as part of a wider objective assessment of need.

Examining the impact of the Interim 2011-based headship rates

- 8.13 We can examine the impact of the 2011 headship rates in 2011, by applying the 2008 based rates to the same household population. This is a worthwhile and necessary exercise because the 2011 based headship rates are exceptional, breaking a trend of household formation that was evident in the results of the 1961-71 Census through successive Census results up to 2001.
- 8.14 If, as we firmly hold to be the case, the results of the 2011 Census, (and Labour Force Surveys in the later part of the last decade), bear witness to the combined effects of a decade of housing undersupply and the recession of 2008-11 on household formation, then doing so helps quantify that impact and the scale of the problem to be addressed through planning policy.
- 8.15 Across Torbay, the number of households in 2011 is 59,105; this is 1,249 lower than it would have been had the 2008 based headship rates (60,354) been applied to the same household population. In other words, the formation of nearly 1,249 households has been suppressed. Further, in 2021 the total households under the 2011 rates would be 63,508 as opposed to 2008-based rates leading to 65,440 households. The levels of suppressed need therefore increases to 1,932 households by 2021. The evidence at national level suggests that suppressed need is concentrated in the 25-34 age group (see Table 8.1) and the evidence from Torbay suggests that this age group is indeed hard pressed, signalled by the level of concealed families which is 4.2% (see Section 6, Table 6.5 of this statement) according to the 2011 Census.

Table 8.2: Total Households in 2011 and 2021 based on Interim 2011-based SNPP

	2011	2021
2008-based CLG household formation rates	60,354	65,440
Interim 2011-based CLG household formation rates	59,105	63,508
Difference in total households	1,249	1,932

Source: Barton Willmore Analysis of Published CLG Headship Rates

Implications for Torbay

- 8.16 Taking the above evidence of suppressed need into account, when projecting demand for homes it is appropriate to rely on the 2008-based headship rates, in place of the clearly suppressed 2011-based rates. Applying the 2008-based rates will address suppressed need in the projection of household formation, including within the hard pressed 25-34 year old age group and help ensure that it is not embodied in the housing need assessment.

9 TORBAY'S HOUSING NEED

9.1 This section brings together the analysis and conclusions of the previous sections to arrive at a 20 year projection of housing need that is ambitious but realistic and meets in full:

- Demographic need;
- Projected labour demand;
- Adverse market signals;
- The need to significantly boost housing supply.
- Expectations for economic growth

9.2 In the context of the National Planning Policy Framework's requirements, we provide analysis across the Housing Market Area (HMA) which incorporates the local authorities of Torbay, South Hams, and Teignbridge.

i) Plan Period Housing Need Projection Inputs and Assumptions

9.3 A housing need projection has been produced for the Plan Period, using industry standard demographic modelling software. The software (POPGROUP) incorporates a cohort component methodology for its population projection model. This is a standard approach to population projection that is applied by most national statistical agencies.

9.4 The software works by projecting forward population divided into single year age bands at one year intervals, and taking account of the impact of births, deaths and migration (internal and international migration) of the most recent 2010-based ONS sub national population projections. For the purposes of this assessment the base year we have used is 2011; the most recent Census year.

9.5 The recent PPG states how working age population growth should balance with job growth forecasts. The results we set out in this section therefore reflect an economic led scenario, whereby we have sought to balance working age population growth with the latest (December 2013) Experian 'workforce jobs' growth forecast between 2012 and 2032.

9.6 This economic led projection applies two approaches to measuring change in the working age population. Both balance growth in the working age population with projected job growth, but applying different definitions of working age as follows:

- 1) A gradual increase in the working age population by age and gender over the plan period, in line with phased changes to the State Pension Age (SPA). SPA will rise to 66 for both men and women by the end of the plan period. ;

- 2) Working age assumed to be constant in both men and women, defined as ages 16 to 66 across the plan period.

9.7 The process of the PopGroup modelling set out above is summarised in the boxes below:

	Starting population
<i>minus</i>	Population not in households (interim 2011 CLG household projections)
<i>times</i>	Headship rates (interim 2011 based CLG household projections to 2021; pre recession 2008-based rates post 2021)
<i>equals</i>	Number of households
<i>times</i>	vacancy/shared/second homes factor
<i>equals</i>	Dwelling requirement

9.8 In this case the scenario is economic led and we have therefore applied the average workforce jobs generated in each authority per annum, in line with the December 2013 Experian forecast. The size of the labour force and the number of workforce jobs implied by the scenario is calculated as follows:

	Start Population
<i>times</i>	Workforce participation rate
<i>equals</i>	Labour force
<i>times</i>	Commuting factor
<i>equals</i>	Workforce jobs

ii) Headship rates

9.9 In converting the population to households, the population that is not in households (those in communal establishments such as nursing homes etc.) is deducted to give a private household population, to which headship rates are applied. The headship rates that have been applied to the household population are the Interim 2011-based rates between 2011 and 2021 (the extent of the projection period). These rates are considered to be very low due to being underpinned by recessionary trends. They are therefore considered prudent rates to apply, given that the economy is improving and these recessionary trends are not expected to continue up to 2021. Post-2021 we have applied the pre recessionary 2008-based CLG household formation rates.

iii) About the labour force calculation

- 9.10 The PPG advises that plan makers should make an assessment of the likely growth in job numbers based on past trends and/or economic forecasts as appropriate and also having regard to the growth of the working age population in the housing market area.

"Where the supply of working age population (labour force supply) is less than the projected job growth, this will result in unsustainable commuting patterns and could reduce the resilience of local businesses. In such circumstances, plan makers will need to consider increasing their housing numbers to address these problems." (AN1, page 9, paragraph 33)

- 9.11 In light of the above and mindful of the confusion, disagreement and lack of any robust, up to date economic activity rate projections either at the national or local level, the labour force supply is taken to be within the population aged 16 to 66, albeit we have applied gradually rising rates per annum in step with increases to the State Pension Age over the next 20 years. For example, the activity rates of those aged 68 years of age are lower at the start of the Plan period than at the end of the Plan period.

iv) PopGroup demographic modelling

- 9.12 The results of our economic led PopGroup modelling is summarised in Table 9.1 below. We present a range of growth to incorporate the two activity rate assumptions we have considered, which we have set out above.

Table 9.1: PopGroup Economic Led range of growth.

	Population	Migration	Dwellings
Torbay	29,200 – 39,700 (1,460) – (1,980)	33,500 – 41,700 (1,670) – (2,080)	17,900 – 22,300 (900) – (1,110)
TORQUAY HMA	67,850 – 96,100 (3,390) – (4,810)	82,300 – 104,100 (4,120) – (5,210)	40,700 – 52,800 (2,040) – (2,640)

Source: Barton Willmore Summary of PopGroup output, figures rounded

- 9.13 For Torbay Council, Table 9.1 shows how overall housing need would equate to between 900 and 1,110 dwellings per annum, 2012-2032, in order for the working age population to grow in line with the December 2013 Experian job growth forecasts. This compares with Torbay Council's housing target of 400-500 new dwellings per annum, as reported in the draft Local Plan (February 2014). Across the HMA we estimate that the housing requirement would be for between 2,040 and 2,640 dwellings per annum, 2012-2032.
- 9.14 900 to 1,110 dwellings per annum is a housing requirement that would contribute to significantly boosting housing supply in Torbay, address a long term problem of balancing supply and demand, moderate price growth, alleviate market affordability constraints and support projected employment growth.

9.15 For clarity, the housing requirement presented here does not explicitly address current and future affordable housing need. Furthermore it does not address the backlog of housing need that has arisen due to past under delivery against the most recently examined and tested housing requirement (Regional Spatial Strategy for the South West).

10 CONCLUSION

10.1 Torbay Local Plan's approach to growth is evidently constrained. It appears to have set limits for both job and housing growth over the plan period, based on an assessment of Torbay's capacity for growth. What it does not appear to have done is to carry out a full objective assessment of need in line with the NPPF or PPG that is based on facts and unbiased evidence, without applying constraints, such as the supply of land for housing, infrastructure and environmental constraints.

10.2 The results of our economic led PopGroup modelling is summarised again in the table below.

PopGroup Economic Led range of growth.

	Population	Migration	Dwellings
Torbay	29,200 – 39,700 (1,460) – (1,980)	33,500 – 41,700 (1,670) – (2,080)	17,900 – 22,300 (900) – (1,110)

Source: Barton Willmore Summary of PopGroup output, figures rounded

10.3 The table demonstrates how overall housing need would equate to between 900 and 1,110 dwellings per annum, 2012-2032, in order for the working age population to grow in line with the December 2013 Experian job growth forecasts. This compares with Torbay Council's draft Local Plan housing target of 400-500 new dwellings per annum, as set out in the draft Local Plan and at Policy SS11. .

10.4 It is considered that 900 to 1,110 dwellings per annum is a housing requirement that would contribute to significantly boosting housing supply in Torbay, address a long term problem of balancing supply and demand, moderate price growth, alleviate market affordability constraints and support projected employment growth.

10.5 On this basis it is considered that the level of housing growth identified at Policy SS11 of 8,000-10,000 homes is prohibitively low, and consequently does not meet objectively assessed housing needs. On this basis, the draft Plan is neither positively prepared, nor is it in accordance with the NPPF – in particular Paragraph 47 and is unsound. For the Policy to be sound, a full objective assessment of housing needs is required, which would equate to 18,000-22,000 homes over the Plan period.

10.6 **For the reasons set out above, it is considered that Policy SS11 (and in consequence the Draft Submission Torbay Local Plan taken as a whole) is not positively prepared, is inconsistent with the NPPF and unsound.**

Representations to the Proposed Submission Torbay Local Plan 2012-2032

on behalf of Bloor Homes

April, 2014

**Representations to the
Proposed Submission Torbay Local Plan
2012-2032**

on behalf of Bloor Homes

Project Reference:		
Status:	Draft	
Issue/Revision:	1	
Date:		
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1 INTRODUCTION

- 1.1 These representations are submitted by Barton Willmore on behalf of Bloor Homes and are made in response to the Council's consultation regarding the soundness of the draft Submission Torbay Local Plan (February, 2014).
- 1.2 The National Planning Policy Framework (NPPF) requires that Local Plan should be prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. In accordance with Paragraph 182 of the NPPF for a plan to be sound it should be:
- **“Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;**
 - **Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;**
 - **Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and**
 - **Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”**
- 1.3 These representations highlight that the draft Local Plan is unsound in that it is neither positively prepared, nor consistent with the NPPF. The representations are made specifically in relation **Policy C1 (Countryside and the Rural Economy)** and can be summarised as follows:
- 1.4 Policy C1 (Countryside and the Rural Economy) proposes to limit the categories of development that can occur outside settlement boundaries. The representation set out how this proposed policy is inconsistent with National Planning Policy, in particular with paragraphs 28, 113, and 118 of the National Planning Policy Framework (NPPF), which in particular require that local planning authorities provide distinction between the hierarchy of international, national and local designated sites – so that the protection is commensurate with status and gives an **appropriate weight** to their importance (NPPF, Paragraph 113).
- 1.5 The follow section provides a reasoned justification as to why Policy C1 (Countryside and the Rural Economy) is unsound.

2 POLICY C1 (COUNTRYSIDE AND THE RURAL ECONOMY)

2.1 Policy C1 (Countryside and the rural economy) of the Proposed Submission Torbay Local Plan is in effect a continuation of the currently adopted TLP Policy L4 (Countryside Zone) of the Torbay Local Plan 1995-2011. In a similar way to Policy L4, draft Policy C1 limits the categories of development that can occur outside settlement boundaries, provided that:

"the rural and landscape character, wildlife habitats, green corridors and historic features are not adversely affected and necessary mitigation measures are carried out to minimise any harm to the environment" (Policy C1)

2.2 Policy C1 limits development to:

- New homes for which there is a proven agricultural need;
- Development required for forestry, horticulture or agriculture;
- Touring caravans and tents;
- Tourist facilities appropriate to the rural area;
- Development associated with outdoor sport and recreation appropriate in a rural area;
- Sensitive conversion, alteration and extension of existing buildings;
- Essential improvements to the highway network, and
- Appropriate renewable energy development.

2.3 The reference to *'appropriate renewable energy development'* is an addition to the categories in Policy L4, but in other respects Policy C1 is more restrictive, deleting policy L4's references to *'facilities essential for the well being of the community at large,' 'infill development within the existing areas of settlements'* and *'other uses appropriate to the countryside.'*

2.4 The list in Policy C1 also bears a striking similarity to the list at Paragraphs 89-90 of the NPPF of categories of appropriate/not inappropriate development in the Green Belt, which includes:

- **"Buildings for agriculture and forestry;**
- **Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;**
- **The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;**

- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- Mineral extraction;
- Engineering operations;
- Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- The re-use of buildings provided that the buildings are of permanent and substantial construction; and
- Development brought forward under a Community Right to Build Order.”

2.5 Furthermore, the draft Proposals Map allocates a significant amount of undeveloped land within the district as a 'Countryside Area' under Policy C1. Policy C1 would therefore, in effect, create a 'de facto' Green Belt surrounding Torbay's settlements. As can be seen, save for its reference to tourist facilities, Policy C1 is more restrictive than national Green Belt policy.

2.6 Draft Policy C1 is, therefore, inconsistent with the NPPF in several respects:

- Firstly, Paragraph 113 of the NPPF requires that when establishing criteria based policies against which proposals for development affecting protected wildlife or geodiversity sites or landscape areas will be judged, distinctions should be made between different landscape areas

“so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks”.

In our view, the proposed blanket restriction on adversely affecting rural and landscape character or wildlife sites within the widely drawn and amorphous 'Countryside Area' is not a criteria-based policy, offering no distinction in the scale and nature of consideration to be given to proposals within the varying designations. Neither is it supported by adequate evidence nor commensurate with the status of the particular areas.

- Secondly, a requirement that **"rural and landscape character, wildlife habitats, green corridors and historic features"** should not be **"adversely affected"** by development in rural areas would create a significant impediment to development, which is not consistent with other policies of the NPPF. For example, NPPF paragraph 118 requires decision makers to refuse planning applications where **"significant harm"** to biodiversity **"cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for"**. Contrary to this, Policy C1 proposes the far more onerous test that **"adverse affects"** on wildlife habitats should be avoided. Similarly, policy C1 requires that **"historic features"** should not be **"adversely affected"**; this is contrary to Section 12 of the NPPF, which requires assessment of the significance of a heritage asset and (in the case of non-designated heritage assets) **"a balanced judgement ... having regard to the scale of any harm or loss and the significance of the heritage asset."**
- Finally, the draft Policy C1 would restrict the Plan's ability to deliver the aspiration of the Paragraph 28 of the NPPF that:

"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development".

- 2.7 Policy C1 is inconsistent with Paragraphs 28, 113 and 118 of the NPPF and is unsound.
- 2.8 Furthermore, there is no justification in the Plan for the definition of tight 'Village Envelopes' at Churston/Galmpton on the Proposals Map in the absence of sound consideration of the need and provision for development (particularly of, or related to, housing), having regard to our representation on Policy SS11. We object to the imposition of these settlement boundaries in advance of identifying how objectively assessed needs might be met in full (NPPF, paragraph 47).
- 2.9 **We conclude that Policy C1 (Countryside and the Rural Economy) is inconsistent with paragraphs 28, 113, and 118 of the National Planning Policy Framework (NPPF) and does not provide appropriate weight to the designation of local areas of environmental protection. On this basis the Policy is not in accordance with the NPPF and is unsound.**



TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS

PROPOSED SUBMISSION PLAN – FEBRUARY 2014

Policy SS1 – Growth Strategy for a prosperous Torbay

This representation is made on behalf of our client, Bloor Homes (South West) Limited.

Policy SS1 sets out the growth strategy for Torbay. It focuses on the area's economic performance and proposed level of growth during the plan period. In these terms, it divides the plan period into three sources of growth with particular reference to housing. The first relates to existing commitments, the second considers identified sites and the third outlines the intended growth through the Strategic Delivery Areas.

Existing Commitments

Policy SS1 states that in the first five years of the plan, housing growth will be sourced from land that already has planning permission for residential development and from windfall sites. This will support the anticipated delivery of 1,250 – 1,500 new jobs.

It is noted within the first five years that there is reliance on a high level of windfalls (approximately 30%). NPPF Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends.

Whilst it is acknowledged that there is evidence in the Torbay 2013 SHLAA Update which suggests that there have been high historic rates of windfall development within Torbay, there is limited information to justify that this will continue through this plan period other than the historic rates remain an appropriate allowance based on the more recent figures.

This appears to be an erroneous assumption to make. It does not take into account that the supply of such sites is finite (particularly as it does not take into account greenfield sites) and that there will be a reduction in these sites during the plan period. Given that there is a lack of robust evidence, this assumption should not be relied upon.

Simply, rolling forward of previous delivery rates, in our view, does not meet the last requirement in Paragraph 48 in that any allowance should have regard to ... expected future trends. Therefore, it is our opinion that the level of windfall development to be provided should be lowered.

This will have implications for the level of housing that will come forward during the first five years and means that alternative sources need to be considered to meet the requirements during the early part of the plan period. This point is considered in more detail in the following sections of this representation.

Identified sites

Thus, we have raised issue with the level of provision during the first five years of the Plan. Currently, the Plan states that residential development will come from those sites approved as part of the Neighbourhood Plan process during years 6 – 10 of the Plan. It is understood that the progress of the Neighbourhood Plan will be in line with the Local Plan but no Submission Drafts have yet to be published.

Great emphasis has been placed on Neighbourhood Plans within Torbay resulting in an additional layer of plan making. Whilst this accords with the localism agenda, this adds further uncertainty to the process for developers and is likely to delay critical development coming forward, which is required to meet the overarching aspirations of the Local Plan.

The Council acknowledges in Paragraph 1.1.3 of the Plan that there has under provision of housing within Torbay in the past five years. Therefore, give our concerns raised in the previous section of this representation; there is a significant requirement to ensure that the identified commitments in the Neighbourhood Plans are delivered in an expeditious manner. Otherwise there will be a shortfall in the identified supply of new homes during the first 10 years of the plan period and there will be a failure to provide sufficient housing to meet the demand created by the proposed new job creation. This will fundamentally undermine the Plan socially, environmentally and economically.

To support housing delivery, further allowance or weight should be given to bringing forward sites within the Strategic Delivery Areas during the early part of the plan, that is, sites that are identified in the Local Plan. There should be an emphasis on bring these sites through where there is no impediment to them to be delivered. Although the Plan recognises that there will be some initial delivery within the Future Growth Areas, this does not provide sufficient backing or weight to a source of development that would underpin the growth agenda in the first ten years of the plan.

Strategic Delivery Areas

The Future Growth Areas are subject to detailed masterplanning process, which would be subject to detailed consultation with the local community and stakeholders. This process is already underway. Therefore, we fail to see why such sites are then subject to additional consideration and review through the Neighbourhood Plan process, as this will only replicate the masterplanning process and are an inefficient use of resources. It also adds greater uncertainty and time to the process. The selection and capacity of the Future Growth Areas cannot be contingent upon the Neighbourhood Planning Process. There is a risk that sites will not come forward envisaged by the masterplan. This will have implications for the delivery of new homes in Torbay that the Local Plan intends, and indeed, relies upon.

Summary

Therefore, Policy SS1 should be revised to give greater weight to sites within the Strategic Delivery Areas so that they can come forward in the early stages of the Plan where they have been subject to the masterplanning process. There should be an increased reliance on such sites, which come through the



Local Plan, as they will form the backbone of future housing land supply within Torbay. Consequently, these sites should not also be subject to approval through the Neighbourhood Plans.

Otherwise there is serious concern that there will be insufficient supply of new housing to meet wider plan objectives. This is based on recent under provision, the high level of supply to be sourced from windfalls and the time delay and potential uncertainty created by sites having to go through the Neighbourhood Plan process.



Torbay Local Plan
A Landscape for Success
The Plan for 2012 – 2032 and beyond
Proposed Submission Plan

For official use:

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	<input type="text" value="Mr"/>
First name(s)	<input type="text"/>	<input type="text" value="Elliot"/>
Last name	<input type="text"/>	<input type="text" value="Jones"/>
Organisation (if you are representing that organisation)	<input type="text"/>	<input type="text" value="Boyer Planning Limited"/>
Address – line 1	<input type="text"/>	<input type="text" value="1B Oak Tree Court"/>
Address – line 2	<input type="text"/>	<input type="text" value="Mulberry Drive"/>
Address – line 3	<input type="text"/>	<input type="text" value="Cardiff Gate Business Park"/>
Post Town	<input type="text"/>	<input type="text" value="Cardiff"/>
Postcode	<input type="text"/>	<input type="text" value="CF23 8RS"/>
Telephone number	<input type="text"/>	<input type="text" value=""/>
E-mail address	<input type="text"/>	<input type="text" value=""/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via www.torbay.gov.uk/newlocalplan) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for **each policy** you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

If submitting representations via e-mail, you will need to fill out and submit a separate copy of the form for each representation you make and attach them as separate documents. Note that the form is locked for editing but the text boxes will expand to fit the size of your written response to questions.

For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 208904.

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

Policy SS2

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

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See attached representation

(Continue on a separate sheet if necessary)

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

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See attached representation

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Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

See attached representation

(Continue on a separate sheet if necessary)

Signature: Elliot Jones for Boyer Planning Limited on behalf of Bloor Homes (South West) Limited

Date: 04.04.2104



TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS

PROPOSED SUBMISSION PLAN – FEBRUARY 2014

Policy SS2 – Future Growth Areas

This representation is made on behalf of our client, Bloor Homes (South West) Limited.

Land at Collaton St Mary

Policy SS2 is generally supported, particularly the reference to the land around Collaton St Mary, Paignton, which is identified as a Future Growth Area. The area and the land immediately adjacent to King Ash Road, which is under the control of our client, will provide for much needed and necessary land to support the wider objectives of Local Plan.

It is considered that this site – as it neighbours existing properties and is in close proximity to existing infrastructure - will meet the requirements as set out in Policy SS2 relative to its potential integration with existing communities and its ability to time with essential infrastructure.

The site forms part of the wider masterplanning exercise that is currently being undertaken for Land at Collaton St Mary, our client has already undertaken work in relation to landscape character and highways. It is considered that the site meets all of the requirements outlined in the policy; it will provide for suitable levels of growth as part of the wider Future Growth Area and can be brought forward in the early stages of the Plan period.

Key Principles

Additionally, it is noted that Policy SS2 makes reference to a series of key principles. These include the need to deliver a range of residential schemes, employment opportunities and suitable recreational facilities. Additionally, essential infrastructure is required to support development and that high design standards will be applied.

These key principles are supported, as they reflect the fundamentals of good planning. A co-ordinated approach should be adopted towards the distribution of land uses within the Future Growth Areas. Accordingly, the provision of these key principles should not prevent sites coming forward if they are in line with the guiding masterplanning principles and make a suitable contribution to infrastructure through planning obligations. Thus, in considering development proposals, an appropriate phasing approach should be adopted, as outline in Point (vii) in the policy.

Greater Horseshoe Bats

The final point that we would like to raise in relation to Policy SS2 concerns the requirement to provide for a bespoke Greater Horseshoe Bat (GHB) mitigation plan for all development in the Future Growth Area. It is considered that this level of detail should not be contained within – essentially – a strategic policy. It should form part of the Development Management policies set out in Section 6, in any event, it can be adequately addressed by way of mitigation.



Summary

Therefore, Policy SS2 is generally supported, particularly the reference to Collaton St Mary, Paignton. However, greater weight should be given to phasing in relation to the key principles insofar that sites within the Future Growth Areas should not be predicated on coming forward in relation to wider infrastructure requirements where they can be shown to be deliverable and make a suitable contribution in advance.

Finally, the reference to GHB Mitigation Plan should be removed from this policy, as it would be better placed within Development Management policy.



Torbay Local Plan
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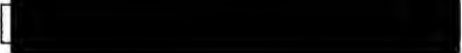
Please return to Torbay Council by 9:00am Monday 7 April 2014

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Part A – Personal details

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First name(s)	<input type="text"/>	Elliot
Last name	<input type="text"/>	Jones
Organisation (if you are representing that organisation)	<input type="text"/>	Boyer Planning Limited
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Post Town	<input type="text"/>	Cardiff
Postcode	<input type="text"/>	CF23 8RS
Telephone number	<input type="text"/>	
E-mail address	<input type="text"/>	
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

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- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
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6. Using the Representation Form

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For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 202804.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

Policy SS1

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

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See attached representation

(Continue on a separate sheet if necessary)

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

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Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

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7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

See attached representation
(Continue on a separate sheet if necessary)

Signature:	Elliot Jones for Boyer Planning Limited on behalf of Bloor Homes (South West) Limited	Date:	04.04.2104
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TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS

PROPOSED SUBMISSION PLAN – FEBRUARY 2014

Aspiration 4 – Create more sustainable communities and better places

This representation is made on behalf of our client, Bloor Homes (South West) Limited.

As with Aspiration 1, this objective does not make any reference to the need to deliver housing to help meet the Plan's overarching aim of achieving sustainable growth for the Torbay area.

Whilst this Aspiration and the accompanying bullet points cannot be disputed, it is difficult to understand why there is no recognition of the role of housing in helping create more sustainable communities and better places, and why it does not form part of this Aspiration.

The delivery of sufficient housing will help alleviate social issues that arise from house price inflation caused by a lack of housing supply such as being unable to retain the young/working age population or prevent household formation. There are also environmental factors, as Torbay will have an inadequate supply of local area, this will mean employers will be reliant upon commuters to fill vacancies. This will put pressure on transport infrastructure.

There should be an acknowledgement that housing should be built in accordance with sustainable economic growth in order to secure economy recovery and success as prescribed earlier in Chapters 1 -3 of the Local Plan.

Therefore, within this aspiration, there should be bullet points acknowledging the need to deliver housing in line with economic growth to ensure that the creation of sustainable communities can be achieved in Torbay.

Accordingly, it is proposed that additional bullet points are added to this aspiration to reflect the economic benefits of housing. These would be as follows:

- To develop sufficient housing to alleviate social pressures due to the lack of new homes and to prevent further exacerbating environmental/infrastructure difficulties faced by Torbay;
- The timely delivery of housing during the early phases of the Plan period to ensure that there are sufficient homes to meet the anticipated growth in the workforce, to attract and retain the working age population; and
- The positive economic impact of housing construction in terms of job growth and positive economic impact.



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Please state which policy this representation relates to?

Policy number

Aspiration 1

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please insert an X in the relevant box

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See attached representations

(Continue on a separate sheet if necessary)

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No, I do not wish to participate at the oral Examination

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(Continue on a separate sheet if necessary)

Signature: Elliot Jones for Boyer Planning Limited on behalf of Bloor Homes (South West) Limited Date: 04.04.2104

TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS

PROPOSED SUBMISSION PLAN – FEBRUARY 2014

Aspiration 1 – Secure economic recovery and success

This representation is made on behalf of our client, Bloor Homes (South West) Limited.

We support the Plan's overarching objective to achieve economic recovery through the delivery of new jobs and housing. In this regard, we also support the bullet points that are set out within the Aspiration to securing this aim. However, there is no reference to housing, the delivery of housing or the economic benefits of housing construction within any of the bullet points.

This is a serious omission. By omitting reference to housing, the Aspiration does not reflect the economic benefits that it creates. For instance, the timely delivery of housing in line with new jobs and the wider recovery of the economy are critical to sustainable growth and people's quality of life. There is a need for consistency between economic growth and housing delivery, with both elements being in aligned otherwise the revival of Torbay cannot be achieved. The delivery of sufficient housing is essential in order to serve the anticipated growth of the workforce, and to attract and retain a population of working age. In addition, the construction of housing generates significant economic impact in terms of job creation, spending in the local economy and income generation.

Accordingly, it is proposed that additional bullet points are added to this aspiration to reflect the economic benefits of housing. These would be as follows:

- Creating balanced growth through the creation of new jobs that are supported by the provision of sufficient housing;
- The timely delivery of housing to ensure that there are sufficient homes to meet new job creation; and
- The positive economic impact of housing construction.



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Please state which policy this representation relates to?

Policy number

Aspiration 4

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please insert an X in the relevant box

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See attached representation

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Yes, I wish to participate at the oral Examination

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(Continue on a separate sheet if necessary)

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6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

See attached representation

(Continue on a separate sheet if necessary)

Signature:

Elliot Jones for Boyer Planning Limited on behalf of
Bloor Homes (South West) Limited

Date:

04.04.2104



Torbay Local Plan
A Landscape for Success
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For official use:

Representation Form


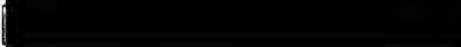
Please return to Torbay Council by 9:00am Monday 7 April 2014

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	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	Mr
First name(s)	<input type="text"/>	Elliot
Last name	<input type="text"/>	Jones
Organisation (if you are representing that organisation)	<input type="text"/>	Boyer Planning Limited
Address – line 1	<input type="text"/>	1B Oak Tree Court
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Post Town	<input type="text"/>	Cardiff
Postcode	<input type="text"/>	CF23 8RS
Telephone number	<input type="text"/>	
E-mail address	<input type="text"/>	
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
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Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

Policy SS3

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please insert an X in the relevant box

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See attached representation

(Continue on a separate sheet if necessary)

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	YES	NO
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The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Please insert an X in the relevant box

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See attached representation

(Continue on a separate sheet if necessary)

Signature: Elliot Jones for Boyer Planning Limited on behalf of Bloor Homes (South West) Limited

Date: 04.04.2104



TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS

PROPOSED SUBMISSION PLAN – FEBRUARY 2014

Policy SS3 – Presumption in favour of Sustainable Development

This representation is made on behalf of our client, Bloor Homes (South West) Limited.

It is considered that Policy SS3 would benefit from re-wording in order that it better reflects the purpose and thrust of NPPF Paragraph 14.

At present, it states that the Council will reflect (my emphasis) the presumption in favour of sustainable development. This commitment needs to be more robust and should accurately meet the positive approach set out in the NPPF.



Torbay Local Plan
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For official use:

Representation Form

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	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	<input type="text" value="Mr"/>
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Last name	<input type="text"/>	<input type="text" value="Jones"/>
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E-mail address	<input type="text"/>	<input type="text" value=""/>
Consultee ID (if known)	<input type="text"/>	<input type="text" value=""/>

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

Policy SS5

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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See attached representation

(Continue on a separate sheet if necessary)

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(Continue on a separate sheet if necessary)

Signature:	Elliot Jones for Boyer Planning Limited on behalf of Bloor Homes (South West) Limited	Date:	04.04.2104
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TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS

PROPOSED SUBMISSION PLAN – FEBRUARY 2014

Policy SS5 – Employment Space

This representation is made on behalf of our client, Bloor Homes (South West) Limited.

Policy SS1 sets out the strategic approach to achieving the step-change in economic prosperity and recovery in the Torbay economy with the detail provided in Policy SS5.

The general aims of this policy are supported, in that the Local Plan will look to create 5-6,000 net additional jobs by 2032 and that this will be achieved through the creation of employment space within the future growth areas such as West Paignton.

However, the policy, as currently drafted, does not make sufficient reference to the necessary infrastructure required to support this 'step-change' in economic recovery such as roads, community facilities and new housing.

The level of job creation prescribed by the policy must be supported by the development of new housing. Our comments on housing, the phasing of housing delivery and the economic benefits of housing construction are set out elsewhere. However, in relation to this policy, it is considered that the link between economic growth and infrastructure, particular housing development, should be specifically set out within this policy.

In accompanying the representations to Policy SS5, we would also draw reference to Paragraph 4.2.20 and note our support that if it is not practicable for on-site employment provision then an off-site contribution should be made.

However, such contributions should be considered in light of the wider context of the masterplanning work being undertaken in the Future Growth Areas where this is relevant. This is because it might be the case that in some growth areas, individual sites would be better placed to accommodate employment provision whereas other would be better served by making an off-site contribution.



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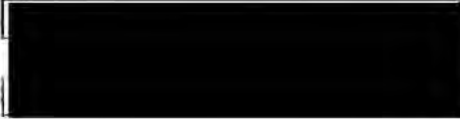

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Please state which policy this representation relates to?

Policy number

Policy SS10

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1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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(Continue on a separate sheet if necessary)

Signature: Elliot Jones for Boyer Planning Limited on behalf of Bloor Homes (South West) Limited Date: 04.04.2104



TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS

PROPOSED SUBMISSION PLAN – FEBRUARY 2014

Policy SS6 – Strategic Transport Improvements

This representation is made on behalf of our client, Bloor Homes (South West) Limited.

Support is given to Policy SS6 regarding strategic transport improvements. In particular, our client offers their backing to the on line improvements and traffic management scheme in connection with the A385 Totnes Road, Paignton. The emphasis placed on this highway network scheme is welcomed given its critical importance to the development of the West Paignton Future Growth Area.

It is recognised in Paragraph 4.3.16 that a comprehensive solution is required to enable longer term development in Collaton St Mary. It is expected that this long term solution would be developed by the masterplanning process that is currently underway. Through the masterplan, it is anticipated that suitable levels of contributions – from individual development sites - to this wider infrastructure requirement can be agreed and set out.

Additionally, it would be expected that the phasing of the different sites that make up the West Paignton Future Growth Area would be considered in a holistic and comprehensive manner, and that sites could come forward prior to the completion of works to the A385 subject to the provision of suitable contributions.

In other words, the development of the Future Growth Area should not be predicated on the delivery of road improvements. This is important because there will be a need to deliver housing 'in step' with the predicted growth in job creation in Torbay. This should not be prevented from occurring in lieu of wider infrastructure requirements that will be delivered over a longer time span, particularly if it can be demonstrated that impact of development sites can be suitably mitigated.



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Last name	<input type="text"/>	<input type="text" value="Jones"/>
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Post Town	<input type="text"/>	<input type="text" value="Cardiff"/>
Postcode	<input type="text"/>	<input type="text" value="CF23 8RS"/>
Telephone number	<input type="text"/>	<input type="text" value="REDACTED"/>
E-mail address	<input type="text"/>	<input type="text" value="REDACTED"/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
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TQ1 3DR

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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

Policy SS10

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

See attached representation

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

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6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

See attached representation

(Continue on a separate sheet if necessary)

Signature: Elliot Jones for Boyer Planning Limited on behalf of Bloor Homes (South West) Limited Date: 04.04.2104

TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS

PROPOSED SUBMISSION PLAN – FEBRUARY 2014

Policy SS10 – Sustainable Communities

This representation is made on behalf of our client, Bloor Homes (South West) Limited.

Whilst the principle of Policy SS10 is accepted, it is considered that some of the key messages set out in this policy would be better served by being assigned to policies within the Development Management section of the Local Plan. In other respects, a number of the criteria do not appear to be relevant to the proposals, particularly those development proposals that are critical to the success of the overall plan.

For instance, it is considered that the criteria relating to crime, nature and mix of development, and access to community facilities should be located elsewhere within the Plan, whereas the criterion on food production and local labour agreements are not considered to be relevant and should be removed from the policy.

In practical terms, if a development proposal were to come forward, it would be very difficult for new developments to show how it addresses all these requirements notwithstanding the caveat at the start of the policy.

Consideration should therefore be given as to whether this policy is necessary, and whether its purpose would be better served by being encapsulated with the differing aspirations as set out at the start of the Plan.



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Please state which policy this representation relates to?

Policy number

Policy SS11

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

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See attached representation

(Continue on a separate sheet if necessary)

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No, I do not wish to participate at the oral Examination

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(Continue on a separate sheet if necessary)

Signature: Elliot Jones for Boyer Planning Limited on behalf of Bloor Homes (South West) Limited Date: 04.04.2104



TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS

PROPOSED SUBMISSION PLAN – FEBRUARY 2014

Policy SS11 – Housing

This representation is made on behalf of our client, Bloor Homes (South West) Limited.

Overall Provision

In accordance with Policy SS1, this policy (SS11) sets out the overall requirement for housing provision within Torbay. In summary, this is the provision of 400 – 500 homes per annum or 8,000 – 10,000 homes over the plan period. As Paragraph 1.1.4 in the Local Plan states, these figures have been reached based on a 'bandwidth' approach to growth, that is, there should be some growth to ensure that there are no serious economic or social consequences but too much growth would lead to irreversible environmental damage and infrastructure failure.

In these terms, the key consideration is NPPF Paragraph 47, which states that there is a requirement to prepare an evidence base that meets full, objectively assessed needs for market and affordable housing.

To meet this requirement, the Council has prepared a number of evidence base documents such as the Employment Land Review, Housing Requirement Study and SHLAA 2013 Summary Report. In the recommendations section of the SHLAA 2013 Summary Report, at Paragraph 4.4.2, it states that it is the consultant's recommendation that the Council identify 12,300 dwellings as the objectively assessed housing requirement, and this figure should be the level of provision set out in the Plan. Moreover, it is noted that in evidence prepared on behalf of our client at the appeal regarding Land at Churston Golf Course, Churston (Appeal Ref: APP/X/1165/A/13/2205208). The 12,300 figure is considered to be a severe under-estimation of objectively assessed housing need.

Notwithstanding this, the overall provision set out in the Plan is between 8 - 10,000 dwellings.

Evidently, the Council has set limits for housing growth, over the plan period, based on an assessment of Torbay's capacity for growth. This appears contrary to the NPPF requirements as set out in Paragraph 47, which states that there should be an objective assessment of need based on facts and unbiased evidence. However, it would appear that the Council has rejected this approach in favour of one that applies constraints based on a range of factors that are contrary to the direction of national guidance. By adopting this approach, it does not address where the unmet housing need will be met which will have implications for the successful implementation of the Plan and its desire for sustainable growth, not to say, the environmental, social and economic ramifications that will arise.

We consider that the Council should review their approach to overall housing provision, or, at the very least, provide compelling evidence as to why they have differed from the Government guidance and let constraining factors play a determining factor in the overall housing requirement set out in the Plan. The Council needs to be mindful of the requirement to meet the NPPF guidelines on objectively assessed housing needs or face the possibility that the Local Plan may not be found to be sound on this issue.



Phasing

We would also wish to comment on the phasing of development in the early stages of the Plan and the need to supplement those sites with planning permission, anticipated windfall sites and those to be identified in the Neighbourhood Plan, with those included within the Future Growth Areas.

Our views on this point are set out in detail in the representation to Policy SS1. In this regard, we would note Paragraph 47, which states that Local Plan should identify key sites which are critical to the delivery of the housing strategy over the plan period. It is suggested that the Council's current approach should be re-visited to ensure that sites in the Future Growth Area should not be unnecessarily focussed towards the latter stages of the Plan period given that they are critical to delivering the housing strategy.

In these terms, the delivery of the Land at Collation St Mary should be brought forward to the earlier stages of the Plan, as it will improve the security of housing land supply and aligns with the requirements set out in policy.



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Please state which policy this representation relates to?

Policy number

Policy SS12

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1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please insert an X in the relevant box

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See attached representation

(Continue on a separate sheet if necessary)

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Elliot Jones for Boyer Planning Limited on behalf of
Bloor Homes (South West) Limited

Date:

04.04.2104



TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS

PROPOSED SUBMISSION PLAN – FEBRUARY 2014

Policy SS12 – Five Year Housing Land Supply

This representation is made on behalf of our client, Bloor Homes (South West) Limited.

Policy SS12 states that its purpose is to address five year housing land supply. However, the first part of the policy appears only to consider the first five years in the Plan and not the provision of a five year housing land supply over the lifetime of the Local Plan. There should be a refocusing of the policy to ensure that there is a continuous supply of housing throughout the Plan Period, and that this is dealt with in the policy.

In terms of the level of housing to be provided during the first five years, we have already made comments about the overall provision for housing in the Local Plan (see Policy SS1 and SS11), which are not repeated here. Albeit we would note that if the objectively assessed housing requirement as prescribed by the Council's own evidence base were to be met, the Council would find it difficult to meet the baseline requirement (notwithstanding the additional 5% - 20% buffers) based on their current assessed level of supply as set out in their evidence to the appeal at Land at Churston Golf Course, Churston (Appeal Ref: APP/X/1165/A/13/2205208). This situation would be exacerbated when considering our client's estimation of objectively assessed need as set out in their evidence.

Therefore, in the context of the site at Collaton St Mary, we consider that there should be more emphasis placed on sites from the later stages of the Plan being able to support immediate five-year land supply and that such sites should be brought forward for development earlier in the Plan period. This is based on the following factors:

- There has been an under provision of housing sites in recent years;
- There is presently insufficient assessed supply to meet objectively assessed need (as set out in the Local Plan evidence base and in our client's evidence to the Churston Golf Course Appeal); and
- There is an over-reliance on windfall sites (without compelling evidence to support the view that future trends will follow historic patterns).

In this regard, the acknowledgement is welcomed that sites currently identified for the latter part of the plan can be brought forward – and exceed the five year supply figure – where they can bring social, regenerations and infrastructure benefits. However, more emphasis should be placed within the policy on how sites within Future Growth Areas can contribute to five-year supply housing land supply.



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Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	<input type="text" value="Mr"/>
First name(s)	<input type="text"/>	<input type="text" value="Elliot"/>
Last name	<input type="text"/>	<input type="text" value="Jones"/>
Organisation (if you are representing that organisation)	<input type="text"/>	<input type="text" value="Boyer Planning Limited"/>
Address – line 1	<input type="text"/>	<input type="text" value="1B Oak Tree Court"/>
Address – line 2	<input type="text"/>	<input type="text" value="Mulberry Drive"/>
Address – line 3	<input type="text"/>	<input type="text" value="Cardiff Gate Business Park"/>
Post Town	<input type="text"/>	<input type="text" value="Cardiff"/>
Postcode	<input type="text"/>	<input type="text" value="CF23 8RS"/>
Telephone number	<input type="text"/>	<input type="text"/>
E-mail address	<input type="text"/>	<input type="text"/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

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Torbay Council
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Castle Circus
Torquay
TQ1 3DR

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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

Policy SDP3

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

See attached representation

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

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(Continue on a separate sheet if necessary)

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6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

See attached representation

(Continue on a separate sheet if necessary)

Signature: Elliot Jones for Boyer Planning Limited on behalf of Bloor Homes (South West) Limited

Date: 04.04.2104



TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS

PROPOSED SUBMISSION PLAN – FEBRUARY 2014

Policy SDP3 – Paignton North and Western Area

This representation is made on behalf of our client, Bloor Homes (South West) Limited.

Land at Totnes Road

There is general support for Policy SDP3. The inclusion of land at Totnes Road (SDP3) is welcomed. However, it is noted that the policy states that development should be accompanied by upgraded infrastructure and improvements to sewerage capacity. It is our view that identified sites such as Land at Totnes Road should not be predicated on the delivery of transport and sewage infrastructure. The development of necessary infrastructure should form the basis of a co-ordinated approach guided by the masterplan for West Paignton. This will allow each site to make a suitable and appropriate contribution through either on-site provision or off-site contributions. Moreover, if it is demonstrated that such sites can be constructed in advance of the infrastructure requirements identified, then there should be no barriers to delivery. Otherwise this will have an adverse impact of overall housing provision within the Torbay area.

Phasing

Given the above, we would therefore disagree with Paragraph 5.2.2.4 and 5.2.2.8, which state that the sites at Collaton St Mary should be delayed until the end of the plan period.

The masterplan for West Paignton has already commenced. This will be a key factor in helping address strategy infrastructure matters and setting out how each site can contribute to the area's requirements. Thus, where it can be demonstrated that solutions can be found, there should be no delay in allowing the sites to make a positive contribution to housing delivery earlier in the plan.

Level of Detail

The second part of the policy notes the requirement to provide for green infrastructure, adhere to guidance on Greater Horseshoe Bats and address the need for on and off-site biodiversity setting. It is considered that these are valid matters but there is a concern that by including them within this policy – which is essentially a policy regarding the strategy for West Paignton – it becomes too prescriptive and the purpose of the policy becomes diluted. As set out in representations to other policies, it is felt that such issues should be included within policies contained within Section 6 related to Development Management.

Economic and community infrastructure

The final section of Policy SDP3 states that new development should provide space for, and where appropriate, contributions to, economic and community infrastructure. However, the policy should make it clear that not all sites within the broad areas should provide for economic and community infrastructure.



It is considered that there should be a co-ordinated approach that will determine where, when and how economic and community infrastructure is brought forward. Not all sites will be suitable to accommodate economic and community infrastructure, but this approach will ensure that such requirements are provided on an area wide basis.

Summary

Therefore, it is proposed that the identified sites in Policy SDP3 should not be predicated on the provision of infrastructure and the policy should be less prescriptive in its requirements as these matters are better placed elsewhere in the Plan.



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Please state which policy this representation relates to?

Policy number

Policy SDP1

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1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please insert an X in the relevant box

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See attached representation

(Continue on a separate sheet if necessary)

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(Continue on a separate sheet if necessary)

Signature:	Elliot Jones for Boyer Planning Limited on behalf of Bloor Homes (South West) Limited	Date:	04.04.2104
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TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS

PROPOSED SUBMISSION PLAN – FEBRUARY 2014

Policy SDP1 - Paignton

This representation is made on behalf of our client, Bloor Homes (South West) Limited.

This policy is supported and provides a robust basis for the redevelopment of Paignton. However, this support is offered within the context of the representations submitted in respect of Policies SS1, SS2 and SS12. In addition, it is suggested that a minor change is made to this policy. Currently, the policy states that:

'Development sites to the west of Paignton will be delivered through neighbourhood planning and masterplanning to provide employment and family housing opportunities'.

However, elsewhere in the Plan, it states that sites within the Future Growth Areas will be delivered through neighbourhood plans and/or the masterplanning process. In our representations to Policy SS1, we have stated that sites within the Future Growth Areas should be brought forward through the masterplan (which is current underway at West Paignton) and not the Neighbourhood Plan. This is because the masterplan involves technical assessment and consultation with the local community. Given this, it is considered that there is not a requirement to replicate this work as part of the Neighbourhood Planning process.

Accordingly, it is felt that there is no necessity for the sites at West Paignton to be delivered through the neighbourhood planning process, and that the Policy SDP1 should be changed accordingly. By doing this, it will enable these sites to be delivered effectively and within an achievable timeframe. There should be more emphasis on delivery through the Local Plan allocations. This is particularly relevant given the concerns that we have raised in response to overall housing provision, the phasing of housing delivery and the potential to meet five year housing land supply.

ID: Agent - 844-334

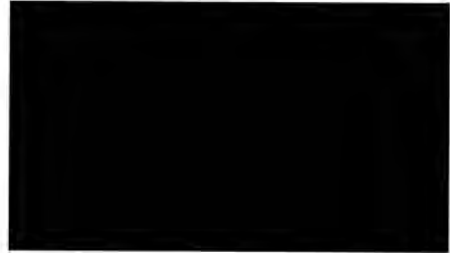
BLUE
P L A N N I N G

Consultee: 844-326

Your Ref
Our Ref JPB//Torbay Plan Reps
Date 4 April 2014

Torbay Local Plan
Spatial Planning, Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay TQ1 3DR

strategic.planning@torbay.gov.uk



Dear Sir/ Madam

**TORBAY LOCAL PLAN – A LANDSCAPE FOR SUCCESS
PROPOSED SUBMISSION PLAN FEBRUARY 2014**

Please find enclosed representations on behalf of Devonshire Park Ltd in respect of the above Plan.

Generally, DPL supports the approach of the draft Plan to regenerate the Bay area with the delivery of significant jobs and houses. However, it is considered that the structure of the draft Plan is unclear in providing guidance to achieve this in terms of the content of development in Future Growth Areas, as well as the relative importance and timing of development in such areas, compared with other urban locations. The approach places significant (and undue) reliance upon Neighbourhood Plans co-ordinating the content, relationship and timing of development sites within such FGA's. We consider that a greater degree of guidance should be set out in the draft Local Plan itself.

DPL anticipate that a mixed use commercial and residential scheme will come forward on the former Nortel site, based upon the commercial uses including both Class B and other employment generating uses such as retail (subject to the sequential test/ retail impact considerations). This would generally accord with the draft Local Plan (and other discussions to date with Officers):-

- SS1 - new employment space and homes with an FGA;
- SS3 – residential, employment opportunities, infrastructure etc;
- SDP1 – employment (30,100sqm net) and family housing opportunities (4,585 new homes), infrastructure; and
- SDP3 – mixed use developments to provide a range of family housing, employment, recreation and local retail facilities.

However, in light of the lack of clarity within the draft Plan, we consider that there is something of a vacuum in terms of more detailed guidance for the former Nortel site. As a result of this, whilst DLP's mixed use scheme clearly accords with the objectives of the draft Plan, it will be much more difficult to assess the details of such an emerging scheme in terms of the policies and proposals of the Plan. Given the location of the former Nortel site in an FGA, we would expect clearer guidance to be contained within the Plan itself.

Accordingly, please find enclosed representations in relation to the above four draft policies.

Yours faithfully



**Jonathan Best MRTPI, Director
On Behalf of Blue Sky Planning Ltd**

Blue Sky Planning Limited
Bourne House 475 Godstone Road Caterham CR3 0BL
www.blueskyplanning.co.uk

551



Torbay Local Plan
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	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	Mr <input type="text"/>
First name(s)	<input type="text"/>	Jonathan <input type="text"/>
Last name	<input type="text"/>	Best <input type="text"/>
Organisation (if you are representing that organisation)	Devonshire Park Ltd <input type="text"/>	Blue Sky Planning <input type="text"/>
Address – line 1	C/O Agent <input type="text"/>	Bourne House <input type="text"/>
Address – line 2	<input type="text"/>	475 Godstone Road <input type="text"/>
Address – line 3	<input type="text"/>	<input type="text"/>
Post Town	<input type="text"/>	Caterham <input type="text"/>
Postcode	<input type="text"/>	CR3 OBL <input type="text"/>
Telephone number	<input type="text"/>	<input type="text"/>
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Please state which policy this representation relates to?

Policy number

SS1

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1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Please insert an X in the relevant box.

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See attached

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See Attached

(Continue on a separate sheet if necessary)

Signature:

[Redacted Signature]

Date:

04/04/2014

Torbay Local Plan - A landscape for success- 2012 to 2032 and beyond
Proposed Submission Version February 2014

Representations on behalf of Devonshire Park Ltd in respect of Policy SS1

Q2 Details of why the Plan is Unsound

1. Devonshire Park Limited owns the former Nortel or Bookhams site, situated to the west of Brixham Road and the north of Long Road. The site closed in 2006 and is now largely derelict. DPL wishes to redevelop the site for residential led mixed use purposes. In broad terms, the company supports the approach of the draft Torbay Local Plan (TLP). However, it has concerns in relation to elements of it.
2. Policy SS1 is the principal strategic policy of the plan. It aims to achieve a "step change" in economic performance, within the Bay's built and natural environmental capacity, and sets out targets for housing employment delivery for the 20 year plan period between 2012 and 2032. DPL supports this objective.
3. However, the policy goes on to state that the Strategic Delivery Areas (SDA's) are the foci for the delivery of this growth and change, providing strategic and sustainable locations for new employment space, homes and infrastructure. It states that such SDA's are shown in red on the Key Diagram.
4. Policy SS1 goes on to state that Future Growth Areas (FGA's) which are subject of Policy SS2 are located within these SDA's Development of the FGA's will be set out in detail via master planning, concept plans and/or in Neighbourhood Plans.
5. Therefore, the clear policy direction of SS1 is for a significant growth in housing and employment across the plan period, based upon development within the SDA's and FGA's. Clearly, the delivery of significant housing and employment development within the FGA's is of key importance to achieving the strategy of the TLP, as set out in Policy SS1.
6. The Key Diagram, referred to in Policy SS1, has two designations:-
 - Strategic Delivery Areas for Torquay (SDT 1 edged light purple), Paignton (SDP 1 edged darker purple) and Brixham (SDB 1 edged blue) and collectively include the entire Torbay administrative area.
 - Detailed SDT, SDP and SDB policies shown by dashed red and dashed green lines.

7. The Policies Map, also referred to in Policy SS1, identifies FGA's including Devonshire Park which is within area 3.4 Paignton North and Western Area. These FGA areas clearly relate to the dashed red lines on the Key Diagram.
8. We consider that the relationship between Policy SS1 and the Key Diagram is unclear. In particular the SDA's seem to be the areas edged light purple, dark purple and blue and not edged red as stated in SS1. Furthermore, we do not understand how the SDA's can be a focus for growth when they appear to relate to the entire administrative area of Torbay.
9. Rather it appears that the three SDA's are in fact what might be better described as "Settlement Areas" of Torquay, Paignton and Brixham. Within these Settlement Areas, the foci for the delivery of growth and change in the Bay over the Plan period should be firstly the FGA's and then other sites within the existing urban areas.
10. Finally, given the importance of the FGA's to the delivery of the step change in growth in Torbay, we do not consider that it is appropriate for the TLP to either anticipate the development of these sites in the second half of the plan period, or to leave so much of the detail of the development in the FGA's to masterplanning, concept plans and/or in Neighbourhood Plans. Rather, we consider that the TLP should provide more guidance on the early delivery of such sites, and be more specific about the location, scale and form of development with the FGA's, with details more commonly associated with masterplanning left to a later stage.

Q3 – Proposed Modifications to the Policy

11. We suggest that the draft policy is modified as follows (deletions struck through and additional words underlined).

The Local Plan promotes a step change in Torbay's economic performance. It supports urban regeneration that creates sustainable living, working and leisure environments, supported by high quality infrastructure. This will be achieved within each of the Bay's three Settlement Areas identified on the Key Diagram (as detailed in Section 5) and within the built and natural environmental capacity of each Settlement Area, ensuring the environment continues to be a driver of economic success and that there is investment in the Bay's environmental assets.

Development should reinforce Torbay's role as a main urban centre and premier resort.

All development will make full and appropriate use of opportunities for low carbon and renewable energy technologies, consistent with the need to reduce Torbay's carbon footprint, and provide resilience to climate change. The Plan supports the creation of 5,000-6,000 net additional jobs and delivery of at least 17 hectares of employment land over the next 20 years (equal to 250-300 jobs per annum), with an emphasis on bringing employment space forward as early as possible in the Plan period. The Plan also seeks to identify land for between 400-500 homes per annum, equating to about 8,000-10,000 new homes over the Plan period of 2012-2032.

Existing Commitments

In the first 5 years, the Plan will enable delivery of 1,250-1,500 net new jobs, and land for around 2,000 new homes. ~~Much of this~~ This growth will come forward on committed sites – with planning permission or allocated - and on urban brownfield sites, including windfall sites.

Identified Sites

In years 6-10 of the Plan, a greater proportion of the development will come from completion of committed sites and developable sites identified in Neighbourhood Plans. The pool of developable housing sites is included as Appendix D to this Plan.

Strategic-Delivery-Areas Future Growth Areas

~~Future Growth Areas (see Policy SS2) Strategic-Delivery-Areas, shown outlined-in-red on the Key Diagram and on the Policies Map, are the focii for delivery of growth and change in the Bay over the Plan period. They provide strategic and sustainable locations for new employment space, homes and infrastructure. Future-Growth-Areas (see Policy-SS2) are located within these SDAs. There will be some initial-delivery~~ Delivery of development in Future Growth Areas will take place across the Plan period, within the first 10 years, if required to meet demand for new employment space and homes. Development in these areas will be set out in detail via masterplanning, concept plans and/or in Neighbourhood Plans. They will deliver a balance of jobs, homes and infrastructure, including green infrastructure. Future Growth Areas are shown for information on the Policies Map.

The focus areas for delivery of improvements to AONB, countryside, green infrastructure, as well as sport, leisure and recreation, are also illustrated (outlined in green) in the Key Diagram (See Figure 4.1).

Major development proposals, outside the built up area and Future Growth Areas, will need to be the subject of environmental assessment. This will need to take account of the impacts of the proposed development itself and the cumulative impact of development.

The Plan will be reviewed at regular intervals to ensure that the growth strategy remains sustainable and conforms to the requirements of the NPPF, or subsequent Government policy.

Communities will have a greater influence in determining how development in their area will look and feel, specifically through the new framework of Neighbourhood Plans.

Q4 - Participation in the Oral Examination

12. FGA's are important to the delivery of the TLP. Devonshire Park is an important site with the FGA's and Torbay generally. It is important that the views of the owners/ developers of such sites are understood, to ensure that the policy framework assists such delivery.

552



Torbay Local Plan
A Landscape for Success
The Plan for 2012 – 2032 and beyond
Proposed Submission Plan

For official use:

Representation Form



Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	Mr
First name(s)	<input type="text"/>	Jonathan
Last name	<input type="text"/>	Best
Organisation (if you are representing that organisation)	Devonshire Park Ltd	Blue Sky Planning
Address – line 1	C/O Agent	Bourne House
Address – line 2	<input type="text"/>	475 Godstone Road
Address – line 3	<input type="text"/>	<input type="text"/>
Post Town	<input type="text"/>	Caterham
Postcode	<input type="text"/>	CR3 0BL
Telephone number	<input type="text"/>	
E-mail address	<input type="text"/>	
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SS2

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

See attached

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See attached

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

See attached

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

See Attached

(Continue on a separate sheet if necessary)

Signature:



Date:

04/04/2014

Torbay Local Plan - A landscape for success- 2012 to 2032 and beyond
Proposed Submission Version February 2014

Representations on behalf of Devonshire Park Ltd in respect of Policy SS2

Q2 Details of why the Plan is Unsound

1. Devonshire Park Limited owns the former Nortel or Bookhams site, situated to the west of Brixham Road and the north of Long Road. The site closed in 2006 and is now largely derelict. DPL wishes to redevelop the site for residential led mixed use purposes. In broad terms, the company supports the approach of the draft Torbay Local Plan (TLP). However, it has concerns in relation to elements of it.
2. Policy SS2 addresses Future Growth Areas. In accordance with the representations in respect of Policy SS1, we consider that, given the importance of the FGA's to the delivery of the step change in growth in Torbay, it is inappropriate for the TLP to leave so much of the detail of the development in the FGA's to masterplanning, concept plans and/or in Neighbourhood Plans. We consider that the TLP should provide more guidance on the location, scale and form of development with the FGA's, with other details left to masterplans, concept plans and/or in Neighbourhood Plans.
3. Accordingly, we suggest that Policy SS2 is amended. After the first paragraph, where the four FGA's are identified, details of the location, scale and form of development for each should be added, or alternatively reference should be provided to where such details can be found.
4. Furthermore, beneath the third paragraph six delivery objectives are set out. Whilst most of these six factors are expected to be common to all four FGA's, this is not necessarily the case. For example, it is not likely that recreational, leisure and tourist facilities will be provided at Devonshire Park. Accordingly, we suggest that it is either clarified that such requirements relate to the four FGA's collectively, or that individual FGA's will be required to meet some, but not all, of the identified criteria.

Q3 – Proposed Modifications to the Policy

5. After the first paragraph, we suggest that details of the location, scale and form of development for each FGA should be added, or alternatively reference should be provided to where such details can be found.
6. We suggest that it is either clarified that the six development criteria relate to the four FGA's collectively, or that the development of individual FGA's will be required to meet some, but not all, of the identified criteria.

Q 4 - Participation in the Oral Examination

7. FGA's are important to the delivery of the TLP. Devonshire Park is an important site with the FGA's and Torbay generally. It is important that the views of the owners/ developers of such sites are understood, to ensure that the policy framework assists such delivery.

SDP1



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First name(s)		Jonathan
Last name		Best
Organisation (if you are representing that organisation)	Devonshire Park Ltd	Blue Sky Planning
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Post Town		Caterham
Postcode		CR3 OBL
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E-mail comments should be sent to strategic.planning@torbay.gov.uk.

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Torquay
TQ1 3DR

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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SDP1

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

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See attached

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

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	YES	NO
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The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

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Signature:



Date:

04/04/2014

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Representations on behalf of Devonshire Park Ltd in respect of Policy SDP1

Q2 Details of why the Plan is Unsound

1. Devonshire Park Limited owns the former Nortel or Bookhams site, situated to the west of Brixham Road and the north of Long Road. The site closed in 2006 and is now largely derelict. DPL wishes to redevelop the site for residential led mixed use purposes. In broad terms, the company supports the approach of the draft Torbay Local Plan (TLP). However, it has concerns in relation to elements of it.
2. Policy SDP1 addresses development in the Paignton Settlement Area. In accordance with the representations in respect of Policies SS1 and SS2, we consider that, given the importance of the FGA's to the delivery of the step change in growth in Torbay, it is inappropriate for the third paragraph of this policy to leave so much of the detail of the development in the FGA's (such as that to the west of Paignton) to Neighbourhood Plans and masterplanning. We consider that the TLP should provide more guidance on the location, scale and form of development with the FGA's, with other details left to masterplans, concept plans and/or in Neighbourhood Plans.
3. We note that the fourth paragraph refers to the strategic need for Paignton to provide c.4,585 houses and a minimum of 30,100sqm net employment floorsapce. This appears to be Paignton's share of the 8-10,000 new homes and 17 ha of employment land set out in Policy SS1, and of the 65,000sqm of (Class B and other non-Class B) employment space required by Policy SS4, but clarification on this would be helpful.
4. Similarly, the heading for Table 5.7 should clarify so that the "*Employment floorspace*" referred to includes uses within and out with B Class Uses.

Q3 – Proposed Modifications to the Policy

5. In the third paragraph, after the words "*Development sites to the west of Paignton will be delivered*" insert additional of the FGA's, with "*further details*".... "*to be delivered through neighbourhood planning and masterplanning*".
6. In the second line of the fourth paragraph add the words "*Class B and other non-Class B*" before "*employment floorspace over the Plan period*".
7. In the heading of Table 5.7 add "*Class B and other non-Class B*" before "*employment floorspace*".

Q 4 - Participation in the Oral Examination

8. FGA's are important to the delivery of the TLP. Devonshire Park is an important site with the FGA's and Torbay generally. It is important that the views of the owners/ developers of such sites are understood, to ensure that the policy framework assists such delivery.

SDP3



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	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	<input type="text" value="Mr"/>
First name(s)	<input type="text"/>	<input type="text" value="Jonathan"/>
Last name	<input type="text"/>	<input type="text" value="Best"/>
Organisation (if you are representing that organisation)	<input type="text" value="Devonshire Park Ltd"/>	<input type="text" value="Blue Sky Planning"/>
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Address – line 3	<input type="text"/>	<input type="text"/>
Post Town	<input type="text"/>	<input type="text" value="Caterham"/>
Postcode	<input type="text"/>	<input type="text" value="CR3 OBL"/>
Telephone number	<input type="text"/>	<input type="text" value="REDACTED"/>
E-mail address	<input type="text"/>	<input type="text" value="REDACTED"/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

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Please state which policy this representation relates to?

Policy number

SDP3

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

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See attached

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

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Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

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6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

See Attached

(Continue on a separate sheet if necessary)

Signature:  Date: 04/04/2014

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Representations on behalf of Devonshire Park Ltd in respect of Policy SDP3

Q2 Details of why the Plan is Unsound

1. Devonshire Park Limited owns the former Nortel or Bookhams site, situated to the west of Brixham Road and the north of Long Road. The site closed in 2006 and is now largely derelict. DPL wishes to redevelop the site for residential led mixed use purposes. In broad terms, the company supports the approach of the draft Torbay Local Plan (TLP). However, it has concerns in relation to elements of it.
2. The first paragraph of the policy refers to the uses promoted within these area; family housing, employment, recreation and local retail facilities". We comments as follows:-
 - Whilst the area is suitable for family housing, other forms of housing may also be appropriate to widen the mix of accommodation. We suggest that "family housing" is replaced by "housing, especially family housing". The specification of "family" housing alone is too restrictive;
 - That in accordance with Policy SS4 "employment" should refer to Class B and other non-Class B employment space;
 - Recreation is promoted primarily at Clennon Valley. We consider that recreation facilities should be clarified to refer to "recreation at Clennon Valley and elsewhere to meet local needs";
 - That retail, other than local retail, can be acceptable, again in accordance with Policy SS4, subject to meeting other policy tests. Retail should refer to "retail in accordance with Policies TC1-4 or to meet local needs"
3. We also consider that the infrastructure requirements, referred to in the third paragraph, should be "where required".
4. Furthermore, we consider that the tables related to Policy SDP3 should be clarified. In particular:-
 - Table 5.11 should clarify that the "Employment" referred to includes uses within and out with B Class Uses; and
 - Table 5.12 (SDP3.4) omits direct reference to the former Nortel site. This is clearly suitable for housing (SHLAA recommendations, para 5.2.2.10 and Table 5.11) and should identify c.270 residential units for the former Nortel Site, to relate to the outcome of the SHLAA study.

- Reference in para 5.2.2.10 to the former Nortel site including “mixed use residential schemes will be supported” is welcomed but we consider that the words “where they provide enabling development” should be deleted. In light of the evidential base and direct discussions with Officers it is clear that residential uses on this site are appropriate in principle in their own right.
 - Timescales for delivery of units on sites should be flexible across the plan period as some sites may come forward earlier than originally anticipated, whereas others may be delayed.
5. In respect of the phasing of the delivery of housing units on the former Nortel site, we consider that subject to the viable provision of commercial uses on the site, that local infrastructure matters can be addressed relatively early on so that a significant proportion of it is delivered in the first half of the Plan period.

Q3 – Proposed Modifications to the Policy

6. We consider that this part of the Plan should be amended as follows: -

Mixed use developments will be brought forward in a range of sites to the north and west of Paignton to provide a range of housing, including family housing, Class B and other forms of employment, recreation at Clennon Valley and elsewhere to meet local needs and local retail facilities-retail in accordance with Policies TC1-4 or to meet local needs”.

These locations should provide a balance of jobs and homes, whilst facilitating the provision of transport and other infrastructure and safeguarding the area's biodiversity and landscape character. Development should be accompanied by upgraded infrastructure, where required, including along the Western Corridor and A385 Totnes Road, and improvements to sewerage capacity.

Table 5.11 SDP3: Paignton North and Western Area: Key sites for Class B and Other employment

Estimated delivery period (years)	Year 0-5	Year 6-10	Year 11-15	Year 16-20	Total	Notes and key infrastructure requirements
SDP3.4					<u>270</u>	
<u>Former Nortel site</u>						

Phasing details and notes to be agreed, with a significant proportion of housing units to be delivered in the first half of the Plan period.

Q 4 - Participation in the Oral Examination

7. FGA's are important to the delivery of the TLP. Devonshire Park is an important site with the FGA's and Torbay generally. It is important that the views of the owners/ developers of such sites are understood, to ensure that the policy framework assists such delivery.

ID: 844875



Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB



Strategic Planning Team
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay

(Representations submitted by email to strategic.planning@torbay.gov.uk)

4th April 2014

Re: Torbay Local Plan – Proposed Submission Consultation

Introduction

This letter is in response to the above consultation and provides Gladman Developments' representations on Torbay Council's Proposed Submission Local Plan. We understand that the preparation of this document follows the consultation on the Council's Draft Local Plan in autumn 2012, which set out the preferred option for growth in the district.

The National Planning Policy Framework (The Framework) has been with us now for two years and the industry is beginning to get to grips with its application and the need for some fundamental changes in the way in which planning operates. One such change relates to the need to significantly boost the supply of housing and how this fundamental requirement of the Framework should be reflected in the plan making process. Gladman, who operate on a national basis, have had the opportunity to become involved in a number of local plan preparation processes since the Framework was brought into force including participation in the Examination stage and have gained significant experience as a result.

What continues to be clear from this experience is that many local authorities have not fully addressed the requirements of the Framework when preparing their Local Plans and this has led to significant concerns being expressed by Inspectors on the soundness of their plans in their current format. The main concerns centre upon the requirement in the Framework to "use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area" (§47).

Objectively Assessed Housing Need

The process of undertaking an objective assessment is clearly set out in the Framework principally in §14, §47, §152 and §159 and should be undertaken in a systematic and transparent way to ensure that the plan is based on a robust evidence base.

The starting point for this assessment is set out in §159 which requires local planning authorities to have a clear understanding of housing needs in their area. This involves the preparation of a Strategic Housing Market Assessment (SHMA) working with neighbouring authorities where housing market areas cross administrative areas. The Framework goes on to set out the factors that should be included in a SHMA including identifying *“the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:*

- *Meets household and population projections taking account of migration and demographic change;*
- *Addresses the need for all types of housing including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and*
- *Caters for housing demand and the scale of housing supply necessary to meet this demand.”*

Key points that are worth noting from the above is that the objective assessment should identify the full need for housing before the Council consider undertaking any process of assessing the ability to deliver this figure. In addition, §159 specifically relates to catering for both housing need and housing demand within the authority area. It is worth pointing out that any assessment of housing need and demand within a SHMA must also consider the following factors; falling household formation rates, net inward migration, the need to address the under provision of housing from the previous local plan period, the preliminary results of the Census 2011, housing vacancy rates including the need to factor in a 3% housing vacancy rate for churn in the housing market, economic factors to ensure that the economic forecasts for an area are supported by sufficient housing to deliver economic growth, offsetting a falling working age population by providing enough housing to ensure retiring workers can be replaced by incoming residents, addressing affordability and delivering the full need for affordable housing in an area.

It is our understanding that a majority of the SHMAs that were prepared under the current guidance on SHMA preparation are not Framework compliant and do not consider the full range of factors that are outlined in §159. This is causing significant problems for authorities currently at Examination and therefore, to avoid this issue, SHMAs should be updated to take account of the Framework and ensure plans are based on robust and up-to-date evidence. Indeed, the Government have noted the deficiency in SHMAs and are updating the guidance on SHMA preparation to fully reflect the guidance given in the Framework.

Following the exercise to identify the full, objectively assessed need for housing in an area, the local planning authority should then seek to undertake the assessment outlined in §152 of the Framework. This states that *“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”* This statement clearly sets out that local planning authorities should seek to deliver the full, objectively assessed need

and that this should be tested through the evidence base. Only where the evidence shows that this is not achievable should they then test other options to see if any significant adverse impacts could be reduced or eliminated by pursuing these options. If this is not possible then they should test if the significant adverse impacts could be mitigated and where this is not possible, where compensatory measures may be appropriate.

The final stage of the process is outlined in §14 and involves a planning judgement as to whether, following all of the stages of the process outlined above, “any adverse impacts of meeting the objectively assessed needs would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole or specific policies in this Framework indicate development should be restricted.” It is also worth noting that the final part of this sentence refers to footnote 9 which sets out the types of policies that the Government consider to be restrictive. These include “sites protected under the Birds and Habitat Directive (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion”. Although this list is not exhaustive it is clear that local landscape designations, intrinsic value of the countryside, the character of areas, green gaps etc are not specifically mentioned as constraints.

National Planning Practice Guidance - Assessment of Housing and Economic Development Needs

As the Council will already be aware, the Government has recently published its finalised National Planning Practice Guidance (NPPG) on the Assessment of Housing and Economic Development Needs. This now provides further guidance on the requirements of the Framework to which the Council should have due regard when objectively assessing and evidencing its housing needs. Key points from this document include:

- Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, infrastructure or environmental constraints
- Household projections published by the Department for Communities and Local Government should provide the **starting point** estimate of overall housing need
- Household projection based estimates of housing need may need adjusting to reflect factors affecting local demography and household formation rates which are not captured by past trends, for example historic suppression by under supply and worsening affordability of housing. The assessment will need to reflect the consequences of past under delivery and the extent to which household formation rates have been constrained by supply.
- Where the supply of working age population that is economically active is less than the projected job growth, this could result in unsustainable commuting patterns and could reduce the resilience of local businesses. In such circumstances, plan makers will need to consider how much the location of new housing or infrastructure development could help address these problems.
- If the historic rate of development shows that actual supply falls below planned supply, future supply should be increased to reflect the likelihood of under-delivery of a plan.
- Plan makers should take account of concealed households.
- Housing needs indicated by household projections should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Appropriate comparisons of indicators (land prices, house prices etc) should be made – with longer term trends in the HMA, similar

demographic and economic areas, and nationally. Divergence under any of these circumstances will require upward adjustment to planned housing numbers.

- The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed, and the larger the additional supply response should be.
- Market signals are affected by a number of economic factors. Plan makers should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability.

Housing Requirements

Policy SS1 of the Proposed Submission Local Plan sets out a housing requirement for between 8,000-10,000 new dwellings over the Plan period 2012-2032, equating to 400-500 dpa. Reviewing the Council's supporting evidence Gladman submit that this proposed housing requirement is too low and has not been based on a robust understanding of the authority's full, objectively assessed housing needs. The Council's most recent objectively assessed needs evidence is set out in the May 2013 Torbay Local Plan Evidence Study. This suggests the Council would need to provide 12,278 homes to support the generation of 5,337 jobs – compared to the 5,000-6,000 jobs sought through the Plan. The Council does not appear to have planned for the level of homes required to support its economic aspirations, whilst the setting of its housing requirement pre-dates the findings of its recent evidence work. The Council's evidence suggests the need to plan for a significantly higher level of homes in the district.

Gladman believe that further consideration needs to be given in relation to the proposed housing requirement to ensure that this is in line with the process for determining objectively assessed need as outlined in paragraphs 158, 159, 152 and 14 of the Framework. The Council should begin by considering its full objectively assessed housing needs, taking economic forecast into account, then test whether the adverse impacts of meeting this need clearly and demonstrably justify a lower Plan requirement. The Council should not constrain its housing requirement based on what it considers to be deliverable and achievable. It is not clear whether the Council has fully assessed the potential to deliver a higher level of homes, or considered whether any of the development constraints affecting the district could be addressed or overcome.

Whilst recognising the Council's Housing Requirement Report was published in May 2013, we question whether this provides robust assessment of the Council's full objectively assessed housing needs, reflecting the requirements of the Framework and the Assessment of Housing and Economic Development Needs NPPG, and whether its housing projections are informed by accurate assumptions. Whilst the Housing Requirement Report revisits the findings of the 2011 Exeter and Torbay SHMA update, we question whether the Council has used a Framework-compliant SHMA in setting its housing requirement.

Affordable Housing

The provision of affordable housing is a key priority that Council's seek to achieve through their Local Plan. However the only way to improve affordability is to provide housing. If the evidence base suggests that a certain level of affordable housing is required and the local planning authority are not seeking to address this through their Local Plan then the affordability gap will only get worse. Local Plan housing requirements should therefore reflect the full need for affordable housing provision as required by paragraph 47 of the Framework if addressing affordability is to be achieved.

Gladman note that the Council's proposed housing requirement is likely to significantly constrain the scope for addressing affordable housing needs in Torbay, with the 2011 Exeter and Torbay SHMA update identifying a substantial need for 500 affordable dwellings per annum. This supports the need to significantly increase the Council's overall housing requirement.

The Council should note guidance set out in the NPPG on the Assessment of Housing and Economic Development Needs, which states that *"The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the Local Plan should be considered where it could help deliver the required number of affordable homes"*.

Duty to Cooperate

It is important to stress that the process outlined above in relation to determining the objectively assessed need should be undertaken with full regard to the Duty to Cooperate as set out in §110 of the Localism Act. This ensures that if the needs of the authority cannot be fully met within their own area then the surrounding authorities agree to accommodate the shortfall or, if the surrounding authorities cannot meet their full need, then the shortfall is picked up within your authority.

Spatial Distribution

Gladman are generally supportive of the Council's decision to focus development on the settlements of Torquay, Paignton, Brixham and Galmpton. Growth should be distributed to key settlements with established facilities, services and infrastructure, in accordance with the key theme running through the Framework of promoting sustainable development. However this should not preclude development in lower order sustainable settlements, which could also help to sustain existing facilities and services. The level of growth directed to each of the district's settlements should be based on their ability accommodate sustainable development, and viewed in the context of Torbay's full objectively assessed needs.

The Council should ensure that it is planning to distribute development to a sufficient range of sustainable sites that will ensure housing is delivered and provide a continuous five-year housing land supply, with sufficient flexibility to address situations where housing does not come forward as expected. If a shortfall of housing against the Plan's housing requirements is anticipated, or delivery of sites is expected to take longer than forecast, this should be addressed through the identification and release of further sustainable housing sites. The Plan should recognise that in some instances this objective will be best achieved through suitable sites that do not benefit from a formal Plan allocation in accordance with the Presumption in Favour of Sustainable Development.

The Local Plan places an emphasis on Neighbourhood Plans to deliver development in the district. Whilst acknowledging the role of these documents, Gladman remind the Council that proposals in these Plans must be consistent with the Local Plan whilst this approach must not prevent sustainable development from going ahead.

Phasing

The Local Plan sets out how housing development is anticipated to come forward over the Plan period. In this regard Gladman would be opposed to the rigid use of the envisaged timescales and sources of supply in order to phase housing delivery and preclude sustainable housing sites from coming forward, contrary to the Framework objective of significantly boosting the supply of housing. Phasing would

only be appropriate where this is clearly justified by infrastructure or other delivery constraints. Gladman would further object to a policy which seeks to match housing development to job creation, particularly if this would inhibit housing delivery overall.

Brownfield Development

Gladman generally support the principle of brownfield development, however we would be opposed to the re-use of previously developed land if this would preclude development from coming forward on sustainable greenfield sites. Whilst §111 of the Framework states that planning policies should encourage the effective use of land by re-using land that has previously been developed, it does not state that brownfield development should be prioritised. Whilst recognising the Council's ambitions to provide housing on brownfield land, this should not restrict the development of sustainable greenfield sites, within the early part of the Plan period, to meet the district's housing needs.

Policy Obligations

A number of the Local Plan's policies seek developer contributions or set policy obligations. In this regard Gladman remind the Council of the guidance set out in §173 of the Framework, which states that *"Plans should be deliverable. Therefore, the sites and scale of development identified in the Plan should not be subject to such a scale of policy burdens that their ability to be developed viably is threatened"*.

The Council should ensure that any policies, such as ES1 Energy, which seek developer contributions or set obligations have been properly tested for their effects on development viability and are supported by an adequate evidence base. Several of the Local Plan's policies meanwhile, for example DE1 Design and DE3 Development Amenity, set out detailed local requirements for the design of new development. In this regard Gladman submit that the Council should not set onerous policy obligations that could place an undue burden on the ability of developers to deliver sustainable development. We question whether it is necessary for the Local Plan to include a high number of prescriptive policies relating to the design of development.

Conclusions

What is clear from the Framework, and from the Government's agenda to **boost significantly** the supply of housing, is that the premise of the whole process is the assessment and delivery of the full, objectively assessed needs for housing in an area unless there are adverse impacts that would **significantly and demonstrably** outweigh the benefits. If the process set out in the Framework and highlighted above is not followed then the Council run the real risk of the plan being found unsound and this will create significant delay and uncertainty in the process.

All of our best interests are served by your authority getting a Local Plan found sound at the earliest possible opportunity, rather than us utilising considerable resources on preparing for and attending EIPs, preparing Judicial Reviews etc. This approach will put the authority back in control of planning in their area and will give the Members comfort and certainty over the level and location of development that will take place over the lifetime of the Plan.

If you decide to progress a strategy that is contrary to your evidence base you will be aware that early on in your process, you will need to provide a Consequences Report. These are necessary to justify any form of departure from the evidence base and to allow everyone to fully understand the consequences of following an alternative strategy.

Gladman have raised significant concerns in relation to the 'soundness' of the Local Plan (with reference to tests of soundness outlined in paragraph 182 of the Framework). The Local Plan does not provide a positive policy approach and in a number of cases is not consistent with national policy. Key areas where Gladman raise concerns are summarised as follows:

- Housing requirement – The housing requirements set out in the Proposed Submission Local Plan are too low to meet the district's full objectively assessed needs and have not been based on a robust understanding of the authority's full, objectively assessed housing needs. The Council's evidence suggests the need to plan for a significantly higher level of homes in the district.
- Affordable Housing – Gladman note that the Council's proposed housing requirement is likely to significantly constrain the scope for addressing affordable housing needs in Torbay. This supports the need to increase the Council's overall housing requirement.
- Duty to Cooperate - The process of determining the Council's objectively assessed housing needs should be undertaken with full regard to the Duty to Cooperate as set out in §110 of the Localism Act.
- Spatial Distribution – Gladman are generally supportive of the Council's approach to direct development to Torquay, Paignton, Brixham and Galmpton. The amount of development directed to each of the district's sustainable settlements should be based on the ability to achieve sustainable development, and viewed in the context of the authority's full objectively assessed housing needs. This Council should ensure that it is planning to direct development to a sufficient range of sites that will ensure housing comes forward as expected.

I hope you have found these representations constructive, if you require any further information or wish to meet with one of the Gladman team then please do not hesitate to contact me.

Yours faithfully

Peter Dutton
Strategic Land Team
Gladman Developments



Making Representations - Guidance Notes and Representation Form

Notes for completing the Torbay Local Plan (Proposed Submission Plan) Representation Form and making representations using the online consultation portal

1. Making representations

Representations (comments) must be made in writing to the Council during the publication period – **9:00am on Monday 24 February to 9:00am on Monday 7 April**. Comments received outside this period will not be accepted and submitted to the Inspector appointed to conduct the Independent Examination of the Proposed Submission Torbay Local Plan (Plan). Please note that comments cannot be treated as confidential. Your comments will be published with your name as part of a document and made publicly available on the Council's website.

Torbay Council will be using an **online consultation portal** and we would strongly encourage you to use this **system** to make representations as it is the most efficient way in which to comment on the Plan. Alternatively, you should submit comments in writing via letter or e-mail using the provided representation form which will ensure you supply all the information necessary for your response to be valid. Copies of this form can be downloaded via the website or posted to you on request.

2. Introduction

The Plan has been published in order for representations to be made prior to its submission to the Secretary of State. The representations will then be considered alongside the published Plan when it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the Independent Examination is to consider whether the Plan complies with the relevant legal requirements, the duty to co-operate and is sound.

3. Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements under S20(5)(a) and the duty to co-operate under S20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following points before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA), setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any Plan which the LPA proposes to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the Plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.

- The Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 [as amended] (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal (SA) Report when it publishes a Plan. This should identify the process by which the SA has been carried out, the baseline information used to inform the process and the outcomes of that process. SA is a tool for appraising policies to ensure they reflect social, environmental and economic factors.
- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

4. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective, and consistent with national policy.

- *Positively prepared*

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- *Justified*

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- *Effective*

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- *Consistent with national policy*

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via www.torbay.gov.uk/newlocalplan) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for **each policy** you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

If submitting representations via e-mail, you will need to fill out and submit a separate copy of the form for each representation you make and attach them as separate documents. Note that the form is locked for editing but the text boxes will expand to fit the size of your written response to questions.

For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 208804.



Torbay Local Plan
A Landscape for Success
The Plan for 2012 – 2032 and beyond
Proposed Submission Plan

For official use:

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Mr	
First name(s)	Peter	
Last name	Dutton	
Organisation (if you are representing that organisation)	Gladman Developments	
Address – line 1	Gladman House	
Address – line 2	Alexandria Way	
Address – line 3		
Post Town	Congleton	
Postcode	CW12 1LB	
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Please see separate submissions

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see separate submissions

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and Issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

Please see separate submissions

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature: P.Dutton

Date: 04/04/2014

Pickhaver, David

From: Peter Dutton [REDACTED]
Sent: 04 April 2014 17:08
To: Planning, Strategic
Subject: Torbay Local Plan - Proposed Submission Consultation
Attachments: Torbay Submission Local Plan - Gladman Representations.pdf; Representation Form.pdf



Re: Torbay Local Plan - Proposed Submission Consultation

Please find attached Gladman Developments' representations in relation to the above consultation. I would be grateful if you could acknowledge receipt of our submission by email.

Kind regards

Peter

Peter Dutton - Graduate Planner | p.dutton@gladman.co.uk | DDI: 01260 288 818 | www.gladman.co.uk

Gladman Developments | Gladman House | Alexandria Way | Congleton | Cheshire
T: 01260 288800 | F: 01260 288801
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Torbay Local Plan
Strategic Planning Team
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

SENT BY E-MAIL AND POST

7th April 2014

Dear Sir / Madam

TORBAY LOCAL PLAN PRE SUBMISSION CONSULTATION

1. Introduction

1.1 Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. We would like to submit the following representations and in due course appear at the Examination in Public to discuss these matters in greater detail.

1.2 The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

2. Duty to Co-operate

2.1 Section 110 of the Localism Act 2011 provides for a duty on Local Planning Authorities (LPA) to co-operate with each other. This co-operation should be a constructive and active engagement as part of an on-going process to maximise effective working on the preparation of Development Plan Documents (DPD) in relation to strategic matters including sustainable development that would have significant wider impacts. At examination of DPDs LPAs will have to provide evidence that they have complied with this duty if their plans are not to be rejected by an examiner.

2.2 The Duty to Co-operate is also referred to in Paragraphs 17, 157 and 178 of the National Planning Policy Framework (NPPF), whereby neighbouring

authorities should work jointly together and co-operate to address planning issues which cross administrative boundaries and on matters that are larger than local issues. Moreover in accordance with Paragraph 181 of the NPPF, LPAs are expected to demonstrate evidence of having effectively co-operated to plan for issues with cross boundary impacts when their DPDs are submitted for examination. This co-operation should be continuous from engagement on initial thinking through to implementation. The National Planning Practice Guidance (NPPG) under its Duty to Co-operate section provides further advice on appropriate co-operation.

2.3 Whilst neither the Localism Act, the NPPF nor the NPPG define co-operation, the Planning Inspector examining the North London Waste Management Plan in finding that the Duty to Co-operate had not been satisfied by the respective London Borough Councils involved, referred to the dictionary definition meaning *"to work together, to concur in producing an effect"*. The Inspector also noted that the NPPF refers to co-operation rather than consultation, therefore *"it is reasonable to assume that engagement as part of co-operation is more than a process of consultation"* (Paragraphs 22-25 Appendix 1 North London Waste Plan Inspectors Report March 2013).

2.4 The Duty to Co-operate comprises of two distinctive parts, which are irrevocably linked. Firstly legal compliance associated with the process and procedures of co-operation. So the Council must co-operate with all of its neighbouring authorities and other prescribed bodies to ensure legal compliance with the Duty to Co-operate under Section 33(A) of the Planning & Compulsory Purchase Act 2004 as amended by Section 110 of the Localism Act 2011. Secondly the outcomes from such co-operation associated with the four tests of soundness of positively prepared, justified, effective and consistent with National Policy as defined by Paragraph 182 of the NPPF.

2.5 Torbay District Council has two neighbouring LPAs namely Teignbridge District Council and South Hams District Council. When the Torbay Local Plan is submitted for examination, the Council will have to demonstrate collaborative working within the context of its two neighbouring authorities.

2.6 The NPPG sets out that *"a housing market area is a geographical areas defined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work"* (ID 2a-010-20140306). Although Torbay has defined itself as a self-contained Housing Market Area (HMA), there are strong patterns of in and out migration between Torbay and Teignbridge, South Ham and Plymouth. The Council states that 77% of residents live and work in Torbay (Paragraph 2.1.7 of the Local Plan) however there is no confirmation that *"a relatively high proportion of household moves (typically 70%) are contained"* as recommended by the NPPG as a determinant of self-containment (ID 2a-011-20140306).

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3. Housing Needs

3.1 The "*golden thread*" running through the NPPF is the presumption in favour of sustainable development. This means that LPAs should positively seek opportunities to meet the development needs of their area throughout the plan making process. LPAs should meet in full objectively assessed needs with sufficient flexibility within their plans to adapt to rapid change unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole (Paragraph 14). LPAs should objectively identify and then meet housing, business and other development needs of their area, and respond positively to wider opportunities for growth (Paragraph 17). The NPPF states that LPAs should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development and achieve net gains across all three (Paragraph 152). The NPPF also emphasises that LPAs should ensure that their plans are based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of their area. LPAs should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals (Paragraph 158).

3.2 Also implicit within the NPPF is the Government's requirement to significantly boost the supply of housing. The Government's statement on Housing and Growth (September 2012) affirmed housing as the Government's number one priority to get the economy growing. The Statement explains that there is far more to do in terms of providing new homes to meet Britain's housing needs as well as generating economic growth. Since September 2012, the Government has initiated a number of schemes focused on increasing the delivery and supply of housing. The key message is to improve the speed of housing delivery emphasising that the planning system needs to work proactively to support growth.

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3.5 The "*What Homes Where?*" toolkit identifies household growth of 13,048 in Torbay between 2012 – 2032. This web based toolkit launched in 2013 by Lord Taylor at the House of Lords and jointly sponsored by the Local Government Association, HBF, Planning Advisory Service, Planning Officers Society and Shelter has been developed as a resource to provide independent and publicly available data on the household and population projections for every LPA in England. The aim of the resource is to assist LPAs understand the drivers of housing need. The use of this toolkit in determining objectively assessed housing need has been endorsed by Inspectors at examinations into the West Northamptonshire's Joint Core Strategy and the Gravesham Local Plan. The toolkit is also recommended in the Local Government Association Planning Advisory Service document "*Ten Key Principles For Owning Your Housing Number – Finding Your Objectively Assessed Needs*" document published in July 2013.

3.6 If household growth from the "*What Homes Where?*" data is converted into dwellings by applying a 1% allowance for second homes and 3% vacancy rate the housing requirement for Torbay would be 13,569 dwellings (678 dwellings per annum).

3.7 The DCLG 2011 based interim household projections for Torbay for the period 2011 – 2021 identify household growth of 441 per annum, which using 1% second homes and 3% vacancy rate would convert to 458 dwellings per annum.

3.8 The figures of 458 and 678 dwellings per annum provide useful benchmarks for comparison against the Council's proposed housing requirement. The figure of 458 dwellings per annum is derived from 2011 based household projections, which reflect recessionary trends whilst the 678 dwellings per annum is derived from 2008 based data, which is representative of long term trends. It is noteworthy that the figure of 458 dwellings per annum based on a recessionary trend is above the Council's lowest proposed range of only 400 dwellings per annum and the Council's highest proposed range of 500 dwellings per annum represents only 75% of the figure of 678 dwellings per annum based on long term trends.

3.9 However Paragraph Reference ID 2a-015-20140306 of the NPPG explains that demographic projections are only the starting point for the assessment of housing needs. This is because such demographic projections assume that external factors such as the economy and land supply determined by previous planning policies, which have influenced past demographic change will be similar in the future. If in the past the economy has been in recession or planning has been overly restrictive, projections will under-estimate need. For this reason demographic projections alone should always be used as minimums.

3.10 The NPPG identifies that plan makers should also assess employment trends (ID 2a-018-20140306) and market signals such as land prices, house prices, rents, affordability, rates of development and overcrowding (ID 2a-019-20140306). A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections (ID 2a-020-20140306).

3.11 The up-dated Exeter & Torbay SHMA 2011 identified a housing requirement figure of 820 dwellings per annum for Torbay. Whilst the more recent Housing Requirement Study by Peter Brett Associates dated May 2013 sets out demographic projections ranging from 8,900 – 11,200 dwellings for the period 2012 – 2032 (Paragraph 2.8). The report also investigates three employment led scenarios ranging from 1,998 jobs / 8,480 dwellings (E1), 5,337 jobs / 12,278 dwellings (E3) up to 17,097 jobs / 25,653 dwellings (E2). In Paragraph 3.7.12 E3 is selected as the most robust employment led scenario. In Paragraph 4.4.2 of the Strategic Housing Land Availability Assessment (SHLAA) Final Report dated July 2013 by Peter Brett Associates 12,300 dwellings is recommended as the objectively assessed housing need for Torbay between 2012 – 2032.

3.12 The SHLAA Final Report dated July 2013 by Peter Brett Associates also states that 9,000 – 10,000 dwellings could be delivered on past delivery rates. Whilst Torbay's capacity for growth is constrained by limited land, environmental designations and infrastructure capacity, Paragraph 4.5.16 of

the Local Plan states that the SHLAA identified a maximum capacity of 11,200 dwellings and Paragraph 1.1.8 confirms that 9,200 dwellings could be delivered without breaching any environmental limits.

3.13 The Council has not provided a satisfactory justification for Policies SS1 and SS11 which propose a housing requirement of only 8,000 – 10,000 dwellings given its own consultant's recommendation. Paragraph 4.5.17 of the Local Plan states *"the Council's assessment is that around 9,200 dwellings are developable within 20 years and about 7,500 in 15 years. Allowing for an element of non-completion this makes a range of between 8,000 – 10,000 dwellings over 20 years to be a positive but realistic figure"*. This is not an acceptable justification. The NPPG (ID 2a-004-20140306) explains that *"the assessment of development needs is an objective assessment of need based on facts and unbiased evidence. Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints"*. The objective assessment of housing need as recommended by the Council's own consultant is 12,300 dwellings if the Council is unable to meet this objective assessment of housing need within its own administrative boundary then the Council must seek to accommodate its unmet need in a neighbouring authority under the Duty to Co-operate. Under Paragraph 47 of the NPPF *"to boost significantly the supply of housing, LPAs should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the market housing area, as far as is consistent with the policies set out in this Framework"* and Paragraph 179 concludes that *"joint working should enable LPAs to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework"*. A limited land supply, environmental constraints and infrastructure capacity do not absolve the Council of its responsibilities under the NPPF to meet in full objectively assessed housing needs.

3.14 Moreover it is noted that in response to the previous consultation on the Draft Torbay Local Plan, Teignbridge District Council, South Hams District Council and Devon County Council submitted objections. Teignbridge District Council's representation *"objected that 8,000 – 10,000 dwellings would not meet housing needs"* and Devon County Council *"called for cross boundary working on housing numbers stating 8,000 dwellings was not sufficient"*.

3.15 The housing target for affordable housing provision is also below the identified assessment of need for affordable housing. The up-dated Exeter & Torbay SHMA 2011 identified a housing requirement figure of 820 dwellings per annum for Torbay of which 60% were affordable homes. There is an acute need for affordable housing with an affordability ratio at 1:8. The NPPG advises that *"the total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the Local Plan should be considered where it*

could help deliver the required number of affordable homes" (ID 2a-029-20140306). Again the Council is failing to comply with the requirements of the NPPF to meet objectively assessed housing needs for affordable homes.

3.16 Policy H3 – Self Build Affordable Housing & Exception Sites proposes the on greenfield sites of more than 30 dwellings 5% of housing provision will be self-build affordable housing. However the Council has not provided evidence to justify such a policy nor is it evident that the policy has been properly viability tested. Paragraph Reference ID 2a-021-20140306 of the NPPG sets out the sort of evidence the Council should collate to support any such policy.

3.17 In conclusion, it is contended that the Council is not planning to meet its full objective assessment of needs for market and affordable housing as required by the NPPF.

4. Land Supply

4.1 Paragraph 47 of the NPPF states that *"LPAs should continue to demonstrate a 5 years housing land supply, which is to be supplemented by an additional buffer of 5% to ensure choice and competition in the land market or where there has been a record of consistent under delivery of housing an additional buffer of 20%"*. The NPPF does not define *"persistent under delivery"*, however Appeal Decision APP/F1610/A/11/2165778 under Paragraph 14.19 provides some guidance on this matter, whereby the Secretary of State determines that *"on the basis that the Framework requires the assessment of future housing delivery to look forward five years looking back five years to assess the record of past delivery seems to me a reasonable approach"*. Paragraph 49 of the NPPF goes on to state *"relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"*.

4.2 Policy SS12 – Five Year Housing Land Supply proposes to maintain a 5 years housing supply based on 400 dwellings per annum. However as **Policies SS1 and SS11** propose a range for the housing requirement of Torbay of 400 – 500 dwellings per annum, the Council should provide a 5 year housing land supply for up to 500 dwellings per annum rather than only providing for the minimum figure of 400 dwellings in its proposed range.

4.3 It is noted from the supporting text to **Policy SS12** that the Council is proposing a 5% buffer. From the available evidence it is not possible to determine whether or not the Council has under or over performed against appropriate past housing targets so it is not possible to know if a 5% or 20% buffer is most applicable or if any previous under supply is to be added to the 5 years land supply. It is presumed that the Torbay Local Plan 1995 – 2011 adopted in 2004, the Structure Plan 2001 – 2016 and the draft RSS for the SW are appropriate housing targets against which past performance could be measured. The Council should provide further evidence.

4.4 The Council is also proposing that over 30% of the 5 years land supply will come from windfall sites. Again it is not obvious from the available evidence whether or not such an assumption is reasonable.

4.5 In conclusion, from the presently available evidence it is not possible to determine whether or not the Council has a 5 years supply of deliverable housing land as required by the NPPF. Under Paragraph 49 of the NPPF *“relevant policies for the supply of housing will not be considered up to date if the LPA cannot demonstrate a 5 year supply of deliverable housing sites”*. Therefore if the Local Plan is not to be out of date on adoption in this regard it is critical that the land supply requirement is achieved. If there were not reasonable certainty that the Council had a 5 years supply of housing land the Local Plan would not be sound as it would be neither effective nor consistent with National Policy.

5. Viability

5.1 If the Torbay Local Plan is to be compliant with the NPPF, the Council needs to satisfy the requirements of Paragraphs 173 and 174 whereby development should not be subject to such a scale of obligations and policy burdens that viability is threatened. The Council should be mindful that it is inappropriate to set unachievable policy obligations. Under Paragraph 174 of the NPPF the Council must properly assess viability. It is unrealistic to negotiate every site on a one by one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery.

5.2 The Council's most up to date viability testing is contained within “Torbay Local Plan Viability – Economic Viability Report” dated February 2014 by Peter Brett Associates. This report assesses the impact of affordable housing provision and Community Infrastructure Levy (CIL) on development viability.

5.3 The report identifies a list of Local Plan policies namely TA2, IF1, EN1, EN2, C4, NC1, ES1, ES2, ER2, W1, W2, SC1, SC2, SC3, SC4, SC5, DE2, DE3, H4, H8, SDT2, SDT3, SDT4, SDP2, SDP3 and SDP4, which will impact on viability. However the list is incomplete TA1, H1 and H6 should also be included. From the report it is not possible to establish the exact level of costs incorporated into the viability assessment for compliance with these Local Plan policy requirements. It appears that very little by way of additional costs has been included into the viability appraisals thereby questioning the validity of this evidence as an adequate whole plan viability assessment.

5.4 There are also concerns about other assumptions used in the assessments, for example in the gross to net ratios shown in Table 4.1 has the implication of **Policy SC4 – Sustainable Food Production** whereby developments of more than 30 dwellings should include provision for allotments been adequately taken into consideration. Furthermore the dwelling unit sizes used for appraisal purposes are below the standards set out in Table 6.1 of the supporting text to **Policy DE3 – Development Amenity**. The Viability Report comments *“it will be noted that minimum space standards in Policy DE3 Development Amenity are advisory and set out in*

explanatory text rather than upper case policy. There is therefore scope for flexibility on these, particularly on new-build market housing schemes". If this is the case the inclusion of Table 6.1 in the Local Plan is irrelevant and confusing.

5.5 Paragraph 4.4.11 of the Economic Viability Report states that small sites (greenfield sites under 3 units and brownfield sites under 15 units) have not been viability tested. Whilst these sites do not incur affordable housing provision requirements, other Local Plan policy requirements and CIL will impact upon the viability of such sites. As many small sites are also categorised as windfall sites from which the Council is expecting to fulfil over 30% of its 5 years land supply, the failure to viability assess these sites is a weakness in the Council's evidence.

5.6 **Policy H2 – Affordable Housing** proposes sliding scales of affordable housing provision on greenfield and brownfield sites as shown in the Table below :-

Type of site	Size of site	Affordable housing %
Greenfield	3 - 5	10% (commuted sum)
Greenfield	6 - 10	15% (commuted sum)
Greenfield	11 - 14	20%
Greenfield	15 - 29	25%
Greenfield	30+	25% + 5% self build plots as per Policy H3
Brownfield	15 - 19	15%
Brownfield	20+	20%

However Table 5.7 of the Viability Report shows that at affordable housing provisions set out in Policy H4 together with Section 106 financial contributions of £2,000 only 42% of the 92 SHLAA sites tested were viable.

5.7 In conclusion if 58% of SHLAA sites appraised are unviable the Torbay Local Plan will not be effective in delivering housing.

6. Other Policies

6.1 **Policy DE2 – Building for Life** is inappropriate. The policy should be deleted and the wording incorporated as a supporting text to **Policy DE1 – Design**.

6.2 In the context of the Government's recent announcement on the Housing Standards Review consultation, the Council should give consideration to the deletion of Table 6.1 Dwelling Size and Floorspace Standards in the supporting text of **Policy DE3 – Development Amenity**. Such deletion is supported by the Economic Viability Report's commentary that *"it will be noted that minimum space standards in Policy DE3 Development Amenity are advisory and set out in explanatory text rather than upper case policy. There is therefore scope for flexibility on these, particularly on new-build market housing schemes"*.

6.3 Likewise in the context of the Government's recent consultation on Allowable Solutions the Council should give further consideration to the requirements on district heating networks as set out in **Policy ES1 – Energy**.

7. Conclusions

7.1 For the Torbay Local Plan to be found sound under the four tests of soundness defined by Paragraph 182 of the NPPF, the plan must be positively prepared, justified, effective and compliant with National Policy.

7.2 The Torbay Local Plan is unsound because of :-

- Lack of positive outcomes from collaborative working throughout the plan making process under the Duty to Co-operate ;
- its failure to meet in full an objective assessment of need for affordable and market housing ;
- potential lack of 5 years land supply ;
- inadequate assessment of whole plan viability testing.

7.3 Therefore the Local Plan has not been positively prepared and properly justified meaning it will be ineffective and non-compliant with the NPPF.

7.4 It is hoped that these representations are of assistance to the Council in informing the next stages of the Torbay Local Plan. If any further information or assistance is required please contact the undersigned.

Yours faithfully
for and on behalf of HBF

[Redacted Signature]

Susan E Green MRTPI
Planning Manager – Local Plans

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SENT BY E-MAIL AND POST

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3.4 The NPPF requires the preparation of a Strategic Housing Market Area Assessment (SHMAA) to assess in full housing needs across the relevant Housing Market Area (HMA) and where necessary neighbouring LPAs should work together. The SHMAA should identify the scale and mix of housing needed over the plan period and address the need for all types of housing including affordable housing (Paragraph 159). Objectively assessing need means meeting the population and household projections provided by ONS and DCLG taking into account migration and demographic change. Such future demographic projections need to be converted into required dwellings by application of an allowance for second homes and vacancy rates.

3.5 The "*What Homes Where?*" toolkit identifies household growth of 13,048 in Torbay between 2012 – 2032. This web based toolkit launched in 2013 by Lord Taylor at the House of Lords and jointly sponsored by the Local Government Association, HBF, Planning Advisory Service, Planning Officers Society and Shelter has been developed as a resource to provide independent and publicly available data on the household and population projections for every LPA in England. The aim of the resource is to assist LPAs understand the drivers of housing need. The use of this toolkit in determining objectively assessed housing need has been endorsed by Inspectors at examinations into the West Northamptonshire's Joint Core Strategy and the Gravesham Local Plan. The toolkit is also recommended in the Local Government Association Planning Advisory Service document "*Ten Key Principles For Owning Your Housing Number – Finding Your Objectively Assessed Needs*" document published in July 2013.

3.6 If household growth from the "*What Homes Where?*" data is converted into dwellings by applying a 1% allowance for second homes and 3% vacancy rate the housing requirement for Torbay would be 13,569 dwellings (678 dwellings per annum).

3.7 The DCLG 2011 based interim household projections for Torbay for the period 2011 – 2021 identify household growth of 441 per annum, which using 1% second homes and 3% vacancy rate would convert to 458 dwellings per annum.

3.8 The figures of 458 and 678 dwellings per annum provide useful benchmarks for comparison against the Council's proposed housing requirement. The figure of 458 dwellings per annum is derived from 2011 based household projections, which reflect recessionary trends whilst the 678 dwellings per annum is derived from 2008 based data, which is representative of long term trends. It is noteworthy that the figure of 458 dwellings per annum based on a recessionary trend is above the Council's lowest proposed range of only 400 dwellings per annum and the Council's highest proposed range of 500 dwellings per annum represents only 75% of the figure of 678 dwellings per annum based on long term trends.

3.9 However Paragraph Reference ID 2a-015-20140306 of the NPPG explains that demographic projections are only the starting point for the assessment of housing needs. This is because such demographic projections assume that external factors such as the economy and land supply determined by previous planning policies, which have influenced past demographic change will be similar in the future. If in the past the economy has been in recession or planning has been overly restrictive, projections will under-estimate need. For this reason demographic projections alone should always be used as minimums.

3.10 The NPPG identifies that plan makers should also assess employment trends (ID 2a-018-20140306) and market signals such as land prices, house prices, rents, affordability, rates of development and overcrowding (ID 2a-019-20140306). A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections (ID 2a-020-20140306).

3.11 The up-dated Exeter & Torbay SHMA 2011 identified a housing requirement figure of 820 dwellings per annum for Torbay. Whilst the more recent Housing Requirement Study by Peter Brett Associates dated May 2013 sets out demographic projections ranging from 8,900 – 11,200 dwellings for the period 2012 – 2032 (Paragraph 2.8). The report also investigates three employment led scenarios ranging from 1,998 jobs / 8,480 dwellings (E1), 5,337 jobs / 12,278 dwellings (E3) up to 17,097 jobs / 25,653 dwellings (E2). In Paragraph 3.7.12 E3 is selected as the most robust employment led scenario. In Paragraph 4.4.2 of the Strategic Housing Land Availability Assessment (SHLAA) Final Report dated July 2013 by Peter Brett Associates 12,300 dwellings is recommended as the objectively assessed housing need for Torbay between 2012 – 2032.

3.12 The SHLAA Final Report dated July 2013 by Peter Brett Associates also states that 9,000 – 10,000 dwellings could be delivered on past delivery rates. Whilst Torbay's capacity for growth is constrained by limited land, environmental designations and infrastructure capacity, Paragraph 4.5.16 of

the Local Plan states that the SHLAA identified a maximum capacity of 11,200 dwellings and Paragraph 1.1.8 confirms that 9,200 dwellings could be delivered without breaching any environmental limits.

3.13 The Council has not provided a satisfactory justification for **Policies SS1 and SS11** which propose a housing requirement of only 8,000 – 10,000 dwellings given its own consultant's recommendation. Paragraph 4.5.17 of the Local Plan states *"the Council's assessment is that around 9,200 dwellings are developable within 20 years and about 7,500 in 15 years. Allowing for an element of non-completion this makes a range of between 8,000 – 10,000 dwellings over 20 years to be a positive but realistic figure"*. This is not an acceptable justification. The NPPG (ID 2a-004-20140306) explains that *"the assessment of development needs is an objective assessment of need based on facts and unbiased evidence. Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints"*. The objective assessment of housing need as recommended by the Council's own consultant is 12,300 dwellings if the Council is unable to meet this objective assessment of housing need within its own administrative boundary then the Council must seek to accommodate its unmet need in a neighbouring authority under the Duty to Co-operate. Under Paragraph 47 of the NPPF *"to boost significantly the supply of housing, LPAs should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the market housing area, as far as is consistent with the policies set out in this Framework"* and Paragraph 179 concludes that *"joint working should enable LPAs to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework"*. A limited land supply, environmental constraints and infrastructure capacity do not absolve the Council of its responsibilities under the NPPF to meet in full objectively assessed housing needs.

3.14 Moreover it is noted that in response to the previous consultation on the Draft Torbay Local Plan, Teignbridge District Council, South Hams District Council and Devon County Council submitted objections. Teignbridge District Council's representation *"objected that 8,000 – 10,000 dwellings would not meet housing needs"* and Devon County Council *"called for cross boundary working on housing numbers stating 8,000 dwellings was not sufficient"*.

3.15 The housing target for affordable housing provision is also below the identified assessment of need for affordable housing. The up-dated Exeter & Torbay SHMA 2011 identified a housing requirement figure of 820 dwellings per annum for Torbay of which 60% were affordable homes. There is an acute need for affordable housing with an affordability ratio at 1:8. The NPPG advises that *"the total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the Local Plan should be considered where it*

could help deliver the required number of affordable homes" (ID 2a-029-20140306). Again the Council is failing to comply with the requirements of the NPPF to meet objectively assessed housing needs for affordable homes.

3.16 Policy H3 – Self Build Affordable Housing & Exception Sites proposes the on greenfield sites of more than 30 dwellings 5% of housing provision will be self-build affordable housing. However the Council has not provided evidence to justify such a policy nor is it evident that the policy has been properly viability tested. Paragraph Reference ID 2a-021-20140306 of the NPPG sets out the sort of evidence the Council should collate to support any such policy.

3.17 In conclusion, it is contended that the Council is not planning to meet its full objective assessment of needs for market and affordable housing as required by the NPPF.

4. Land Supply

4.1 Paragraph 47 of the NPPF states that "*LPAs should continue to demonstrate a 5 years housing land supply, which is to be supplemented by an additional buffer of 5% to ensure choice and competition in the land market or where there has been a record of consistent under delivery of housing an additional buffer of 20%*". The NPPF does not define "*persistent under delivery*", however Appeal Decision APP/F1610/A/11/2165778 under Paragraph 14.19 provides some guidance on this matter, whereby the Secretary of State determines that "*on the basis that the Framework requires the assessment of future housing delivery to look forward five years looking back five years to assess the record of past delivery seems to me a reasonable approach*". Paragraph 49 of the NPPF goes on to state "*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".

4.2 Policy SS12 – Five Year Housing Land Supply proposes to maintain a 5 years housing supply based on 400 dwellings per annum. However as **Policies SS1 and SS11** propose a range for the housing requirement of Torbay of 400 – 500 dwellings per annum, the Council should provide a 5 year housing land supply for up to 500 dwellings per annum rather than only providing for the minimum figure of 400 dwellings in its proposed range.

4.3 It is noted from the supporting text to **Policy SS12** that the Council is proposing a 5% buffer. From the available evidence it is not possible to determine whether or not the Council has under or over performed against appropriate past housing targets so it is not possible to know if a 5% or 20% buffer is most applicable or if any previous under supply is to be added to the 5 years land supply. It is presumed that the Torbay Local Plan 1995 – 2011 adopted in 2004, the Structure Plan 2001 – 2016 and the draft RSS for the SW are appropriate housing targets against which past performance could be measured. The Council should provide further evidence.

4.4 The Council is also proposing that over 30% of the 5 years land supply will come from windfall sites. Again it is not obvious from the available evidence whether or not such an assumption is reasonable.

4.5 In conclusion, from the presently available evidence it is not possible to determine whether or not the Council has a 5 years supply of deliverable housing land as required by the NPPF. Under Paragraph 49 of the NPPF "*relevant policies for the supply of housing will not be considered up to date if the LPA cannot demonstrate a 5 year supply of deliverable housing sites*". Therefore if the Local Plan is not to be out of date on adoption in this regard it is critical that the land supply requirement is achieved. If there were not reasonable certainty that the Council had a 5 years supply of housing land the Local Plan would not be sound as it would be neither effective nor consistent with National Policy.

5. Viability

5.1 If the Torbay Local Plan is to be compliant with the NPPF, the Council needs to satisfy the requirements of Paragraphs 173 and 174 whereby development should not be subject to such a scale of obligations and policy burdens that viability is threatened. The Council should be mindful that it is inappropriate to set unachievable policy obligations. Under Paragraph 174 of the NPPF the Council must properly assess viability. It is unrealistic to negotiate every site on a one by one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery.

5.2 The Council's most up to date viability testing is contained within "Torbay Local Plan Viability – Economic Viability Report" dated February 2014 by Peter Brett Associates. This report assesses the impact of affordable housing provision and Community Infrastructure Levy (CIL) on development viability.

5.3 The report identifies a list of Local Plan policies namely **TA2, IF1, EN1, EN2, C4, NC1, ES1, ES2, ER2, W1, W2, SC1, SC2, SC3, SC4, SC5, DE2, DE3, H4, H8, SDT2, SDT3, SDT4, SDP2, SDP3 and SDP4**, which will impact on viability. However the list is incomplete **TA1, H1 and H6** should also be included. From the report it is not possible to establish the exact level of costs incorporated into the viability assessment for compliance with these Local Plan policy requirements. It appears that very little by way of additional costs has been included into the viability appraisals thereby questioning the validity of this evidence as an adequate whole plan viability assessment.

5.4 There are also concerns about other assumptions used in the assessments, for example in the gross to net ratios shown in Table 4.1 has the implication of **Policy SC4 – Sustainable Food Production** whereby developments of more than 30 dwellings should include provision for allotments been adequately taken into consideration. Furthermore the dwelling unit sizes used for appraisal purposes are below the standards set out in Table 6.1 of the supporting text to **Policy DE3 – Development Amenity**. The Viability Report comments "*it will be noted that minimum space standards in Policy DE3 Development Amenity are advisory and set out in*

explanatory text rather than upper case policy. There is therefore scope for flexibility on these, particularly on new-build market housing schemes". If this is the case the inclusion of Table 6.1 in the Local Plan is irrelevant and confusing.

5.5 Paragraph 4.4.11 of the Economic Viability Report states that small sites (greenfield sites under 3 units and brownfield sites under 15 units) have not been viability tested. Whilst these sites do not incur affordable housing provision requirements, other Local Plan policy requirements and CIL will impact upon the viability of such sites. As many small sites are also categorised as windfall sites from which the Council is expecting to fulfil over 30% of its 5 years land supply, the failure to viability assess these sites is a weakness in the Council's evidence.

5.6 **Policy H2 – Affordable Housing** proposes sliding scales of affordable housing provision on greenfield and brownfield sites as shown in the Table below :-

Type of site	Size of site	Affordable housing %
Greenfield	3 - 5	10% (commuted sum)
Greenfield	6 - 10	15% (commuted sum)
Greenfield	11 - 14	20%
Greenfield	15 - 29	25%
Greenfield	30+	25% + 5% self build plots as per Policy H3
Brownfield	15 - 19	15%
Brownfield	20+	20%

However Table 5.7 of the Viability Report shows that at affordable housing provisions set out in Policy H4 together with Section 106 financial contributions of £2,000 only 42% of the 92 SHLAA sites tested were viable.

5.7 In conclusion if 58% of SHLAA sites appraised are unviable the Torbay Local Plan will not be effective in delivering housing.

6. Other Policies

6.1 **Policy DE2 – Building for Life** is inappropriate. The policy should be deleted and the wording incorporated as a supporting text to **Policy DE1 – Design**.

6.2 In the context of the Government's recent announcement on the Housing Standards Review consultation, the Council should give consideration to the deletion of Table 6.1 Dwelling Size and Floorspace Standards in the supporting text of **Policy DE3 – Development Amenity**. Such deletion is supported by the Economic Viability Report's commentary that *"it will be noted that minimum space standards in Policy DE3 Development Amenity are advisory and set out in explanatory text rather than upper case policy. There is therefore scope for flexibility on these, particularly on new-build market housing schemes"*.

6.3 Likewise in the context of the Government's recent consultation on Allowable Solutions the Council should give further consideration to the requirements on district heating networks as set out in **Policy ES1 – Energy**.

7. Conclusions

7.1 For the Torbay Local Plan to be found sound under the four tests of soundness defined by Paragraph 182 of the NPPF, the plan must be positively prepared, justified, effective and compliant with National Policy.


7.2 The Torbay Local Plan is unsound because of :-


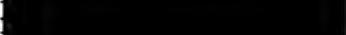
- Lack of positive outcomes from collaborative working throughout the plan making process under the Duty to Co-operate ;
- its failure to meet in full an objective assessment of need for affordable and market housing ;
- potential lack of 5 years land supply ;
- inadequate assessment of whole plan viability testing.

7.3 Therefore the Local Plan has not been positively prepared and properly justified meaning it will be ineffective and non-compliant with the NPPF.

7.4 It is hoped that these representations are of assistance to the Council in informing the next stages of the Torbay Local Plan. If any further information or assistance is required please contact the undersigned.

Yours faithfully
for and on behalf of HBF


Susan E Green MRTPI
Planning Manager – Local Plans

e-mail: 
Mobile: 

Comments

Torbay Local Plan Proposed Submission Consultation February 2014 (24/02/14 to 07/04/14)

Comment by	Mrs Hosking
Comment ID	18
Response Date	06/04/14 17:55
Consultation Point	Policy SDB1 Brixham Peninsula (View)
Status	Processed
Submission Type	Web
Version	0.1

Files

Question 1: Legal compliance, soundness and duty to co-operate

Do you consider that this policy/proposal of the Local Plan is **legally & procedurally compliant, and/or sound and/or complies with the duty to co-operate** ? (Please note that the considerations in relation to the Local Plan being 'legally & procedurally compliant', 'sound' and 'complying with the duty to co-operate', are explained in the representation form guidance notes, as well as paragraph 182 of the National Planning Policy Framework).

Do you consider the Local Plan is:

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Question 2a: Supporting the legal compliance, soundness, or duty to co-operate compliance (Yes)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.**

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Housing growth in Brixham Policy SDB1 sets out the Council's strategy for future development in the Brixham Peninsula over the coming plan period. Within the policy the Council has set a target to deliver 800 new homes at a rate of 40 per annum. It has been demonstrated in section 3 of this response that policy SS1 does not aim to meet the full, objectively assessed need for housing in Torbay over the coming plan period. With an overall deficit of approximately 3,440 homes that strategic policy is

unsound. As the housing target for Brixham has been calculated as a proportion of the overall target for Torbay it stands to reason that policy SDB1 is also unsound.

Once the overall housing target has been increased to properly reflect housing need in Torbay it will be necessary to also increase the target for Brixham accordingly.

At present the housing target for Brixham represents approximately 9% of Torbay's projected increase over the plan period. If the overall housing target for Torbay were to increase to 11,440 (see paragraph 3.4) then the target for Brixham will likely need to increase to around 1,030 homes. This represents an increase of 230 homes.

St Mary's Industrial Estate The land at St Mary's Industrial Estate has been identified as a possible site for future development within the Local Plan Submission Document and within the emerging Brixham Peninsula Neighbourhood Development Plan.

The site extends to approximately 0.8ha of land off St Mary's Road to the south of Brixham (see Fig. 1 in submitted written response). Much of the site is currently a small industrial site comprising a number of small businesses. The site adjoins Upton Manor Farm Campsite to the east.

The site forms part of the existing built up area of Brixham and is closely related to residential development to the south, west and north. The site is adjoined by Upton Manor Farm Campsite to the east. As such residential use (or primarily residential use) would represent a more suitable use of the site, which is more compatible with surrounding land uses. The site's close physical relationship with existing development in Brixham also means that future development can be provided without causing harm to the surrounding landscape setting.

The re-use of previously developed land represents a sustainable development option, reducing the pressure for development on greenfield land in more sensitive locations.

The site is closely related to the wide range of services, facilities and employment in the town. These can be reached easily via sustainable modes of transport (walking, cycling and public transport) and so future residents will not be reliant on private cars to meet their daily needs.

Land at Upton Manor Farm Campsite

In addition to owning St Mary's Industrial Estate, Mrs Hosking also owns the adjoining land to the east at Upton Manor Farm Campsite (see blue land in Fig.2 of submitted written response).

There are a number of buildings located on the western part of the site which provide services for the camp. Although the rest of the site is otherwise free from permanent structures its use as a campsite means that it has historically been occupied by camper vans, caravans, tents and other temporary structures for a good part of the year. It should not therefore be viewed as being a greenfield site in the same way that a field in use for agriculture would be.

Although the site falls within the AONB it falls outside of the area which is proposed to be designated as 'Undeveloped Coast'. The site is also physically well related to existing residential development to the north, north west and south west and adjoins new residential development to the east. The site also adjoins St Mary's Industrial Estate to the west and South Bay Holiday Park to the south. The site's close relationship with existing development can be seen in Fig. 3 (see submitted written response).

Bearing in mind the site's close physical relationship with development on all sites it is considered that it could be developed, in whole or in part, without significant harm to the surrounding landscape setting in a way which other greenfield sites in Torbay could not.

If this land were to be brought forward for development it could form part of a comprehensive scheme along with the St Mary's Industrial Estate site. Together the sites could deliver a significant proportion of Brixham's housing requirement over the coming plan period, which in turn would enable the delivery of wider benefits including more affordable / self-build homes and associated green infrastructure.

It is therefore recommended that this land is allocated for future development within the Local Plan and Brixham Peninsula Neighbourhood Development Plan.

Question 2b: Not Legally compliant, unsound or fails the duty to co-operate (No)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at

publication stage. *After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.*

If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible.

Housing growth in Brixham Policy SDB1 sets out the Council's strategy for future development in the Brixham Peninsula over the coming plan period. Within the policy the Council has set a target to deliver 800 new homes at a rate of 40 per annum. It has been demonstrated in section 3 of this response that policy SS1 does not aim to meet the full, objectively assessed need for housing in Torbay over the coming plan period. With an overall deficit of approximately 3,440 homes that strategic policy is unsound. As the housing target for Brixham has been calculated as a proportion of the overall target for Torbay it stands to reason that policy SDB1 is also unsound. Once the overall housing target has been increased to properly reflect housing need in Torbay it will be necessary to also increase the target for Brixham accordingly.

At present the housing target for Brixham represents approximately 9% of Torbay's projected increase over the plan period. If the overall housing target for Torbay were to increase to 11,440 (see paragraph 3.4) then the target for Brixham will likely need to increase to around 1,030 homes. This represents an increase of 230 homes.

St Mary's Industrial Estate The land at St Mary's Industrial Estate has been identified as a possible site for future development within the Local Plan Submission Document and within the emerging Brixham Peninsula Neighbourhood Development Plan.

The site extends to approximately 0.8ha of land off St Mary's Road to the south of Brixham (see Fig. 1 in submitted written response). Much of the site is currently a small industrial site comprising a number of small businesses. The site adjoins Upton Manor Farm Campsite to the east.

The site forms part of the existing built up area of Brixham and is closely related to residential development to the south, west and north. The site is adjoined by Upton Manor Farm Campsite to the east. As such residential use (or primarily residential use) would represent a more suitable use of the site, which is more compatible with surrounding land uses. The site's close physical relationship with existing development in Brixham also means that future development can be provided without causing harm to the surrounding landscape setting.

The re-use of previously developed land represents a sustainable development option, reducing the pressure for development on greenfield land in more sensitive locations.

The site is closely related to the wide range of services, facilities and employment in the town. These can be reached easily via sustainable modes of transport (walking, cycling and public transport) and so future residents will not be reliant on private cars to meet their daily needs.

Land at Upton Manor Farm Campsite

In addition to owning St Mary's Industrial Estate, Mrs Hosking also owns the adjoining land to the east at Upton Manor Farm Campsite (see blue land in Fig.2 of submitted written response).

There are a number of buildings located on the western part of the site which provide services for the camp. Although the rest of the site is otherwise free from permanent structures its use as a campsite means that it has historically been occupied by camper vans, caravans, tents and other temporary structures for a good part of the year. It should not therefore be viewed as being a greenfield site in the same way that a field in use for agriculture would be.

Although the site falls within the AONB it falls outside of the area which is proposed to be designated as 'Undeveloped Coast'. The site is also physically well related to existing residential development to the north, north west and south west and adjoins new residential development to the east. The site also adjoins St Mary's Industrial Estate to the west and South Bay Holiday Park to the south. The site's close relationship with existing development can be seen in Fig. 3 (see submitted written response).

Bearing in mind the site's close physical relationship with development on all sites it is considered that it could be developed, in whole or in part, without significant harm to the surrounding landscape setting in a way which other greenfield sites in Torbay could not.

If this land were to be brought forward for development it could form part of a comprehensive scheme along with the St Mary's Industrial Estate site. Together the sites could deliver a significant proportion

of Brixham's housing requirement over the coming plan period, which in turn would enable the delivery of wider benefits including more affordable / self-build homes and associated green infrastructure.

It is therefore recommended that this land is allocated for future development within the Local Plan and Brixham Peninsula Neighbourhood Development Plan.

Question 3. Modifications

Note: Any non-compliance with the duty to co-operate cannot be dealt with by modification at examination.

Do you consider any modification(s) are necessary to address your representation and make the Local Plan legally compliant or sound? Yes

Question 3a: Modifications

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Once the overall housing target has been increased to properly reflect housing need in Torbay it will be necessary to also increase the target for Brixham accordingly. At present the housing target for Brixham represents approximately 9% of Torbay's projected increase over the plan period. If the overall housing target for Torbay were to increase to 11,440 (see paragraph 3.4) then the target for Brixham will likely need to increase to around 1,030 homes. This represents an increase of 230 homes.

It is also recommended that the land east of St Mary's Industrial Estate is allocated for future development in the Local Plan and Brixham Peninsula Neighbourhood Development Plan.

Question 4: Oral Examination

Attending the oral Examination: Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

If your answer is 'No' you will move on to Question 6

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination? Yes, I wish to participate at the oral examination

Question 5: Why it is necessary to attend the oral Examination

Participation at the oral Examination

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination. Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

To represent the interests of my client and to participate in the debate about future development in Brixham.

Question 6: Next Stages Question

Information about the next stages of the Development Plan.

Do you want to be informed of the following:

Submission of the Local Plan to the Secretary of State? Yes

The publication of the Inspector's Report of the Examination? Yes

The Adoption of the Torbay Local Plan by the Council? Yes

Uploading documents

Please upload any additional supporting documents here.

[Mrs Hosking - Torbay Local Plan response\\$\(6079093497519193625\).pdf](#)
Response made on behalf of Mrs Hosking

Comment by	Mrs Hosking
Comment ID	17
Response Date	06/04/14 17:20
Consultation Point	Policy SS12 Five year housing land supply (View)
Status	Processed
Submission Type	Web
Version	0.1

Files

Question 1: Legal compliance, soundness and duty to co-operate

Do you consider that this policy/proposal of the Local Plan is **legally & procedurally compliant, and/or sound and/or complies with the duty to co-operate** ? (Please note that the considerations in relation to the Local Plan being 'legally & procedurally compliant', 'sound' and 'complying with the duty to co-operate', are explained in the representation form guidance notes, as well as paragraph 182 of the National Planning Policy Framework).

Do you consider the Local Plan is:

Legally compliant Yes

Sound Yes

Complies with the duty to co-operate Yes

Question 2a: Supporting the legal compliance, soundness, or duty to co-operate compliance (Yes)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.**

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

This policy confirms that the Council will take a pro-active approach to addressing any shortfall in the delivery of new housing over the coming plan period. This is consistent with the approach required by the Government in the Framework.

Question 3. Modifications

Note: Any non-compliance with the duty to co-operate cannot be dealt with by modification at examination.

Do you consider any modification(s) are necessary to address your representation and make the Local Plan legally compliant or sound? No

Question 4: Oral Examination

*Attending the oral Examination: **Please note** the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.*

If your answer is 'No' you will move on to Question 6

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination? No, I do not wish to participate at the oral examination

Question 6: Next Stages Question

Information about the next stages of the Development Plan.

Do you want to be informed of the following:

Submission of the Local Plan to the Secretary of State? Yes

The publication of the Inspector's Report of the Examination? Yes

The Adoption of the Torbay Local Plan by the Council? Yes

Uploading documents

Please upload any additional supporting documents here.

[Mrs Hosking - Torbay Local Plan response\\$\(8351359175018956352\).pdf](#)
Response made on behalf of Mrs Hosking

Comment by	Mrs Hosking
Comment ID	16
Response Date	06/04/14 17:16
Consultation Point	Policy SS8 Natural environment (View)
Status	Processed
Submission Type	Web
Version	0.1

Files

Question 1: Legal compliance, soundness and duty to co-operate

Do you consider that this policy/proposal of the Local Plan is **legally & procedurally compliant, and/or sound and/or complies with the duty to co-operate** ? (Please note that the considerations in relation to the Local Plan being **'legally & procedurally compliant', 'sound' and 'complying with the duty to co-operate'** , are explained in the representation form guidance notes, as well as paragraph 182 of the National Planning Policy Framework).

Do you consider the Local Plan is:

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Question 2a: Supporting the legal compliance, soundness, or duty to co-operate compliance (Yes)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.**

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

N/A

Question 2b: Not Legally compliant, unsound or fails the duty to co-operate (No)

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If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible.

Section 1 of policy SS8 states that development will only be permitted in exceptional circumstances within the Area of Outstanding Natural Beauty (AONB). This approach, which places a blanket restriction on all new development in AONBs is not consistent with national policy as set out in the Framework. In paragraph 116 the Framework states that *'permission should be refused for major developments in these designated areas [AONBs] except in exceptional circumstances...'* As the Framework clearly differentiates between the way that major developments and developments of a smaller scale should be considered, the local authority must do the same. Failure to do so will result in the policy being found unsound.

It is however entirely appropriate that all new development within and outside of the AONB should conserve the special qualities of the landscape which make it worthy of designation. If development would lead to an unacceptable level of harm to these special qualities it is entirely appropriate for planning permission to be refused.

Question 3. Modifications

Note: Any non-compliance with the duty to co-operate cannot be dealt with by modification at examination.

Do you consider any modification(s) are necessary to address your representation and make the Local Plan legally compliant or sound? Yes

Question 3a: Modifications

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As the Framework clearly differentiates between the way that major developments and developments of a smaller scale should be considered, the local authority must do the same. Failure to do so will result in the policy being found unsound.

Question 4: Oral Examination

Attending the oral Examination: **Please note** the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

If your answer is 'No' you will move on to Question 6

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination? Yes, I wish to participate a the oral examination

Question 5: Why it is necessary to attend the oral Examination

Participation at the oral Examination

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination. **Please note** that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

To represent the interests of my client and to participate in the debate about AONB policy.

Question 6: Next Stages Question

Information about the next stages of the Development Plan.

Do you want to be informed of the following:

Submission of the Local Plan to the Secretary of State? Yes

The publication of the Inspector's Report of the Examination? Yes

The Adoption of the Torbay Local Plan by the Council? Yes

Uploading documents

Please upload any additional supporting documents here.

[Mrs Hosking - Torbay Local Plan response\\${1238569306645907671}.pdf](#)
Response made on behalf of Mrs Hosking

Comment by	Mrs Hosking
Comment ID	15
Response Date	06/04/14 17:06
Consultation Point	Policy SS1 Growth Strategy for a prosperous Torbay (View)
Status	Processed
Submission Type	Web
Version	0.1

Files

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N/A

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If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible.

UN SOUND ? The **?Growth Strategy?** does not seek to meet the full, objectively assessed need for housing in Torbay. It is therefore unjustified, inconsistent with national policy and is not positively prepared. Under policy SS1 the Council aims to provide between 8,000 and 10,000 new homes in the years leading to 2032. This target was derived using the 2011 interim household projections released in April 2013, which showed a need to provide 4,400 new homes by 2021. When extrapolated forward to 2031 this results in a need for 8,800.

On this basis the Council?s minimum threshold for housing provision over the plan period should be at least 8,800 rather than 8,000 as currently proposed. This means that there is currently a deficit of 800 homes between the number the Local Plan seeks to provide and what is actually needed. As such the current minimum target is contrary to paragraph 47 of the Framework which states that local planning authorities should *?use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing?.*

Even if the minimum housing target were to be raised to 8,800 there is strong evidence to suggest that this would still be insufficient. New research suggests that using the 2011 Census data to assess future housing need could result in Councils underestimating housing need by up to 30%. This deficit has been identified in a RTPI commissioned study carried out by the University of Cambridge?s Centre for Housing and Planning Research (Appendix A). Their report describes that:

?There are two reasons why the trends that have been projected forward in the official projections may not continue unchanged. Firstly, increased international migration in the first decade of this century may have been responsible for a significant proportion of the changes to previous trends in household formation patterns. Secondly, it seems likely that the 2011 census results were influenced by both the economic downturn and the effects of a long period of poor housing affordability. This raises the question of whether planners should assume that household size will remain stable or resume the previous falling trend. For some authorities, this could affect the number of homes required by 30% or more.?

On the basis of this evidence the local authority should be seeking to provide over and above the number of new homes suggested by the 2011 Census data, let alone the target it is actually proposing to provide. If a 30% increase is applied to the 8,800 requirement this would raise the minimum housing target to 11,440. This represents a 3,440 homes increase on the current minimum housing target set out in policy SS1.

It is therefore considered that the Council?s Growth Strategy, as outlined in policy SS1 is unsound as it does not seek to meet the full, objectively assessed housing needs of Torbay over the coming plan period.

Question 3. Modifications

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to address your representation and make the
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If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

To represent the interests of my client and to participate in the debate surrounding Torbay's strategic housing requirements.

Question 6: Next Stages Question

Information about the next stages of the Development Plan.

Do you want to be informed of the following:

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Uploading documents

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[Mrs Hosking - Torbay Local Plan response\\$\(8054253338545897332\).pdf](#)
Response made on behalf of Mrs Hosking

Torbay Local Plan – Proposed Submission Plan

Response made on behalf of Mrs Hosking



April 2014

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1.0 Introduction

- 1.1 This consultation response has been prepared by Smiths Gore on behalf of Mrs Hosking. The submission has been prepared following an invitation from Torbay Council to comment on its Local Plan Proposed Submission Document, which sets out the Council's proposed planning policies to guide development in Torbay until 2032 and beyond.
- 1.2 Mrs Hosking is the owner of St Mary's Industrial Estate in Brixham; a site which is identified as a '*potential development site*' for consideration in the emerging Brixham Peninsula Neighbourhood Development Plan.
- 1.3 This consultation response makes detailed comments on the soundness of particular policies within the Local Plan Proposed Submission Document. Where policies are considered to be unsound, full justification is provided.

2.0 Local Plan preparation – tests of soundness

- 2.1 Local Plans at the submission stage should accord with certain tests which are outlined within the National Planning Policy Framework (the Framework). The tests are in place to allow a planning Inspector to assess whether a plan is 'sound'. A sound plan is described at paragraph 182 of the Framework as being:

Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

- 2.2 This consultation response has been prepared with these tests in mind and considers the policies contained within the Local Plan Submission Document against each of them.

It also tests them against the other relevant policies within the Framework in order to ensure it is consistent with national policy.

3.0 Policy SS1 – Growth Strategy for a prosperous Torbay

UNSOUND – The ‘Growth Strategy’ does not seek to meet the full, objectively assessed need for housing in Torbay. It is therefore unjustified, inconsistent with national policy and is not positively prepared.

- 3.1 Under policy SS1 the Council aims to provide between 8,000 and 10,000 new homes in the years leading to 2032. This target was derived using the 2011 interim household projections released in April 2013, which showed a need to provide 4,400 new homes by 2021. When extrapolated forward to 2031 this results in a need for 8,800.
- 3.2 On this basis the Council’s minimum threshold for housing provision over the plan period should be at least 8,800 rather than 8,000 as currently proposed. This means that there is currently a deficit of 800 homes between the number the Local Plan seeks to provide and what is actually needed. As such the current minimum target is contrary to paragraph 47 of the Framework which states that local planning authorities should “use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing”.
- 3.3 Even if the minimum housing target were to be raised to 8,800 there is strong evidence to suggest that this would still be insufficient. New research suggests that using the 2011 Census data to assess future housing need could result in Councils underestimating housing need by up to 30%. This deficit has been identified in a RTPi commissioned study carried out by the University of Cambridge’s Centre for Housing and Planning Research (Appendix A). Their report describes that:

“There are two reasons why the trends that have been projected forward in the official projections may not continue unchanged. Firstly, increased international migration in the first decade of this century may have been responsible for a significant proportion of the changes to previous trends in household formation patterns. Secondly, it seems likely that the 2011 census results were influenced by both the economic downturn and the effects of a long period of poor housing affordability. This raises the question of whether planners should assume that household size will remain stable or resume the previous falling trend. For some authorities, this could affect the number of homes required by 30% or more.”

- 3.4 On the basis of this evidence the local authority should be seeking to provide over and above the number of new homes suggested by the 2011 Census data, let alone the target it is actually proposing to provide. If a 30% increase is applied to the 8,800 requirement this would raise the minimum housing target to 11,440. This represents a 3,440 homes increase on the current minimum housing target set out in policy SS1.
- 3.5 It is therefore considered that the Council's Growth Strategy, as outlined in policy SS1 is unsound as it does not seek to meet the full, objectively assessed housing needs of Torbay over the coming plan period.

4.0 Policy SS8 – Natural environment

UNSOUND – The policy's stance with regards to new development in the AONB is not consistent with national planning policy.

- 4.1 Section 1 of policy SS8 states that development will only be permitted in exceptional circumstances within the Area of Outstanding Natural Beauty (AONB). This approach, which places a blanket restriction on all new development in AONBs is not consistent with national policy as set out in the Framework.
- 4.2 In paragraph 116 the Framework states that "*permission should be refused for major developments in these designated areas [AONBs] except in exceptional circumstances...*" As the Framework clearly differentiates between the way that major developments and developments of a smaller scale should be considered, the local authority must do the same. Failure to do so will result in the policy being found unsound.
- 4.3 It is however entirely appropriate that all new development within and outside of the AONB should conserve the special qualities of the landscape which make it worthy of designation. If development would lead to an unacceptable level of harm to these special qualities it is entirely appropriate for planning permission to be refused.

5.0 Policy SS12 – Five year Housing Land Supply

SOUND – This policy is positively prepared, justified, effective and consistent with national policy.

- 5.1 This policy confirms that the Council will take a pro-active approach to addressing any shortfall in the delivery of new housing over the coming plan period. This is consistent with the approach required by the Government in the Framework.

6.0 Policy SDB1 – Brixham Peninsula

UNSOUND – This policy does not seek to meet the full, objectively assessed need for housing in Brixham. It is therefore unjustified, inconsistent with national policy and is not positively prepared.

- 6.1 Housing growth in Brixham

- 6.1.1 Policy SDB1 sets out the Council's strategy for future development in the Brixham Peninsula over the coming plan period. Within the policy the Council has set a target to deliver 800 new homes at a rate of 40 per annum.

- 6.1.2 It has been demonstrated in section 3 of this response that policy SS1 does not aim to meet the full, objectively assessed need for housing in Torbay over the coming plan period. With an overall deficit of approximately 3,440 homes that strategic policy is unsound. As the housing target for Brixham has been calculated as a proportion of the overall target for Torbay it stands to reason that policy SDB1 is also unsound.

- 6.1.3 Once the overall housing target has been increased to properly reflect housing need in Torbay it will be necessary to also increase the target for Brixham accordingly.

- 6.1.4 At present the housing target for Brixham represents approximately 9% of Torbay's projected increase over the plan period. If the overall housing target for Torbay were to increase to 11,440 (see paragraph 3.4) then the target for Brixham will likely need to increase to around 1,030 homes. This represents an increase of 230 homes.

6.2 St Mary's Industrial Estate

6.2.1 The land at St Mary's Industrial Estate has been identified as a possible site for future development within the Local Plan Submission Document and within the emerging Brixham Peninsula Neighbourhood Development Plan.

6.2.2 The site extends to approximately 0.8ha of land off St Mary's Road to the south of Brixham (see Fig. 1). Much of the site is currently a small industrial site comprising a number of small businesses. The site adjoins Upton Manor Farm Campsite to the east.

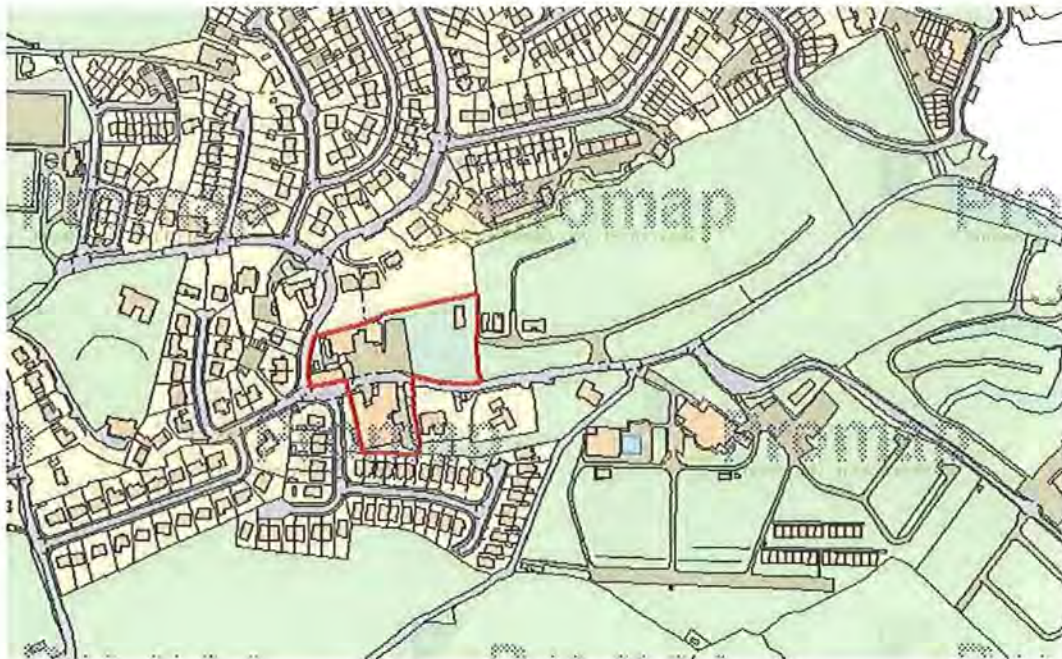


Fig.1 St Mary's Industrial Estate

6.2.3 The site forms part of the existing built up area of Brixham and is closely related to residential development to the south, west and north. The site is adjoined by Upton Manor Farm Campsite to the east. As such a residential use (or primarily residential use) would represent a more suitable use of the site, which is more compatible with surrounding land uses. The site's close physical relationship with existing development in Brixham also means that future development can be provided without causing harm to the surrounding landscape setting.

6.2.5 The re-use of previously developed land represents a sustainable development option, reducing the pressure for development on greenfield land in more sensitive locations.

6.2.4 The site is closely related to the wide range of services, facilities and employment in the town. These can be reached easily via sustainable modes of transport (walking, cycling and public transport) and so future residents will not be reliant on private cars to meet their daily needs.

6.3 Land at Upton Manor Farm Campsite

6.3.1 In addition to owning St Mary's Industrial Estate, Mrs Hosking also owns the adjoining land to the east at Upton Manor Farm Campsite (see blue land in Fig. 2.).



Fig. 2: St Mary's Industrial Estate (red) & Upton Manor Farm Campsite (blue)

6.3.2 There are a number of buildings located on the western part of the site which provide services for the camp. Although the rest of the site is otherwise free of permanent structures, its use as a campsite means that it has historically been occupied by camper vans, caravans, tents and other temporary structures for a good part of the year. It should not therefore be viewed as being a greenfield site in the same way that a field in use for agriculture would be.

6.3.3 Although the site falls within the Area of Outstanding Natural beauty (AONB) it falls outside of the area which is proposed to be designated as 'Undeveloped Coast'. The site is also physically well related to existing residential development to the north, north west and south west and adjoins new residential development to the east (not shown in Fig. 2). The site also adjoins St Mary's Industrial Estate to the west and South Bay

Holiday Park to the south. The site's close relationship with existing development can be seen in Fig. 3 below




Fig. 3 – Aerial view of Upton Manor Farm Campsite

- 6.3.4 Bearing in mind the site's close physical relationship with development on all sides it is considered that it could be developed, in whole or in part, without significant harm to the surrounding landscape setting in a way which other greenfield sites in Torbay could not.
- 6.3.5 If this land were to be brought forward for development it could form part of a comprehensive scheme along with the St Mary's Industrial Estate site. Together the sites could deliver a significant proportion of Brixham's housing requirement over the coming plan period, which in turn would enable the delivery of wider benefits including more affordable / self-build homes and associated green infrastructure.
- 6.3.6 It is therefore recommended that this land is allocated for future development within the Local Plan and Brixham Peninsula Neighbourhood Development Plan.

Appendix A

RTPI Research Briefing No. 3 - January 2014



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Planning Services

Planning applications and statutory processes

- Advice on strategy and approach
- Site appraisals and development briefs
- Pre-application and stakeholder negotiations
- Community consultation
- Preparation, co-ordination and submission of planning applications
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- Enforcement matters

Rural planning projects

- Alternative use assessments
- Residential development and affordable housing projects
- Employment development
- Agricultural and equestrian projects
- Farm diversification
- Barn conversions
- Agricultural occupancy conditions
- Tourism and leisure development
- Conservation and historic buildings advice
- Renewable energy and energy conservation
- Rights of way



Planning for housing in England

The 2011 census raises big issues for planners. In particular, it shows that average household size did not fall as expected between the censuses but stayed constant. This is probably because the 2011 census results – and the official household projections that were based on them – were influenced by increased international migration, the economic downturn and the effects of a long period of poor housing affordability. This suggests that planning on the basis of these projections could lead to an under-provision of housing in some areas.

This briefing, based on research conducted for the RTPI by the University of Cambridge, suggests how planners and others might respond.

Who should read this?

Policymakers, decision-makers and practitioners in England involved in planning for housing and related areas for which provision is influenced by changes in the number and type of households.

Key messages for policy and practice

DCLG's 2011 household projections for England (published in April 2013) are the latest official household projections and take account of the 2011 census results. As suggested in planning guidance, they are the starting point estimates for looking at household growth and housing requirements.

However, for the reasons explained in this briefing, local authorities need to consider their specific situation carefully in the light of what the latest projections suggest for their area. They should ensure that their plan anticipates the range of potential outcomes and review the plan regularly to see if changes are needed.

There are two reasons why the trends that have been projected forward in the official projections may not continue unchanged.

Firstly, increased international migration in the first decade of this century may have been responsible for a significant proportion of the changes to previous trends in household formation patterns. Secondly, it seems likely that the 2011 census results were influenced by both the economic downturn and the effects of a long period of poor housing affordability.

This raises the question of whether planners should assume that household size will remain stable or resume the previous falling trend. For some authorities, this could affect the number of homes required by 30% or more.

Consequently, three main issues should be taken into account in using DCLG household projections at the local authority level:

- The extent to which the pattern of household formation in the area been affected by an increase in international migrants (which may vary greatly).
- The extent to which household formation patterns have departed from previous trends.
- Whether there have been significant changes in the projected net flow to or from other local authorities, which may be a consequence of the use in the interim projections of flow rates from earlier projections. In such cases it might be appropriate to adjust the projected flows.

Suggestions for how planners and others might respond when planning for households in England are included in this briefing.

Main findings

Compared to 2010 projections, the 2011 census found 450,000 more people in England than expected. There were also 375,000 fewer households than anticipated (compared to 2008 projections). The average household size was larger than expected: it had remained at the 2001 level rather than falling as expected

This raises some important questions: What caused these changes? Are they likely to continue? And how should DCLG's household projections be used in assessing housing requirements? (It should be noted that this report relates only to England; different approaches to projecting household numbers are used in the other parts of the UK.)

What changed?

A detailed analysis of the census and other data points to two main reasons for the census finding fewer households than expected: increased international migration; and changes in the types of households in which younger adults are living.

Increased international migration

People arriving in England from abroad tend to live in larger households than the rest of the population. This means that if there are more people in the population who have recently arrived than anticipated, the average household size will be larger than expected.

The trends in household formation patterns which underpinned the previous set of official projections – DCLG's 2008-based household projections – were based on international migration flows from the 1990s and earlier. Compared with that period, the inflow of international migrants in the first decade of the century was 193,000 a year higher (offset in part by increased "out" migration so the growth in the net inflow was much smaller). It is therefore unsurprising that there were fewer households in 2011 than expected as more people than anticipated were living in larger households.

Analysis carried out by Alan Holmans at the University of Cambridge suggests that this may be responsible for some 200,000 of the

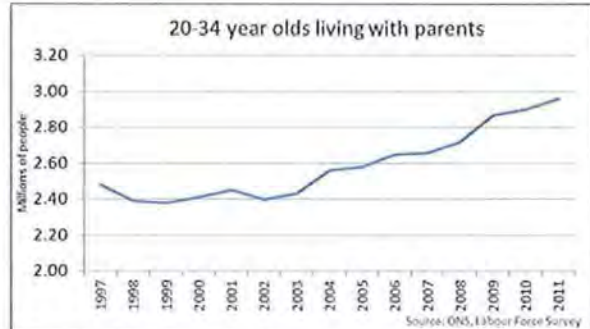
375,000 difference between the estimated and actual number of households.

Changes in living patterns

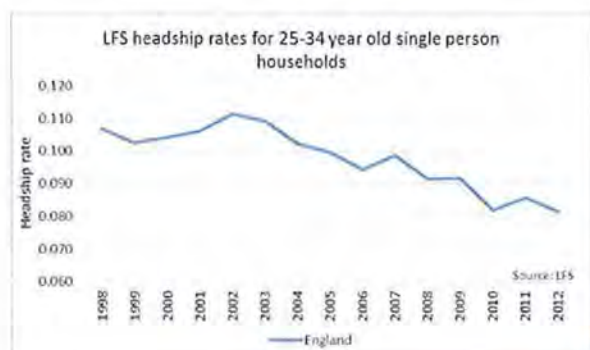
A comparison of actual and expected household numbers by age of the household representative person shows that most of the shortfall is in the 25-34 and 35-44 age groups.

Analysis of the types of households that are "missing" and other evidence from the Labour Force Survey suggests that there has been a reduction in people in this age group living alone and an increase in the numbers living with their parents or in shared accommodation.

The chart below shows how the number of 20-34 year olds living with parents has increased: in 2011 there were ½ million more 20-34 year olds living with parents than in 2001. Although some of the increase may be due to an increase in number of people in this age group, the most of it is due to changing household formation patterns.



Further, the following chart shows how the proportion of 25-34 year olds living alone in single person households fell over the same period.



Are these changes likely to continue?
What happens to the number of “missing” households attributable to increased in migration depends on what happens to migration flows in the future. If there is no further significant increase in international in migration (which seems a reasonable assumption given UK Government policies to reduce migration), there should be no increase in the number of recent migrants in the population. This is because the previous decade’s migrants will either have left or become established residents living in similar household sizes to the rest of the population. As a result, there should be no further impact on average household size for this reason.

It seems likely that changes such as more people living with their parents and more people living in shared accommodation are “forced” changes caused by those concerned not being able to afford separate accommodation, rather than free choices. Insofar as they are “forced”, it is likely that they will reverse if and when conditions improve.

The question then becomes, “What conditions would need to improve?” The two main factors are likely to be the economy, including incomes and the availability of mortgage finance, and the affordability of housing.

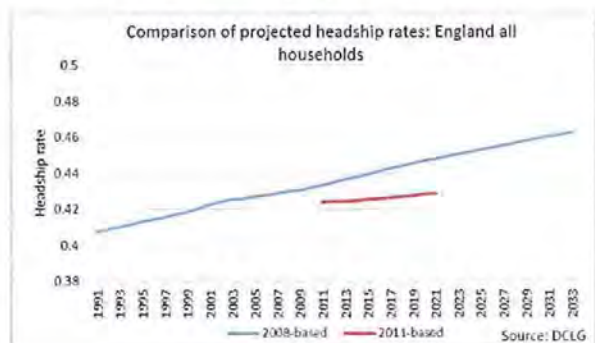
The graphs on the previous page, showing the growth in the number of young adults living with their parents and the falling proportion of 25-34 year olds living on their own, both indicate that the changes were well underway before the economic downturn. This suggests that a return to stronger economic growth and better access to mortgage finance will be insufficient on its own to produce in a return to previous patterns of household formation. There would also need to be an improvement in the affordability of housing to buy and to rent – which depends on house prices and trends in incomes and interest rates.

Using DCLG’s latest household projections

DCLG’s household projections take as their starting point the actual number of households in 2011 and household formation rates indicated by the census. They are the starting point for looking at household growth and housing requirements.

However, they are trend-based projections (rather than forecasts), meaning they tell you what would happen if the trends on which they are based were to continue. A view needs to be taken on whether that is a reasonable assumption or whether some change in the trends is more likely.

This chart shows how the number of households per person is envisaged to rise in the two projections and indicates how different the latest projections are from the 2008-based projections.



The lower starting point, in 2011, of the 2011-based projections reflects what the census found, i.e. a smaller number of households per person (which equates to a larger average household size). The projected forward trend gives rise to a flatter line, which implies a slower growth in the proportion of the population that will be ‘household representative persons’.

However, this approach does not make allowance for either:

- The likelihood that “recent international migrant” effect was a one-off;
- The possibility that conditions in the housing market and the economy more



generally will improve and there will be some return toward previous trends in household formation. (Note that the latest projections imply that the proportion of 25-34 year olds who set up home on their own continues to fall and does not just remain at the 2011 level.)

Both factors suggest that the latest projections are likely to underestimate the growth in household numbers.

Using the latest projections for local authority areas

The main issues which need to be taken into account at the local authority level are:

- The volume of international migration varies significantly from area to area, implying that the extent to which increased international migration will have affected the household projections could also vary considerably.
- The extent to which household formation patterns have departed from previous trends also varies from area to area. For some authorities the new projections suggest that household formation rates for some groups will continue to fall. The impact which any move back towards previous trends would have will also vary from area to area.
- The latest projections are 'interim' projections prepared before the full results of the 2011 census were available. This means that it was necessary to use some trend data from previous projections, including data on flows between local authorities in the UK. As a result these flows, which are major drivers of population change for many authorities, may have been under or over-estimated for some areas. Where there are big changes between the 2008-based and 2011-based projections in this area the new projections should be compared with past flows and a view taken on whether they are a reasonable basis for planning.

It should also be noted that some of the differences between the 2008-based and 2011-based projections are the result of improved methods used to estimate

international flows at the local authority level. The new methods should give more reliable results.

How might Government help?

The projections are a major asset for those planning for housing, but they could be even more useful if government could:

- Publish in an easily accessible form data showing how the projections for key drivers of change – birth, deaths and flows into and out of a local authority – relate to what has happened in the recent past. This would allow users to understand the underlying trends and take a view, in the light of their local knowledge, as to whether they are a sensible basis for planning.
- Provide sensitivity analysis at the local authority level so that users can gauge the amount of uncertainty they need to plan for.

About the research

This briefing is based on research conducted for the RTPI by Neil McDonald and Peter Williams at the University of Cambridge, funded through the RTPI's Small Projects Impact Research (SPIRe) scheme.

Further information

The full report is available on the RTPI website at: www.rtpi.org.uk/spire

About the RTPI

The Royal Town Planning Institute holds a unique position in relation to planning as a professional membership body, a charity and a learned institute. We have a responsibility to promote the research needs of spatial planning in the UK, Ireland and internationally.

More information on our research projects can be found on the RTPI website at: www.rtpi.org.uk/knowledge/research/

You are also welcome to email us at: research@rtpi.org.uk

Pickhaver, David

From: Mark Richards [REDACTED]
Sent: 06 April 2014 18:12
To: Planning, Strategic
Cc: Steve Briggs
Subject: Torbay Local Plan response - Mrs Hosking
Attachments: Mrs Hosking - Torbay Local Plan response.pdf; Appendix A - RTPI Research Briefing Note 3.pdf

Dear Sir / Madam

This consultation response has been prepared by Smiths Gore on behalf of Mrs Hosking.

In accordance with the Council's requirements I have submitted comments via the online consultation portal. However, as the online facility only allows a single document to be uploaded I have also submitted my comments by email so that I can attach an appendix which helps to support the comments made.

I would be grateful if you could respond to this email to confirm receipt of this submission.

Kind regards.

Mark

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>



Making Representations - Guidance Notes and Representation Form

ID: Agent: 844186
Consultee: 844185

Notes for completing the Torbay Local Plan (Proposed Submission Plan) Representation Form and making representations using the online consultation portal

1. Making representations

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4. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective, and consistent with national policy.

- ***Positively prepared***

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- ***Justified***

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- ***Effective***

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- ***Consistent with national policy***

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via www.torbay.gov.uk/newlocalplan) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for **each policy** you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

If submitting representations via e-mail, you will need to fill out and submit a separate copy of the form for each representation you make and attach them as separate documents. Note that the form is locked for editing but the text boxes will expand to fit the size of your written response to questions.

For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 208804.



Torbay Local Plan
A Landscape for Success
 The Plan for 2012 – 2032 and beyond
 Proposed Submission Plan

For official use:
 Agent: 844186
 Consultee: 844185

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Mr	Mr
First name(s)	Piers	Sebastian
Last name	Fitzwilliams	Charles
Organisation (if you are representing that organisation)	Landford Estates Limited	K&L Gates LLP
Address – line 1	3 Solent Works	One New Change
Address – line 2	North Close	
Address – line 3		
Post Town	Lymington	London
Postcode	SO41 9BU	EC4M 9AF
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

T02

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Please see attached sheet.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see attached sheet.

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

To present the case in more detail and explain the flaws in the policy.

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

Policies Map (see Responses to Questions 2 and 3 on attached sheets).

(Continue on a separate sheet if necessary)

Signature:

[Redacted Signature]

Date:

4 April 2014

QUESTION 2 – SOUNDNESS

Objection to the alignment of the Proposals Map Policy T02 Boundary of CTIA at Torbay Road, TQ26RH; Torbay Road Seafront

Objection Site

The Corbyn Apartments, Torbay Road, Torquay TQ2 6RH (edged red on Plan 1) contain 17 no. holiday apartments. The Council has resolved on 13 January 2014 to permit 8 No. to be changed to permanent residential use (ref: V/2013/0004/V). The building was included in an 'Amber' area of the Approved Version 'Revised Guidance on the Interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU7 (Holiday Accommodation elsewhere) of the Adopted Torbay Local Plan 2010' (edged red on Plan 2). In this Guidance, it is stated that Amber areas '*contribute to the oversupply of small hotels/guest houses*' and in such areas the Council will '*consider favourably application to relax occupancy restriction on holiday apartment to allow residential or second home use*'. The policy for Amber areas is distinguished from the policy for 'Red' areas in which any holiday accommodation must be retained.

Policy T02 of the Proposed Submission Plan has substantially the same effect upon residential accommodation as the 'Red' areas of current policy TU6.

The proposed re-inclusion of Corbyn Apartments within the Submission Plan's Proposals Map boundary for Policy T02 (the CTIA boundary) is objected to for reasons of lack of soundness. The property is the single marginal property of the Torbay Road area that is proposed for increased restrictions. All the other adjoining properties formerly grouped with the Corbyn Apartments as 'Amber' in the 2010 guidance are now excluded from any policy zone and hence free to convert to unrestricted dwelling house use.

Reasons for Objection on Soundness Grounds

1. *Inadequate Evidence Base*

The 2010 Revised Guidance, which places the Corbyn Apartments in the Amber Zone, is based on the same evidence base as the Proposed Submission Plan, namely 'Turning the Tide for Tourism in Torbay: Strategy 2010 -2015' produced by Torbay Council and the Torbay Development Agency. In this connection:

- The alteration of the 2010 Red policy area to now cover the site appears arbitrary, inconsistent and unsupported by new evidence;
- The evidence base in 'Turning the Tide' is from forecasts going back to pre-recessionary years and as shown in the evidence below, this is demonstrably out of date as regards the Corbyn Apartments.

The plan is not therefore sound as it does not use an up to date evidence base for the boundaries of policy T02. Even if accepted as up to date or otherwise still relevant, the plan is not sound as it is inconsistent in the local application of that policy.

2. *Economic Effects and Lack of Flexibility*

Evidence on the Corbyn Apartments will be produced for the Inspector, based on the information provided to the LPA in connection with the application to vary the present S106 Agreement; evidence that it appears is not disputed by the LPA Development Committee Report and it has

resolved to accept a modification of the Agreement under S106A. The Council has accepted that 8 flats may change over to open market use.

That evidence demonstrates that the Corbyn Apartments is a loss making business if restricted to holiday use. Further, even with limited unauthorised short term lets this is still the case. In summary at this stage, the application submission noted that if the 17 apartments had been limited to holiday use the business would have entered a vicious downward spiral of low occupancy, lack of investment, less attraction and further reductions in occupancy rates, etc. The hard evidence is that in the three years of 2010-2012 average annual letting nights of the penthouse apartments that were the subject of the application at that time was only 51 No. and had the remaining 13 been restricted to holiday use the occupancy of these would have been only 22.4%.

- It follows that high levels of vacancy are experienced due to the lack of flexibility arising from planning controls.
- The policy basis for these controls is thus a cause of low economic performance.

The outdated policy rationale for preventing existing holiday apartments from changing to unrestricted residential use assumes there is an actual need for increased numbers of holiday apartments in Torbay. Whilst the role of new fully serviced hotels development has increased with increases in hotel development, the Local Plan evidence base provides no evidence to support this particular contention.

- On this additional basis there is no pressing need to expand the margin of the T02 Proposals Map zone to cover the Corbyn Apartments or indeed any other area previously regarded as an area contributing to 'oversupply'.

Paragraph 6.1.2.17 of the Submission Plan states that '*within CTIAs the Council will seek to ensure that new holiday accommodation remains for such purposes through planning conditions or S106 Planning Obligations, unless allowing residential occupancy brings clear economic benefits*'. There is a conflict between this statement and the policy, the wording of which permits no exceptions.

In contrast, residential uses will bring year-round economic activity to Torbay, whether or not this is occupied by one household, or is used as a second home and/or let out to visitors.

- In so far as occupancy is a proxy for local economic benefit, there is no evidence that annual occupancy rates of holiday accommodation would be higher than residential accommodation in this location.
- There is up to date evidence showing that occupancy of the objection site is held back by the holiday accommodation restriction.

In regard for example to residential dwellings that are used as second homes, the document 'Turning the Tide for Tourism in Torbay: Strategy 2010 -2015' produced by Torbay Council and the Torbay Development Agency on page 10 states, in regard to economic benefits, '*the purchase of second homes has until recently been an increasing trend in the south west with their use in part as holiday accommodation. This trend is fuelling the increased supply of quality self-catering holiday flats and houses and in turn the significant growth in visitor values in this category of accommodation*'.

- Even therefore as second homes, the use of residential accommodation is seen to provide quality self-catering accommodation and '*significant growth in visitor values*'.

On economic grounds there is no requirement for The Corbyn Apartments to be retained as controlled holiday accommodation. A residential use would provide economic benefits to the area's holiday industry. The open market sale of flats at the Corbyn Apartments does not rule out holiday lettings or second homes in response to market demand. The flexibility of the plan in this regard is lacking at present and the plan is not sound for that reason.

3. Social Implications

The re-imposition of restrictive policy on this individual property standing on the margin of the Torbay Road CTIA, at a time when just under half of the flats in the building have unrestricted Class C3 permission but the remainder are restricted to holiday accommodation usage is considered to be arbitrary in nature. It will result in:-

- an undesirable mix of residential occupation that is likely to impact adversely on the households of the unrestricted dwellings and be difficult to manage;
- a failure to maximise the existing dwelling stock to meet the objectively assessed need for new housing. There were outstanding objections in 2012 from house-builders, Devon County Council and Teignbridge DC to the effect this need is not met within the LPA's boundary. Further, there were objections from residents and RSPB concerning the oversupply of tourist accommodation, failure to maximise brownfield opportunities and unnecessary use of green field sites.
- Failure to address the concerns of residents who objected in 2012 on the basis that the size of the accommodation areas should be reduced. It is evident there is local objection to their expansion and the addition of The Corbyn within the edge of the Torbay Road CTIA would appear gratuitous in this context.

4. Environmental Implications and Recognition of Local Character

The proposed boundary of policy T02 fails to recognise local character. Torbay Road changes to the east side of the objection site such that:-

a) the character of the road at the Corbyn Apartments and westwards is distinctly more residential in typology; and

b) the 'second-line' seafront development begins at this point with The Corbyn Apartments. The rest of the Torbay Road policy area was selected as 'red' in 2010 on the basis that it is 100% 'front line' development, starting with the adjoining hotel and progressing northwards.

Note in particular that the two other properties previously comprised in the Amber Zone along with the Corbyn Apartments (see Plan 2) have been excluded from the CTIA. Linden South West Limited has been granted planning permission to demolish 19 holiday apartments immediately adjacent to the Corbyn Apartments and replace them with 11 residential town houses (ref: 2011/0249/MPA).

The arbitrary application of Policy T02 to this one-off 'second line' building on the Proposals Map is therefore considered inappropriate in terms of the more settled local environmental character of Torbay Road at this point.

As regards the provision of housing, it is both an NPPF Core Principle (para 17) and policy (para 111) that effective use should be made of previously developed land, providing it is not of high environmental value. The most sustainable form of housing delivery is that which involves no construction. The reinstatement of The Corbyn Apartments to their position physically outside of the holiday accommodation policy 'red' zone in line with the 2010 Revised Guidance will provide the potential to add up to 9 No. dwellings to the stock of required completions at lowest environmental cost. Failure to adjust the proposed Policy T02 boundary as suggested will forego this opportunity.

Summary

This objection demonstrates that the intention to allocate the objection site under Policy T02 is contrary to Government policy in material respects. The evidence is that it would produce economic harm and the basis for it is not supported by evidence that it would do otherwise. It would be socially detrimental by 'freezing' the building's undesirable mix of residential flats and holiday apartments, foregoing the opportunity to add to the dwelling stock in response to need.

All these matters respond to concerns raised by residents and others in the 2012 consultation a number of which objections also seek reductions in the size of the holiday accommodation areas.

It would forego the most environmentally sustainable means of delivering new homes, which is by change of use or removal of occupancy restrictions. Finally it is an arbitrary proposal not supported by the clear change in character of Torbay Road at a point east of the objection site from 'front line' development to a 'second line' that is more residential in character.

For these reasons the Proposals Map notation for Policy T02 would produce effects contrary to the three core dimensions of sustainable development set out in Government Policy at para 7 of the NPPF. Further, the plan in this regard lacks flexibility. On this basis and that the evidence for the allocation is absent, out of date or flawed, the Plan is considered not to be sound.

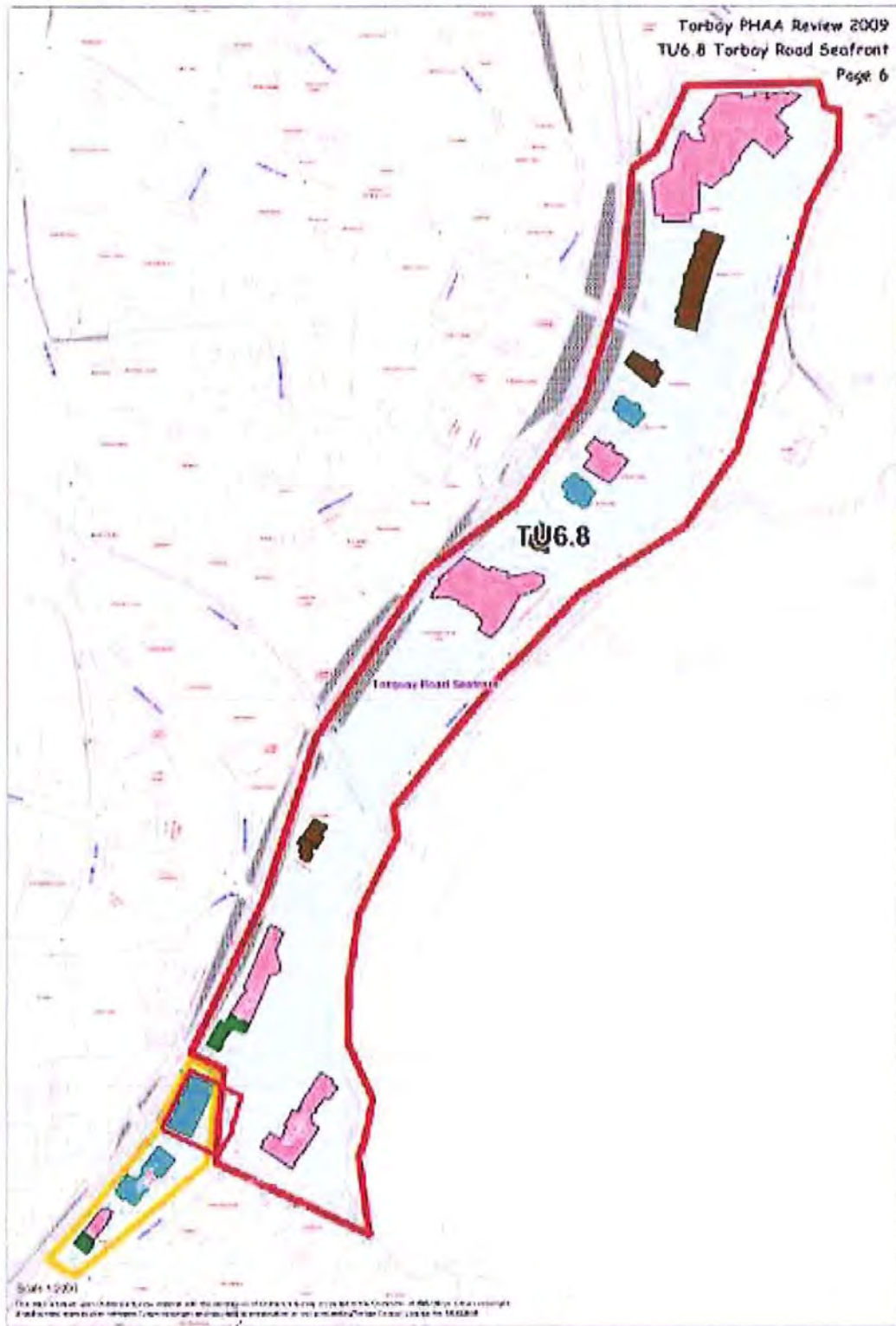
Plan 1: Proposals Map

Area within Policy T02 shaded green and Corbyn Apartments edged red



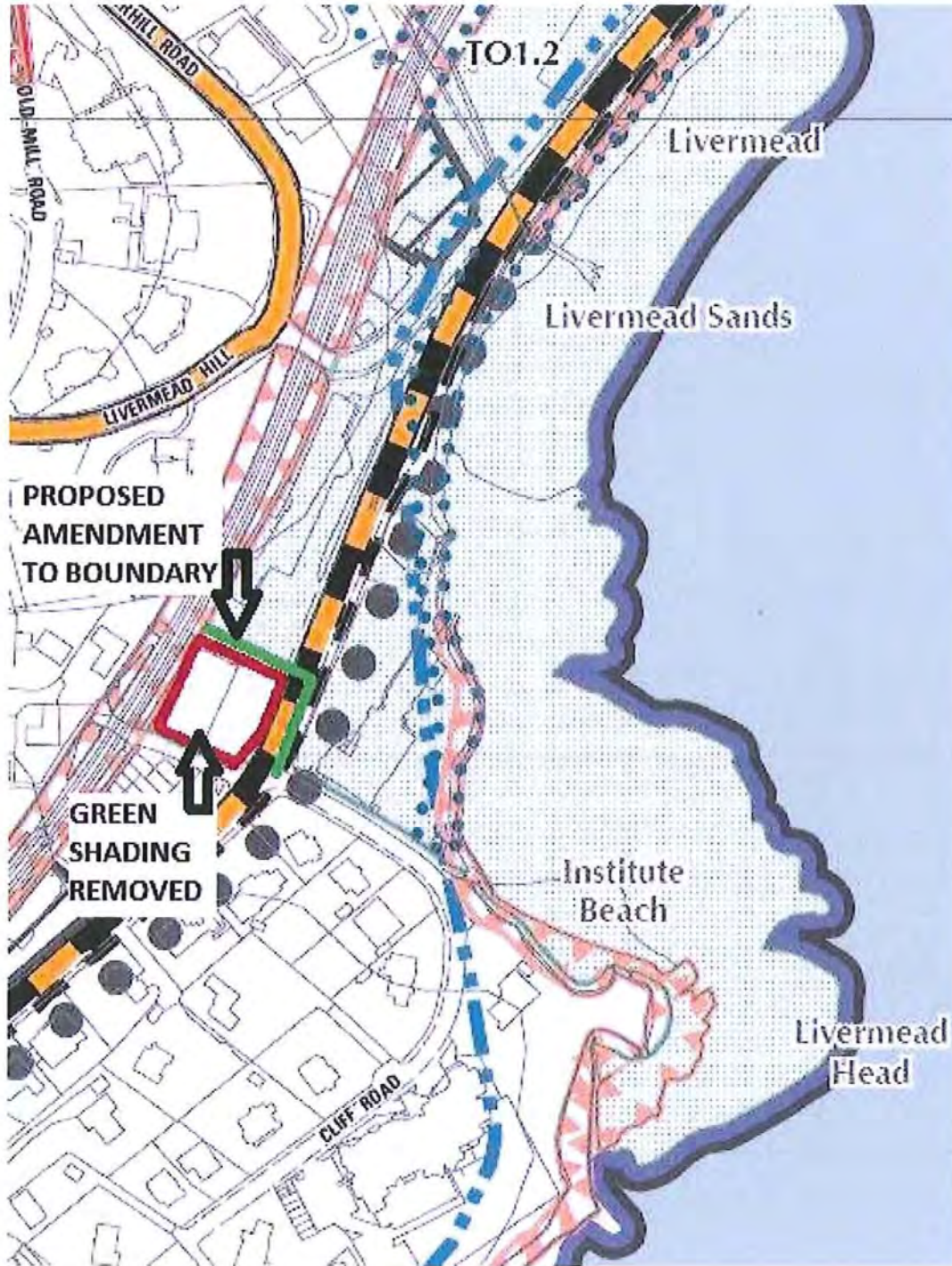
Plan 2: Revised Guidance on the Interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU7 (Holiday Accommodation Elsewhere)

Amber Zone edged amber



Plan 3: Proposed Revision

Corbyn Apartments edged red



1D Agent: 844168
Consultee: 356404



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- ***Positively prepared***

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- ***Justified***

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- ***Effective***

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- ***Consistent with national policy***

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via www.torbay.gov.uk/newlocalplan) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for **each policy** you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

If submitting representations via e-mail, you will need to fill out and submit a separate copy of the form for each representation you make and attach them as separate documents. Note that the form is locked for editing but the text boxes will expand to fit the size of your written response to questions.

For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 208804.



Torbay Local Plan
A Landscape for Success
The Plan for 2012 – 2032 and beyond
Proposed Submission Plan

For official use:

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	<input type="text" value="Mr"/>
First name(s)	<input type="text"/>	<input type="text" value="Ziyad"/>
Last name	<input type="text"/>	<input type="text" value="Thomas"/>
Organisation (if you are representing that organisation)	<input type="text" value="McCarthy & Stone Retirement Lifestyles Ltd."/>	<input type="text" value="The Planning Bureau Ltd."/>
Address – line 1	<input type="text" value="Homelife House"/>	<input type="text" value="Homelife House"/>
Address – line 2	<input type="text" value="26-32 Oxford Road"/>	<input type="text" value="26-32 Oxford Road"/>
Address – line 3	<input type="text"/>	<input type="text"/>
Post Town	<input type="text" value="Bournemouth"/>	<input type="text" value="Bournemouth"/>
Postcode	<input type="text" value="BH8 8EZ"/>	<input type="text" value="BH8 8EZ"/>
Telephone number	<input type="text"/>	<input type="text"/>
E-mail address	<input type="text"/>	<input type="text"/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

H6

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Thank you for the opportunity to comment on the consultation papers for the aforementioned document. As the market leader in the provision of sheltered housing for sale to the elderly, McCarthy and Stone Retirement Lifestyles Ltd considers that with its extensive experience in providing development of this nature it is well placed to provide informed comments on the Torbay Core Strategy, insofar as it affects or relates to housing for the elderly.

The National Planning Framework stipulates that the planning system should be 'supporting strong, vibrant and healthy communities' and highlights the need to 'deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed communities. Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different housing groups in the community.... such as..... older people'.

The recently published National Planning Practice Guidance reaffirms this in the guidance for assessing housing need in the plan making process entitled "How should the needs for all types of housing be addressed? (Paragraph: 021 Reference ID: 2a-021-20140306) and a separate subsection is provided for "Housing for older people". This reads stipulates that "the need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). Plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to move. This could free up houses that are under-occupied. The age profile of the population can be drawn from Census data. Projections of population and households by age group should also be used. The future need for older persons housing broken down by tenure and type (e.g. Sheltered, enhanced sheltered, extra care, registered care) should be assessed and can be obtained from a number of online tool kits provided by the sector. The assessment should set out the level of need for residential institutions (use class C2). But identifying the need for particular types of general housing, such as bungalows, is equally important." (My emphasis).

The demographic profile of Torbay is projected to age significantly with the proportion of the population aged 60 and over is set to increase from 30.6% to 38.6% between 2008 and 2033. The largest proportional increase in the older population is expected to be of the 'frail' elderly, those aged 75 and over, who are more likely to require specialist care and accommodation.

In light of the above, there is a considerable challenge to the Council to provide the necessary quantity of housing to accommodate the needs of an ageing population. This trend will have a considerable impact on housing demands which, if not properly planned for, will have negative consequences for the Torbay

Private sheltered accommodation, such as those provided by McCarthy and Stone should have a key role to play in meeting the needs of an ageing population and can alleviate many of the

challenges facing the Council in providing sufficient quantities of accommodation.

We therefore commend the Council for taking a positive approach in seeking to provide appropriate accommodation to meet the needs of its ageing population within Policy H6: Housing for People in Need of Care.

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature: Ziyad Thomas

Date: 27/03/2014

ID: 844870
Councillor: 442694



Making Representations - Guidance Notes and Representation Form

Notes for completing the Torbay Local Plan (Proposed Submission Plan) Representation Form and making representations using the online consultation portal

1. Making representations

Representations (comments) must be made in writing to the Council during the publication period – **9:00am on Monday 24 February to 9:00am on Monday 7 April**. Comments received outside this period will not be accepted and submitted to the Inspector appointed to conduct the Independent Examination of the Proposed Submission Torbay Local Plan (Plan). Please note that comments cannot be treated as confidential. Your comments will be published with your name as part of a document and made publicly available on the Council's website.

Torbay Council will be using an **online consultation portal** and **we would strongly encourage you to use this system** to make representations as it is the most efficient way in which to comment on the Plan. Alternatively, you should submit comments in writing via letter or e-mail using the provided representation form which will ensure you supply all the information necessary for your response to be valid. Copies of this form can be downloaded via the website or posted to you on request.

2. Introduction

The Plan has been published in order for representations to be made prior to its submission to the Secretary of State. The representations will then be considered alongside the published Plan when it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the Independent Examination is to consider whether the Plan complies with the relevant legal requirements, the duty to co-operate and is sound.

3. Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements under S20(5)(a) and the duty to co-operate under S20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following points before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA), setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any Plan which the LPA proposes to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the Plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.

- The Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 [as amended] (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal (SA) Report when it publishes a Plan. This should identify the process by which the SA has been carried out, the baseline information used to inform the process and the outcomes of that process. SA is a tool for appraising policies to ensure they reflect social, environmental and economic factors.
- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

4. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective, and consistent with national policy.

- ***Positively prepared***

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- ***Justified***

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- ***Effective***

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- ***Consistent with national policy***

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF. If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via www.torbay.gov.uk/newlocalplan) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for **each policy** you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

If submitting representations via e-mail, you will need to fill out and submit a separate copy of the form for each representation you make and attach them as separate documents. Note that the form is locked for editing but the text boxes will expand to fit the size of your written response to questions.

For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 208804.



Torbay Local Plan
A Landscape for Success
The Plan for 2012 – 2032 and beyond
Proposed Submission Plan

For official use:

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	<input type="text" value="Mr"/>
First name(s)	<input type="text"/>	<input type="text" value="James"/>
Last name	<input type="text"/>	<input type="text" value="Stacey"/>
Organisation (if you are representing that organisation)	<input type="text" value="Northern Trust Company Ltd"/>	<input type="text" value="Tetlow King PLanning"/>
Address – line 1	<input type="text" value="C/o Agent"/>	<input type="text" value="Unit 2, Eclipse Office Park"/>
Address – line 2	<input type="text"/>	<input type="text" value="High Street"/>
Address – line 3	<input type="text"/>	<input type="text" value="Staple Hill"/>
Post Town	<input type="text"/>	<input type="text" value="Bristol"/>
Postcode	<input type="text"/>	<input type="text" value="BS16 5EL"/>
Telephone number	<input type="text"/>	<input type="text" value=""/>
E-mail address	<input type="text"/>	<input type="text" value=""/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number	SS1, SS2, SSE, SS7, SS8, SS10, SS11, SS12, SDB1, SDB3, TO2, TA2, NC1, H1, H2, H2, DE1, DE2, DE3, SC1, SE4, ES1
---------------	--

If you have Explanation to a also include these

comments to make on the supporting text set out in the related Policy or related designations shown on the Policies Map, please within your comments to questions 2 and 3 of this form.

1. Do you consider

that this Local Plan policy is:

		YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

please see attached letter

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

please see attached letter

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

We have a number of serious concerns about the plan and wish to be involved in its full preparation, including at examination. In our opinion it is likely that the Council will need to prepare further information and we wish to be involved in commenting on this.

(Continue on a separate sheet if necessary)

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

please see attached letter

(Continue on a separate sheet if necessary)

Signature: J Stacey

Date: 04.04.14



Unit 2 Eclipse Office Park High Street Staple Hill Bristol BS16 5EL



Torbay Local Plan
Strategic Planning Team
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Date: 4 April 2014
Our Ref: JST/RR M6/0301-169

By post and email
strategic.planning@torbay.gov.uk



Dear Sir or Madam,

RE: REPRESENTATIONS ON THE TORBAY LOCAL PLAN APRIL 2014

Tetlow King Planning Limited is instructed on behalf of our client Northern Trust Company Limited, who acts on behalf of the owners of the former Holiday Centre, Wall Park Road, Brixham. Northern Trust Company Limited is committed to delivering sustainable development on this important and available large brownfield site in Brixham. As you are no doubt aware, there is currently a live application for this site and we are working with Planning Officers, Members and statutory consultees to achieve the best outcome. Our client is fully aware of the landscape and ecological setting of the site and is committed to finding a viable solution which preserves and enhances this environment as well as providing lasting benefits to Brixham. Given this site is the only large brownfield site available we consider that it should be identified in years 1-5 of the housing trajectory and not years 6-10, although we acknowledge and support the reference in the Local Plan that the Wall Park Future Growth Area may be advanced sooner if planning permission is granted.

Our client has taken a full participatory role in the Neighbourhood Plan preparation in Brixham over the past two years and has been pleased to see the site identified for around 170 dwellings on the brownfield element. Furthermore, the Strategic Housing Land Availability Study (SHLAA) has also identified that the site is deliverable for about 150 dwellings. We believe that the current planning application for 165 new homes strikes the right balance and we are hopeful that the current planning application will be determined in advance of the Local Plan examination process.

Overall we are pleased to see that the site/general area is allocated as a Future Growth Area in Policy SS2. However, in light of the current application we strongly express that this proposed Growth Area should not restrict any permission or development on this site until years 6-10 of the plan. In addition we have concerns that the proposed housing target of 8,000-10,000 is not sufficiently robust to meet the requirements in the NPPF and PPG, as it fails to meet the full objectively assessed needs.

At each stage of the plan formation Tetlow King Planning Limited have made representations and for reference the last set of representations are attached to this letter.

Duty to Co-operate

It is hard to assess whether the plan has met its requirements under the duty to co-operate. As set out in Paragraph 1.2.6 of the plan suggests that a "separate" statement on it will be produced, however we

understand that this will not be available until submission of the plan for examination. This is not appropriate. Evidence of the duty to co-operate needs to be available at every stage of the plan's formation and subsequent consultation. It cannot be prepared after and retrofitted to the plan.

From our experience the high level of congestion at rush hours and the long identified need for the South Devon Link Road shows the high level of commuter flows to and from Torbay. The plan also continually acknowledges Torbay's environmental constraints, with Picture 1.1 highlighting a 20 year capacity of 9,200 dwellings and an absolute capacity of around 12,000 dwellings. With such constraints we feel that Torbay should undertake a review with its neighbouring authorities now and not be delayed until such a point that the plan no longer requires independent examination.

At paragraph 4.5.36 the plan sets out that development in Torbay is nearing the area's total capacity and that a cross boundary review of strategic housing land availability may be needed as part of a longer term assessment of growth options. However in paragraph 1.2.7 it states that the Council have agreed to a co-ordinated review, including of new housing delivery, every five years. If there is an agreement to undertake cross boundary reviews every five years, why not undertake one now? Particularly when objectively assessed needs are higher than the identified SHLAA capacity. This also seems like a significant commitment for reviews at five, ten and fifteen years when the housing market areas are supposedly separate.

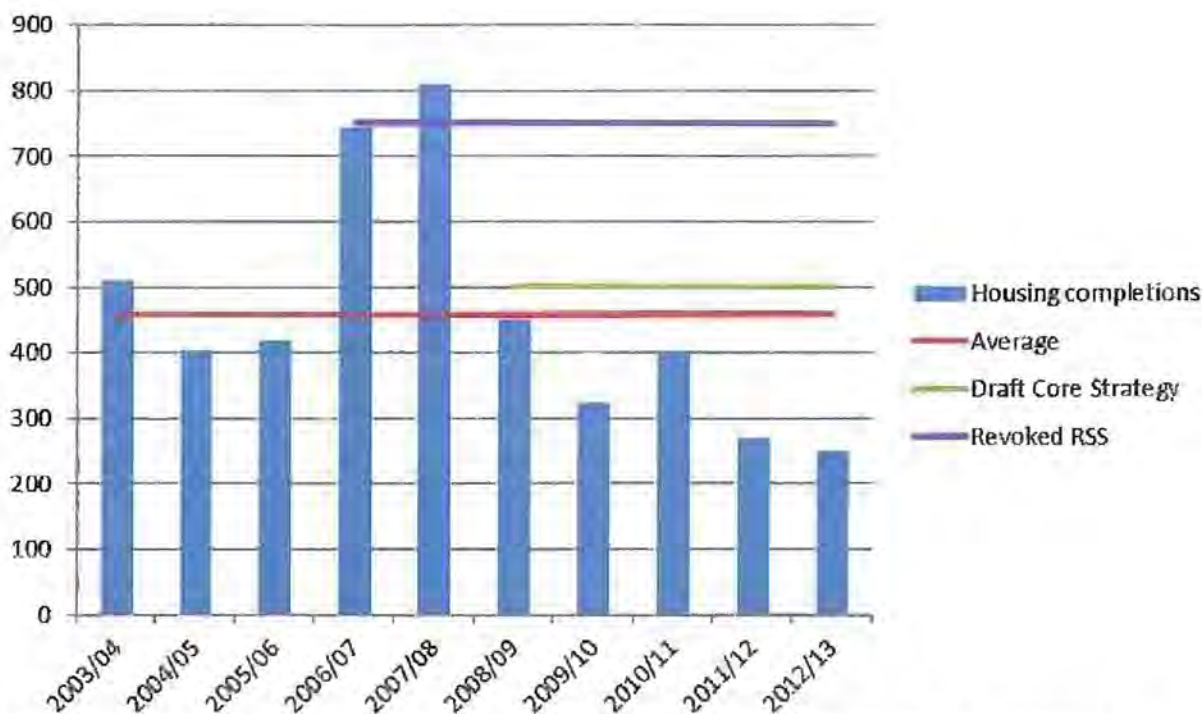
We strongly consider that the Council should be working in closer co-ordination with the neighbouring authorities now and undertaking a cross boundary review at this stage.

Proposed Housing Target

We are very concerned that the plan takes a reactive approach to housing target. There is a very strong sense from reading the plan that the environmental capacity of 9,200 new homes over the next 20 years has been established and the housing target has then been moulded around this limit. Whilst the NPPF allows for environmental factors to be taken into account, it clearly states that authorities should identify the full objectively assessed needs for market and affordable housing and then ensure their plan meets these full needs as far as is consistent with the other policies in the NPPF.

Over the past few years Torbay has experienced relatively low levels of economic growth. The plan sets out at paragraph 1.1.4 that "*Serious social and economic consequences result from low levels of growth, as has been seen between 2008 and 2013.*" This is supported by evidence in paragraph 1.1.9 which notes a loss of around 50 jobs per annum since 2008. Furthermore paragraph 2.2.3 highlights that the last decade has been disappointing in terms of overall economic performance. Torbay's GVA grew at a much lower rate than the South West or national averages, with its economy shrinking faster. This highlights the need for a step change in economic growth in the Bay. In this context it is unclear why the Council have reduced their job growth target from 15,000 in the last consultation draft to 5,000 now.

It is notable that during the last ten years, house building has averaged 457 dwellings per annum in Torbay. Yet policy SS12 sets a five year land supply target of only 400 dwellings per annum. This is lower than the average rate of building over the last ten years. This is unlikely to help reverse the low levels of economic growth seen over the last ten years. In addition this new target is lower than the target set in the 2009 draft Core Strategy of 500 dwellings per annum and much lower than the now revoked RSS target of 750 dwellings per annum. This is shown in the graph below. The NPPF is clear, Local Authorities are required to "**boost significantly the supply of housing**". We consider that the plan as prepared fails to respond to the requirements of national policy.



A target which is lower than previous levels of housing delivery will also not assist in improving the economic performance of Torbay. Migration is important in Torbay. Without a wide labour supply, new businesses will not seek to relocate here. With the rapidly ageing population in Torbay, occupying an increasing proportion of the existing homes sufficient new dwellings are a vital element in reversing the disappointing economic performance over the last ten years and for meeting the jobs target in the emerging local plan. The fall in migration rates noted in the fourth bullet point of paragraph 4.5.14 coincides with the earlier reference to the economy shrinking faster than national and regional averages. Paragraph 17 of the NPPF is clear, planning should:

"proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth".

The plan sets out a relatively short term approach to growth, with ambitions to review very five years. Whilst we support the general principle of monitoring and review, we are concerned that this just delays an assessment of full objectively assessed housing needs until some point in the future. In addition this will have huge implications for Brixham and other Neighbourhood Plans which are intended to be adopted on the basis of the current local plan. Any changes to housing or employment targets at the District level could very quickly render Neighbourhood Plans out of date.

Paragraph 2.2.14 states that the plan *"takes a positive, ambitious approach to enabling new jobs and homes"* however we are concerned that this is far from the case. Policy SS1 sets out positive aims for a step change in Torbay's economic performance, which we fully support. However the housing target of range of 400-500 per annum is not supported. As set out in our previous representations we strongly question the inclusion of a housing target range. It is not clear from the plan why this is necessary or justified. We note that a range has been accepted in other authorities only where there has been a

genuine uncertainty about the delivery of specific sites for technical reasons and the Council have had to provide considerable evidence as to why this is appropriate. However this is not the case in Torbay, previously the Council were promoting a target of 10,000 new homes, so it is not clear why this has now dropped to between 8,000 and 10,000.

Objectively Assessed Housing Needs

The housing target appears to be justified by the fact that the 2011 based interim household projections show that 4,400 new homes are needed in Torbay by 2021. The Council claim that this can then be extrapolated to 8,800 new homes by 2031. However we strongly disagree with this approach. Household projections cannot simply be doubled to extend the time period to 2031. They are trend based data which rely heavily on the housing and economic conditions over the last few years and project these forward over the next 10 years. Just to double these projections as the Council have done is claiming that these trends will continue for the next 20 years. This is highly unlikely. A recent paper prepared by the Cambridge Centre for Housing and Planning Research suggests that there is going to be a partial return to household formation trends by 2031, rather than a continuation of the 'interim' household formation trends predicted until. Any change to increase the household formation rate will result in an increase to the overall household projections to 2031 above the 8,800 assumed by the Council.

Secondly, these remain 'interim' housing targets. They do not take account of the data usually required to update trends in the ONS projection model as this was not available at the time they were prepared. The accompanying quality report emphasises their role as interim and that they do not take into account any policy changes that may affect household formation in the future.

In May 2013 PBA were commissioned to undertake a housing requirements study for the Torbay Local Authority area. The housing requirements are based on a range of scenarios including the 2011 based interim household and population projections. In support of our comments above even the report notes that it is not a straight forward case of doubling or pro-rating the figures because of the assumptions made. The report concludes that there is an objectively assessed housing requirement of between 8,900 and 12,300 new homes for the plan period 2012-2032. It also notes that the creation of around 5,000 new jobs to 2032 will require the provision of 12,300 new homes. We strongly consider that to meet this job target, the Council should be seeking to deliver the necessary 12,300 new homes; otherwise they are planning to fail to meet their economic growth target.

The 2011 SHMA identifies a need for 4,103 net additional dwellings over five years from 2011-2016. This breaks down into an annual requirement for 821 dwelling per annum. As we set out previously, the housing target of 400 dwellings per annum therefore significantly fails to meet the identified housing needs. The Council have not set out any justification whatsoever for dismissing this evidence. It is strongly recommended that greater weight is placed on this evidence as failing to do so is contrary to the guidance in the NPPF and could lead to the plan being found unsound.

The requirements study identifies high levels of affordable housing needs in Torbay, reiterating the conclusions of the SHMA. It notes the need for 2,370 affordable homes between 2011 and 2016, or an average of 474 per annum. In setting a requirement of 400-500 dwellings per annum, the Council is again planning to fail to meet its objectively assessed need for affordable housing. We disagree with the assessment that households in Band E are not counted as part of the objectively assessed housing need. In our view Band E households have been accepted onto the HomeChoice Register and therefore qualify for an affordable dwelling. The banding is only a priority system, it does not mean that you can discount those in the lowest band. The PPG is clear that housing affordability is an important market signal which needs to be taken into account in the determination of the overall housing target; and where necessary the overall housing target should be increased to help address affordability issues. As this report was prior to the publication of the PPG this is understandable, however we would strongly recommend that

this is reconsidered and that housing affordability is taken into account in the determination of the overall housing target.

Given these concerns about the use of the interim based household projections and the limited use of market signals within the housing requirements report, the objectively assessed target of 12,300 should be taken as an absolute minimum over the plan period and preferably an up to date study undertaken to consider FULL objectively assessed needs and ensure compliance with PPG requirements. In a recent appeal decision at Offenham (ref APP/H1840/A/13/2203924), the Inspector emphasised the importance of local planning authorities having a full understanding of their housing needs:

"The Hunston judgments, the Draft NPPG and the revocation of RS all change the strategic planning backdrop to this appeal and bring to the fore the need for local planning authorities to have a full understanding of housing needs in their area, as required in paragraph 159 of the Framework, and to meet it fully, as required in paragraph 47." (para 25)

Availability of Housing Land

Paragraph 4.1.8 admits that the growth strategy has been strongly influenced by evidence contained within the Strategic Housing Land Availability Assessment. According to the Local Plan, paragraph 4.1.10, the SHLAA refresh identified a maximum housing capacity as almost 11,200 homes. However table 9.1 of the SHLAA shows a total housing capacity of 11,550 new homes, or 578 per annum over the plan period. It is not clear firstly where 11,200 has come from, and secondly it is not clear how a maximum of 10,000 homes has been arrived at when the SHLAA finds a total 1,550 higher than this.

If it is the case that the completions of 350 in 2012/13 have been subtracted from the total of 11,550 to reach 11,200 then this is incorrect, as the SHLAA is being used as evidence of total capacity in Torbay over the plan period from 2012-2032. These 350 completions were built during the plan period and so are part of the overall housing delivery between 2012 and 2032.

It is also not clear how this suggested maximum capacity of 11,200 dwellings ties in the 9,200 20 year capacity identified in Picture 1.1 or even the absolute capacity of around 12,000. Much greater evidence is needed to justify these figures.

We have concerns that the SHLAA is purely a refresh of the 2008 version rather than a full new assessment. A new call for sites was not undertaken and so it is not clear whether new sites which were not available in 2008 are now being taken into account. For example in relation to the 16 Broad Locations identified in the 2008 report, the update notes that it has assessed the promoted greenfield sites within the context of these Broad Locations, however it is again unclear as to whether any other greenfield sites outside of these areas have been taken into account.

The SHLAA update also notes that yields in some of the Broad Locations have fallen since the 2008 report due to current market demands and the shift away from flats to family housing. This emphasises how the SHLAA is influenced by current market conditions and provides an assessment for a certain point in time. It is unable to take into account policy changes or economic changes over the plan period. This needs to be taken into account by the Council when considering environmental constraints, rather than just using the SHLAA assessment as maximum capacity for the next 20 years.

In addition we note table 4.3 sets out the source and timing of new housing delivery. The Council estimate that they are able to deliver 9,240 homes across the plan period. The Council have then used this to estimate a delivery of between 8,000-10,000 new homes. The estimated housing delivery has completely led the formation of the overall housing target.

The NPPF is clear that Council's need to work proactively to meet as far as possible their full objectively assessed housing needs. We are seriously concerned that the current approach is completely constrained. This is not in accordance with the NPPF. There is no evidence of any attempt to address full objectively assessed housing needs. This is clear throughout the plan and particularly in paragraph 4.5.34. This sets out that *"the Council believe that the delivery of 8,000-10,000 new homes is a good and reasonable balance of the need for new homes, economic growth and environmental and infrastructure capacity limits"*. This is an entirely circular argument. There can be no need for housing in the AONB if the constraints of the AONB have been applied to the housing target. Housing needs are being constrained by environmental factors. However the social role of sustainable development is just as important as its environmental role and this is why the NPPF is clear that full objectively assessed housing needs have to be understood ahead of applying any constraints.

In paragraph 4.1.12 explicit reference is made to an infrastructure funding gap with the implication being that this is a constraint on growth. However a current funding gap is not a reason for reducing the housing target at this stage. Development is a hugely important factor in funding infrastructure and growth in the Bay and if it is restricted it is highly unlikely that the critical infrastructure required will not come forward. It is also unclear what role Government funding may have in the future. The Council should not be restricting development on this basis.

Paragraph 4.1.21 concludes that the target of 8,000-10,000 new dwellings and 17 hectares of employment space is the *"upper limited of development that can be achieved in a sustainable fashion, without causing serious harm to Torbay's natural environment or to the functioning of its infrastructure."* We would strongly disagree with this. The Council have applied constraints on development without exploring all the possibilities to meet full objectively assessed needs. Promoting growth is essential in Torbay to stop the continued spiral of decline. However the Council's current constrained approach to housing and economic development is not proactive to achieving this growth.

Policies

There are a number of specific policies (and supporting paragraphs) in the Local Plan which we consider need addressing. The relevant policies are set out below:

Policy SS1 – Growth Strategy for a Prosperous Torbay

We support the first line of the policy which promotes a step change in Torbay's economic performance, however, we have concerns regarding the actual delivery of this based on targets set out in the policy. As set out above we have serious concerns about the proposed housing targets and their compliance with paragraph 47 of the NPPF. As such we consider that the plan is at risk of being found unsound as it is not consistent with national policy (required by paragraph 182 of the NPPF).

Paragraphs 4.1.24 – 4.1.29 – sequence and phasing of development

We consider that these paragraphs need to be reflected within Policy SS1 in more detail. We would recommend that the policy includes relevant monitoring to enable Future Growth Areas to be brought forward earlier in the plan if required. This will ensure greater flexibility in the plan.

Policy SS2 – Future Growth Areas

We support the identification of the "Wall Park, Brixham" Future Growth Area but we do have some reservations that the wording of the policy is not sufficiently clear. Leaving the detail of development within these broad growth areas to Neighbourhood Planning or masterplanning does not provide sufficient detail and leaves uncertainty in regard to the number of houses and other uses which can be expected to come forward from these identified areas. Furthermore, whilst some of the areas can be described as broad locations, Wall Park is not a broad location but a specific site.

We consider that within this policy an indicative figure of the number of houses (and other development proposals) should be set out for each of the Future Growth Areas individually. This would ensure closer alignment to future housing land delivery and offer more certainty for each of the Future Growth Areas. The criteria set out will not be appropriate for all sites depending on their individual characteristics. In respect of Wall Park, we would like to suggest between 150 and 170 dwellings on the brownfield element of the site; together with suitable provision of recreational and tourism facilities on the greenfield elements.

We note that the Council is not currently undertaking a masterplanning exercise for Wall Park as it is for the other Future Growth Areas. We can only take this to mean that the work my clients have undertaken in respect of their current planning application has adequately addressed the issues in terms of the location and mix of uses and the mitigation that is proposed for both landscaping and ecology. We believe that this work demonstrates how the proposal can satisfactorily integrate with the character of the area and ensure that the proposals both protect and enhance the natural environment.

We do not believe that it is a necessary policy requirement for a bespoke Greater Horseshoe Bat mitigation plan for all development within Future Growth Areas. Those areas which are in close proximity to Greater Horseshoe Bats will have to give them due consideration throughout any planning application, with all details considered and agreed by Natural England. This requirement for a bespoke mitigation plan is overly onerous and unnecessary when the controls required through European and National legislation are already in place.

In addition we support the comment in paragraph 4.1.33 that there is explicit acceptance that development of Wall Park could come forward earlier in the Plan period. However we note that this is in conflict with paragraph 4.5.23. This second reference should either be deleted, or clarity provided that Wall Park could come forward earlier.

Policy SS3 – Presumption in Favour of Sustainable Development

We support the aims of this policy as it reflects national policy.

Policy SS7 – Infrastructure, Phasing and Delivery of Development

We would emphasise the importance of development viability to ensure that undue burdens are not placed on development to prevent it coming forward.

Policy SS8 – Natural Environment

We are concerned that sub-clause 3 is seeking to impose overly onerous obligations on development proposals, especially in respect of undefined countryside management, that may well fail the tests of lawfulness regulating developer contributions.

Policy SS9 – Green Infrastructure

We are concerned that this policy again places unknown and unjustified requirements on developers. In particular the comment "*Developments will be required to make contributions proportionate to their scale for the protection, management and improvement of green infrastructure*". This is highly unclear and is unlikely to be justified in all circumstances.

Policy SS10 – Sustainable Communities

This policy on the one hand appears overly prescriptive in nature, requiring development to address a wide range of criteria. However at the same time it is significantly vague, appearing to require a lot to be included in proposals without providing clarity or justification for them. For example point number nine requires protection and enhancement of the local natural and built environment, where appropriate through planning contributions. This provides no certainty about what is required of developers nor provides sufficient justification as to why it is necessary.

Policy SS11 - Housing

As set out above, we are unable to support this policy because of the unjustified housing numbers proposed. We also do not support the caveat at the end of the first sentence which states "*so long as these can be provided without harm to the economy or environment, including sites protected under European legislation.*" This could ultimately mean that no houses are delivered; although more likely provides a reason for the Council not to meet their housing target by the end of the plan period.

We support the emphasis that regeneration of brownfield sites should be prioritised. In this context we propose that the redevelopment of the former holiday Centre at Wall Park is identified specifically in policy SDB1.

As discussed in our comments above, the final sentence of this policy is highly inappropriate. It states "*where there is a need to bring forward additional housing beyond the figure above, appropriate locations will be identified through cross-boundary review of strategic housing land availability.*" As already clarified, the full objectively assessed needs are at a minimum 12,300 and so the Council should be undertaking cross boundary reviews now, now delaying them until a later stage. This is at odds with the guidance in the NPPF and PPG. We would strongly advise that both this policy wording and the Council's overall approach to housing delivery is reconsidered.

Policy SS12 – Five Year Housing Land Supply

This policy sets a target for the assessment of the five year land supply of 400 dwellings per annum, or 2,000 over five years. This will only deliver the minimum of 8,000 dwellings over the plan period as once the Council can demonstrate a five year land supply against their 2,000 dwelling target, there will be no further incentive to deliver more housing. We consider that this is a fundamental flaw in the plan and as set out above strongly urge the Council to express the housing target as a single figure. Based on the Council's own evidence this should be a minimum of 12,300 dwellings over the plan period, or 615 per annum. This target would represent a boost in housing delivery as required by the NPPF.

Policy SDB1 – Brixham Peninsula

We question the reasons why development in Brixham is referred to as limited. It is more than sufficient to say that Brixham will accommodate appropriate new growth. This acknowledges that it will be appropriate to the settlement size and function. The words 'but limited' are unnecessary.

Brixham constitutes about 16% of the Bay's population yet is only taking about 8% of the future housing based on the higher figure of 10,000 new homes. This is disproportionate. Based on this proportionality approach we consider that Brixham, should accommodate at least 10% of the total housing target or 1,000 dwellings. Clearly based on an even split the figure for Brixham would be 1,600 new homes, which is more than double the constrained approach that is being taken. A greater population will help "*sustain a viable retail function and help maintain an appropriate range of community facilities.*"

With regard to Table 5.14 we have a number of concerns about the sites included in the first five years. Paragraph 5.3.6 refers to old allocation sites such as Sharkham and Paint Station and new SHLAA sites such as Northcliffe Hotel. The NPPF places requirements on the Council to demonstrate why such sites are considered to be deliverable now, especially when such sites have stalled for long periods and also may not even be subject to planning applications. We would also question why 134 dwellings are likely to come forward on SHLAA sites in the first five years and then only 84 in the following 15 years. We strongly consider that Wall Park should be included in the delivery for 0-5 years.

Policy SDB3 – Brixham Urban Fringe and Area of Outstanding Natural Beauty

The policy refers to table 5.17 which relates to key sites for employment. However, we note that in such sensitive environments employment isn't always suitable. Secondly, table 5.17 is wrong in referring to a 'village envelope'. Brixham is a town.

In relation to Table 5.18, we would again emphasise that Wall Park should not be restricted to delivery in 6-10 years but should be brought forward to 0-5 years. We also question the reference to Wall Park in the first line SDB3.1 of this table. Should this be in the second row?

Policy TO2 – Change of use of Tourism Accommodation and Facilities

We generally support this policy. In respect of the Wall Park Future Growth Area we consider that the redundant holiday centre lacks an appropriate range of facilities and scope for improvement; and it is demonstrated that there is no reasonable prospect of the site being used or redeveloped for tourism or tourism related purposes. Overall there is no reasonable prospect that the entire site (brownfield and greenfield) can be retained for tourism purposes. The current planning application proposes an enhanced leisure offer in the form of up market touring caravan and camping pods facilities to meet current tourism demand in the area.

Policy TA2 – Development Access

We agree that development proposals should consider access for all modes of transport at the outset and that Travel Plans can plan for the future users of the developments. Sites within existing settlements, with good access to surrounding road networks, public transport and areas for pedestrian links should be encouraged. However we question the travel plan requirements for major development sites.

Our client's highway consultants consider that the focus of the policy is wrong and the objective should be to reduce motorised trips, particularly single occupancy car trips. The policy refers to pedestrian/cycle/private transport but does not mention car share, off-peak travel or flexible working which limits opportunities to reduce car travel. It would seem more appropriate to set peak hour single occupancy vehicle limits and leave it up to applicants to determine the best way to achieve car reduction.

Policy NC1 – Biodiversity and Geodiversity

This policy makes it clear that biodiversity and geodiversity are important factors in development proposals. Sites which propose mitigation and upgrades of existing habitats should be considered in relation to the other benefits and wider impacts upon the area outside of the application site as well as on-site considerations.

Policy H1 – Applications for new homes

We have already expressed concern that the housing target for the plan is essentially based on a 5 year land supply target of 400 dwellings per annum or 8,000 homes over the plan period. In respect of the first bullet point we do not believe that Plan in any way seeks to provide for a sufficient range of homes to meet the full objectively assessed needs.

We would suggest a change to the wording of bullet point three, which includes the requirement for employment provision. We consider that this should instead state "*including employment provision where possible*" as it is not always possible or suitable to deliver such uses on all sites.

However, we particularly welcome bullet point 6 which seeks to maximise the re-use of urban brownfield land, such as the brownfield land at Wall Park.

Policy H2 – Affordable Housing

We support the policy recognition of development viability. This can seriously affect the delivery of affordable housing and so it is vital that the Council recognises this.

We strongly question the inclusion of the tenure split of one third social rented, one third affordable rented and one third shared ownership being within the policy wording. It is not clear how this addresses local needs and nor does it allow for any flexibility across the 20 year plan period.

Policy H3 – Self Build Affordable Housing and Exception Sites

We have a number of concerns about this policy. Firstly it is not clear what demand there is for self build homes. The PPG requires the Council to have a waiting list to understand demand. Secondly in our experience those in need of affordable housing do not usually have the capital for self build accommodation, otherwise they would more than likely seek open market housing.

The proposed time periods involved in the marketing of these plots could seriously affect development viability. Developers will not want to have empty plots sat there, at their own expense. In addition, if the units are not demanded they could revert to open market housing. This could therefore result in the loss of what would otherwise have been affordable housing units.

We note that self build homes have not been included within the Viability Assessment. We would strongly recommend that this is undertaken first so that the Council fully understands the impact of including such plots on overall development viability.

As the plan acknowledges Torbay faces many environmental constraints. It is not clear how the individual scale, height, massing and design of such plots would be controlled in sensitive locations such as the AONB. Full details could not be provided with large scale planning applications as these would ultimately be up to the future owner to determine.

In addition, to clarify, custom build is not the same as self build and the Council need to consider which they are trying to promote.

Policy DE1 – Design

We agree that the design of development sites is important to get right at the outset however, we question the level of detail that is set out in this policy. Whilst the majority of the requirements are addressed through design and access statements and good quality architectural proposals, we wonder if this level of detail is better contained within the SPD than being listed in this policy.

Policy DE2- Building for Life

We encourage the consideration of Building for Life however we would strongly emphasise that the policy should be amended to ensure that development viability is also taken into account.

Policy DE3 – Development Amenity

In relation to table 6.1 concerning floorspace standards, we note that the requirements set by the Council are generally higher than the requirements set out by DCLG in August 2013 in the Housing Standards Review. We would strongly question why this is the case and request that the Council fully justify its position.

Policy SC1 – Healthy Bay

The Council must provide more detail in respect to the Health Impact Assessment (HIA) and the screening process. The recently published PPG indicates that a HIA will only be required where *“there are expected to be significant impacts”* (paragraph 004, Section 53). Unnecessary requirements for HIA's will incur further development costs and could ultimately impact on overall development viability.

Policy SE4 – Sustainable Food Production

The requirement for developments of over 30 dwellings to provide allotments or provision for sustainable food production is too onerous and will impact upon the overall viability of proposals, which may mean a reduction in the community benefits or affordable housing which can be provided on the site. It should be acknowledged that the provision of allotments is not always possible or suitable, depending on the individual circumstances of the site and existing allotment provision within the wider area. We would recommend rewording to add "*if possible or suitable*" within the final sentence.

Policy ES1 – Energy

Whilst we support the introduction of energy efficient measures we would strongly recommend that the policy is reworded to recognise development viability. Such measures are costly and can have huge implications on the viability of a development proposal.

The above comments are intended to be useful and we hope that the Council will take these points into consideration and seek to make changes where necessary to policies before this Local Plan proceeds to the next stage of production.

If you have any queries regarding the above please do not hesitate to contact me.

Yours faithfully



**JAMES STACEY MRTPI
DIRECTOR**

For and On Behalf Of
TETLOW KING PLANNING

Encs: Representations on the Local Plan Consultation Draft: September 2012

Cc: John Winstanley, Northern Trust Company Ltd.



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Date: 9 November 2012
Our Ref: JST/RR M6/0301-152
Your Ref:

By post and email
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Dear Sir or Madam

RE: REPRESENTATIONS ON THE LOCAL PLAN CONSULTATION DRAFT: SEPTEMBER 2012

We submit these representations on behalf of our client Northern Trust Company Ltd who act on behalf of the owners of the former Pontin's Holiday Centre, Wall Park Road, Brixham. Northern Trust Company Ltd is committed to delivering sustainable development on this important brownfield site in Brixham. This remains a redundant site which our clients would like to see brought back into economic use to benefit the town and provide an important contribution to satisfying Torbay's future housing requirement. Our client is fully aware of the landscape and ecological setting of the site and is committed to finding a solution which preserves and enhances this environment.

Our client has taken a full participatory role in the Neighbourhood Plan preparation and is pleased to see that early engagement at the Princes Foundation workshop has identified the potential for the former Pontin's Holiday Centre to contribute 170 new dwellings within the plan period.

Our principal concerns are to ensure the preparation of consistent planning policy documents which are based on robust and credible evidence to ensure not only that the correct housing target is achieved, but also that the plan is sufficiently flexible to allow for any changes in circumstances. As it stands my client objects to the target of 8,000-10,000 new homes.

We would like to request that any subsequent version of the Local Plan numbers each paragraph so that its eventual use can be improved.

Question 2 – Is the approach to growth right?

We strongly question the Council's identified approach to growth. The current figure of 8,000-10,000 new homes appears woefully low and totally inadequate to cater for the growing needs of the population over the next 20 years.

There is no clear explanation for this target and it is not in line with the evidence base. On page 28, the only explanation is set out as "based on a number of factors" which then states infrastructure and slow economic conditions. This is a hugely insufficient justification. The same paragraph then sets out an annual average of 400 dwellings (+/- 25%). This could include the delivery of only 300 dwellings per annum, which would lead to an overall delivery of 6,000 homes. This is not appropriate. If the target is genuinely 8,000-10,000 new homes then the annual average dwelling target should be 450 (+/- 25%). By suggesting that 400 dwellings is the annual average, the Council are clearly setting out that their overall

target is only 8,000 dwellings, as once the 5 year land supply is delivered, there is not going to be any compelling need to release further land for housing.

We also question the need to suggest a housing target range. Previously the Council have suggested a target of 10,000 dwellings, however there is no justification as to why this is now a range between 8,000 and 10,000. We note that a range has been accepted in other authorities only where there has been a genuine uncertainty about the delivery of specific sites for technical reasons and the Council have had to provide considerable evidence as to why this is appropriate.

Policy SD1 – Growth strategy for a prosperous Bay and Policy H1 – Housing provision

We strongly object to the suggested target of 8,000-10,000 homes over the 20 year plan period. The evidence base does not provide a clear and robust justification for the use of this housing target, and the Council fail to provide a clear explanation as to how the range of 8,000-10,000 has actually been reached.

The key issues facing Torbay at the start of the Local Plan highlight a considerable need for new houses. It notes that house prices are on average 8 times earnings, which is 30% higher than the national average and that 1 in 4 children are currently brought up in poverty. The Bay's USP section refers to high house prices and the need to deliver high levels of affordable housing to address growing inequality. The Local Plan clearly states the need for 'strong intervention' to address this.

Despite this evidence the Council is seeking to deliver fewer houses over the next 20 years than has been delivered on average over the last 5 years. The 2011 Annual Monitoring Report shows that over the 5 years since 2006 the Council have delivered on average 543 new dwelling per annum. Yet in the face of higher than average house prices and very high levels of child poverty, the Council are seeking to reduce this housing delivery to 400 dwellings per annum. This approach is completely unjustified. Even at the suggested maximum of 400 +25%, this is still only 500 dwelling per annum which is less than previously been delivered.

The Council have genuinely identified the need to deliver more housing, and in particular more affordable housing to address the issues of high house prices and growing inequality within the Bay, it is therefore completely irrational for them to seek to significantly reduce their suggested level of house building from what has previously been delivered. The National Planning Policy Framework requires plans to be 'consistent with national policy' and part of this policy is for Local Authorities to 'significantly boost' the supply of housing. Torbay's approach to lowering this is far from consistent with national policy.

Strategic Housing Market Assessment

The Exeter and Torbay Strategic Housing Market Assessment (SHMA) was initially prepared in 2007 and was updated in 2011. The 2011 SHMA looks at updates to affordability, migration and households in temporary accommodation and concludes a 5 year need for 4,103 net additional dwellings. This breaks down into an annual requirement for **821 dwelling per annum**.

The balance between market housing, intermediate housing and social housing is 39:8:53. The annual housing requirement is therefore as follows:

Market housing	320
Intermediate housing	66
Social rented housing	<u>435</u>
Total	821

The Council's suggested housing target of 400 dwellings per annum therefore manifestly fails to meet the identified need for social rented houses, let alone the total housing need. The Council have not set out any justification whatsoever for dismissing this evidence. It is strongly recommended that greater weight is placed on this evidence as failing to do so is contrary to the guidance in the NPPF and could lead to the plan being found unsound.

DCLG Household Projections

The latest DCLG household projections released in November 2010 are based on the 2008 sub national population projections. These household projections are produced by applying projected household representative rates to the population projections. These projections are an important part of the evidence base for assessing future housing demand and informing national and local policies. For Torbay the projections indicate a growth of 13,049 households between 2012 and 2032.

These DCLG projections indicate a growth in the number of households in Torbay significantly above the suggested housing target. In determining the previous appeal at Wall Park, the Inspector stated that "*the DCLG household projections (2008-2033) are both current and of relatively recent origin. I have no reason to doubt their reliability*". These figures were explored in detail at the inquiry and the Council are aware of them. It is unclear why the Council have not taken into account this evidence in determining their overall housing target.

2012 ONS Population Projections

The latest ONS 2011 based sub-national population projections, published in September 2012, show an increase of 8,000 people between 2011 and 2021 in Torbay. While we must await the latest DCLG household projections to fully understand how this translates into household need, the figures in the Local Plan of 9,000 additional people between 2011 and 2031 therefore seem rather low. These latest population projections suggest a much higher level of population growth than the plan currently acknowledges and the impact of this on the overall housing target will need to be explored.

Affordable Housing Need

The draft Local Plan acknowledges out that around 8% of the housing stock in Torbay is affordable, compared to 18% nationally. This clearly highlights a significant shortfall in affordable housing delivery in the past. The Local Plan also acknowledges that there are currently around 3500 applicants on the waiting list for affordable housing. The Local Plan currently sets out a proposed affordable housing contribution of 30% on large sites. Broadly assuming that all development comes forward on large sites, 30% of 400 dwellings is 120 affordable dwellings per annum, which over the plan period is a total of 2,400 affordable homes. The Council are therefore not even planning to meet the current affordable housing need over the whole plan period. This is not appropriate.

Given the low level of housing proposed, the need for affordable housing is only likely to further increase across the plan period, further widening the gap between need and supply. This will not seek to address the inequality or high level of child poverty highlighted in the Bay.

We strongly recommend that the Council reconsider their overall housing target to more effectively address the identified affordable housing need. Paragraph 47 of the NPPF requires Councils to meet the 'full objectively assessed need' for both market and affordable housing. We recommend that the Council more thoroughly consider this requirement.

Ratio of Employment to Housing

Policy E1 refers to the creation of 'at least 15,000' full time equivalent jobs, with a ratio of 1.5 jobs per dwelling. At this ratio there needs to be at least the delivery of 10,000 new homes. This suggested target of 400 dwellings per annum will not deliver at least 15,000 new jobs. This inconsistency between policies in the plan will not deliver the objectives of sustainable economic growth.

It needs to be remembered that the development of houses themselves will have positive economic benefits for the Bay in terms of construction jobs, the spending provided by the new residents and the domestic and household jobs that will be created for the local labour force. Evidence suggests that the Gross Disposable Household Income is circa £14,000 per household.

Overall there is a significant amount of national and locally specific evidence that supports a higher housing target. It is strongly advised that the Council gives this more weight in the next version of the Local Plan. It is not considered sufficient for the Council to indicate in the next version of the Local Plan that an early review of housing need should take place. The need is identifiable now and should be planned for now.

Evidence of Housing Land Availability

The Strategic Housing Land Availability Assessment previously prepared by Baker Associates undertook a thorough and detailed assessment of housing land availability in the Bay. It concluded that there is land available for up to 16,140 dwellings between 2006 and 2026. This evidence appears to have been completely disregarded in reaching the housing target of 8,000 – 10,000 new dwellings. The NPPF requires at paragraph 47 local plans to meet the full objectively assessed needs for market and affordable housing so far as is consistent with policies in the framework. The SHLAA evidence clearly suggests the environmental capacity for a higher housing target in line with the DCLG household projections and evidence in the SHMA.

With this range of evidence supporting the Local Plan, it is far from clear is how the Council have reached their proposed dwelling target. Page 43 of the document sets out that "*this plan has been subject to rigorous testing to ensure the balance between growth and environmental protection is right*", however there is no evidence whatsoever of this. All of the evidence supports the delivery of a higher housing target and that the targets identified are capable of being delivered within the environmental constraints.

The previous version of the Core Strategy sought to deliver 15,000 new dwellings in line with the targets in the draft RSS. In removing the regional planning tier the Government may have encouraged greater local consideration of housing targets, however there remains clear guidance in the NPPF that local plans should meet the "full objectively assessed" housing need. Paragraph 159 sets out the evidential basis for authorities having a clear understanding of the housing needs in their area based on a SHMA. In preparing local plans, paragraph 182 of the NPPF clearly sets out that in order to be found 'sound' plans should be positively prepared, justified, effective and consistent with national policy. This plan does not set out a positive strategy to do this, the proposed target is not justified based on the evidence available and is not consistent with national policy.

In the recent examination into the Bath and North East Somerset Core Strategy the Inspector raised serious concerns about the lack of an NPPF compliant assessment of the housing requirement. This included the need to explain the reasons for the choice in relation to not fully meeting the assessed needs. The Inspector considered that the scale of affordable housing need did not appear to have influenced the overall scale of the housing requirement. He stated that:

"The Council have not considered how to meet this need, other than by maximising the proportion of affordable housing sought from market housing. Given that the overall provision is less than

the affordable needs alone, the Core Strategy results in a very substantial shortfall in meeting affordable housing needs".

This is the same in Torbay, with the identified need for affordable housing being 501 dwellings per annum, against the identified overall housing target of 400 dwellings per annum. It is strongly recommended that the Council more fully explain their reasons for not meeting the assessed housing needs given the evidence of capacity in the SHLAA. On the basis of the above evidence we recommend that the Council place much greater weight on the evidence in the SHMA and the DCLG household projections in reaching their overall housing target.

Consequences of a low growth target

There are a number of consequences of failing to provide for sufficient housing which will affect the long term growth and sustainability in Torbay.

Firstly the suggested housing target seriously limits the amount of affordable housing that can be delivered. The chosen level of growth will not deal with the full level of housing need identified in the SHMA or currently on the housing register. This will only increase the backlog of affordable housing needs, failing to deliver sustainable mixed communities. As a consequence, the competing demands for housing will increase, from local residents, in-migrants and second home purchasers. This is likely to lead to an increase in house prices and potentially force many more households into affordable housing need.

Secondly failing to provide sufficient housing will also be a threat to prosperity and achieving economic aspirations. It is likely to force young and economically active residents to move away if they are unable to find suitable affordable accommodation. Similarly the flow of economically active migrants will slow and the dependency ratio will increase. The provision of a low housing target is short sighted in terms of its aims for economic growth. We would strongly recommend that the Council reviews this target prior to the next version of the Local Plan being published.

Policy SD2 – Presumption in favour of sustainable development

We support the general principles in policy SD2 as they are in accordance with the aims of the NPPF.

Policy E1 – Employment

We have a number of concerns about policy E1. While we support the economic regeneration of Torbay, at present the policy is overly aspirational and is lacking the detail and reasoning behind it. The explanation does not provide sufficient detailed justification for such a substantial burden that will be placed on developers. We object to the broad approach requiring all large scale sites to deliver on site serviced employment space. Given the environmental sensitivity of some sites, this is just not practical.

A similar policy has recently been accepted in the North Somerset Core Strategy, however this policy only relates to the Weston villages (essentially 2 small urban extensions), where there is specific evidence about out-commuting from Weston Super Mare to Bristol. The draft plan currently states that "Torbay has a high level of self-containment within its workforce – 77% of residents also work within the Bay". This does not justify this broad brush policy as currently drafted. We strongly recommend that this is reconsidered.

At present the policy fails to place sufficient emphasis on ensuring development viability. The statutory requirement to have regard to the NPPF, other national policies and "the resources likely to be available for implementing proposals" means that viability is a key issue for the Local Plan process. As previously stated development of houses themselves will have positive economic benefits for the Bay. This policy aspiration to deliver additional employment should not come at the expense of delivering houses. We

recommend that much greater emphasis is placed on ensuring development viability to ensure that the policy complies with paragraph 173 of the NPPF and the Localism Act.

In addition to our objections about the evidence base for the policy, the wording of the policy is currently really unclear. It is not clear if the bullet points refer to an either/or situation. The second bullet point sets out that the Council will require on site serviced provision from large sites and as currently set out it is unclear how this relates to the wording seeking a financial contribution in the first bullet point. The fourth paragraph of the explanation setting out the preference for on site provision but acknowledging that where this is not practicable, the council will seek a contribution is more appropriate.

Policy T1 – Tourism, events and culture

In general we support the recognition within this policy to allow outdated and poorly located stock to revert to family housing to support other objectives of this plan. It is important to recognise that retaining existing sites is not always the most appropriate strategy to develop a modern and competitive tourism offer. Viability has a huge part to play in the current economic market and it is therefore important to recognise that a strict policy retaining existing provision will not provide the flexibility needed to facilitate economic growth.

It is noted that the previous approach to keep the best accommodation but to allow poor accommodation to be lost has resulted in an overall gain of 120 bedrooms together with an increase in quality, as set out on page 70. This approach should be continued.

Policy T1 refers to Core Tourism Development Areas. In general we support the harbour and waterfront as the primary tourist area in Brixham. However is rather limited and cuts through some buildings. Care should be taken to redraw the boundaries.

Policy T2 – Change of use of tourism accommodation and facilities

We support the general principles set out in policy T2. We recommend that for outside core tourism development areas paragraph 1a should read "where the holiday character of the area is not undermined" as the current wording is unclear. The holiday character of an area is defined by its facilities and accommodation.

T02 063
The requirements of paragraph 2 are also unclear. Requiring all buildings and land to be returned to their original historic form is firstly unclear as there are different interpretations of historic and secondly in some cases is completely unnecessary. The explanation refers to it only in the context of hotels and guest houses but this is not how the policy is currently worded. We strongly recommend that greater clarity is set out within this paragraph and also the words "if necessary" inserted as not all tourist accommodation refers to hotels and guesthouses.

Considerable explanation for this policy refers to 'Turning the Tide for Torbay'. However page 68 of the Local Plan suggests that this document is currently under review. We would suggest that it is unsuitable to be preparing a policy to guide development in the bay over the next 20 years on an evidence base which is being reviewed. The tourism strategy uses evidence from 2007 and in our assessment of holiday park bedspaces prepared for the Wall Park Inquiry there are a lot more spaces available than the strategy suggests. The overall number of bedspaces has increased rather than reduced by the 18% set out in the strategy. We would dispute that the proposed 18% reduction is 'only a slight reduction' as set out in the third paragraph of the explanatory text.

Policy IF1 – Infrastructure, phasing and delivery of development

Concern is raised in relation to the second bullet point of this policy referring to major developments needing to make a positive contribution to the 5 aspirations of this Local plan. Major Developments should be considered against all policies in the Local plan and not aspirations which are not included within policies. This bullet point should be removed.

Overall the policy could simply be reworded to say all eligible development should provide appropriate mitigation/contributions, which meet the tests of CIL regulations 122. Greater emphasis should also be made in this policy to ensuring that schemes remain viable. The Localism Act 2011 amends the Town and Country Planning Act (1990) to allow local finance considerations that are material to the application to be taken into account in determining planning applications.

Policy IF4 – Parking requirements

The requirement of this policy for every dwelling to provide electric charging facilities is not justified by the current usage of such vehicles on the road. Research shows that less than 7% of new car sales are fully electric. The policy should be reconsidered in light of the available evidence.

Policy EN3 – Urban Landscape Protection Areas

The policy refers to resisting development within the urban landscape protection areas, however from the list provided it is unclear how the areas are defined. We would recommend that much greater explanation is provided for each area, preferably with a map, and secondly that a justification is included setting out why each area has been designated. Any policy overlaps with other national landscape designations should be avoided where the national designation has a higher level of control.

Policy EG1 – Sustainable construction and design

We support the general principles of delivering sustainable developments. However, building regulations are adapting to ensure that new developments reduce energy usage and increase sustainability. In the recent examination into the South Gloucestershire Core Strategy the Council sought the delivery of certain code levels, which increased over time, however the Inspector considered that this was unnecessary, amending the text to say *"that all new developments will be required to meet the building regulations current at the time of full planning or reserved matters approval"*. The reason for such a modification was to take account of viability issues in accordance with the NPPF. We would advise that Torbay Council follow a similar approach.

Policy SC1 – Sustainable communities

We support the general principles of this policy. However, whilst growing your own food is a nice idea, we are not convinced that it is a necessary criteria with which to test a development proposal.

Furthermore, the wording *"contribute towards any additional educational or training needs"* is considered a too broad brush statement. The word 'any' suggests that these educational needs don't even have to be directly related to the development. This is contrary to CIL regulation 122, which requires that obligations are:

- (a) "necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development"*

We recommend that this part of the policy is reworded.

SC2 – Sport, leisure and recreation

It is considered that this policy is seeking to replicate the requirements of IF1 and should be reworded to solely protect existing provision and identify policy criteria for assessing the change of use of such provision. The ability to introduce this policy is severely hampered by an inadequate evidence base relating to the requirement of applicants to undertake an assessment of existing and future sports and recreational need. The evidence to support this policy should not be retro-fitted.

This requirement places further burden on developers to provide additional evidence to support their planning applications. This approach is not in line with the wider government agenda seeking to streamline the information requirements for planning applications.

SC 3 – Healthy Bay

The requirement for larger developments to produce a Health Impact Assessment is again a significant burden on developers and similar to the above is not in accordance with the recent DCLG consultation on reducing red tape and information to support application.

Developments requiring EIA will be undertaking such an assessment within a socio-economic impact assessment. Producing a separate Health Impact Assessment is an unnecessary and unjustified requirement.

DE1 – Design

The wording of this policy is considered to be overtly prescriptive and superfluous in respect of the table setting out the design criteria for major applications. Each application should be considered on its own merits. Paragraph 59 of the NPPF indicates that, "*design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally*".

We consider that this policy provides unnecessary prescription which could be placed in an SPD or Design Code.

DE2 – Building for Life

Whilst we support the Council's use of Building for Life standards as a method for generally assessing the standard of design as part of the planning application process, we consider that making this a pre-requisite policy requirement is not sufficiently flexible. We recommend that it is removed as a policy and referred to in the policy text as an assessment tool used to inform the planning application process. This approach is justified on the basis that Paragraph 173 of the NPPF requires the need to ensure viability and deliverability.

Policy DE3 – Development Amenity

We fully support the Council's aim of improving design standards of new developments in Torbay, however we have some concerns about this policy. In particular as currently worded the policy remains quite vague.

Criteria 3 currently states that: "*scale and nature of use leading to an overconcentration of similar uses which would harm amenity*". We suggest that the Council considers rewording this phrase in order to better explain what constitutes an over-concentration of similar uses. Given the very broad and vague nature of this statement, a subjective interpretation of the policy could be used to block many different

types of development. The supporting text needs to provide examples and further details of how this policy will operate to ensure it is effective and accords with the Core planning Principles in the NPPF.

Secondly, we are concerned by criteria 4: *"impacts on existing living conditions and standards of accommodation of other uses"*. An explanatory paragraph describing the Council's motivation for including this policy would enable greater clarity.

Criteria 5 is also concerning, it states that: *"new dwellings should comprise self-contained accommodation with separate access"*. Again an explanatory paragraph beneath the policy would clarify the Council's objectives regarding this policy. The policy would appear to exclude any flatted development which might have shared access.

DE4 – Building heights

We agree that new buildings should be appropriate to the location and the setting of the development. However, in certain circumstances it is not necessary for new development to be "constructed to the prevailing height" (the most commonly occurring height). This restriction can stifle innovation and development. This wording of policy is contrary to paragraph 60 of the NPPF which warns against planning policies seeking to *"attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."* For this reason we believe that this requirement to conform to a prevailing height should be deleted as it does not allow for each design to be considered on its merits.

Policy H2 – Five Year Housing Land Supply

As set out in relation to policy H1 and SD1 we are concerned that an unjustified housing target of 400 dwelling per annum does not match the evidence base. The 400 dwelling figure appears to have been manipulated to protect the council from the implications of paragraph 49 of the NPPF. The council seem to have forgotten the requirements of paragraph 47 of the NPPF which states that, *"To boost significantly the supply of housing, local planning authorities should: use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area"*. There has been no attempt to boost the supply of housing or to meet the full objectively assessed needs.

The Council sets out a clear intention to include windfall sites in the five year supply assessment. Paragraph 48 of the NPPF says that in order to do this the Council must have *"compelling evidence"* that such sites have consistently become available. We do not consider that the Council have demonstrated such evidence.

H3 – Applications for new homes

We are currently uncertain about the evidence base justifying the requirement for opportunities for self build homes. We are concerned that this is an aspiration of the Council and that if there is no demand for it, it may lead to vacant areas of sites where other housing could have come forward. There needs to be strong supporting evidence that there is not just the demand but also the finance in place to deliver it.

We also have concerns that the second criteria is currently not consistent with policy E1. The recognition within policy E1 that where onsite employment provision is not practical or viable an off site contribution will be accepted, needs to be included within this policy. We strongly recommend that a greater emphasis is placed on ensuring development deliverability and viability within this policy. Given that site allocations are not going to come forward until Neighbourhood Plans and a Site Allocations DPD are adopted, all housing applications will be assessed against these criteria in the interim.

Policy H4 – Affordable Housing

We question the Council's justification for the split between social rented, affordable rent and intermediate rented tenures and would welcome some evidence justifying this split. We would also welcome greater evidence justifying the 30% affordable housing contribution as at present the detail behind this is unclear.

Overall we support the recognition of viability issues however we are concerned that as drafted the policy is not sufficiently flexible as it is only agreeing to defer the contributions. We suggest that the policy is reworded to say 'defer or reduce' in order to recognise that in some cases it will not be viable just to defer the contribution. The NPPF requires local plans to be "deliverable", "viable", "realistic" and "flexible". The cumulative effect of planning requirements should not put the implementation of development at risk. The courts have recently confirmed that they are prepared to intervene where authorities fail to adequately deal with the issue of viability. In the case of *Linden Homes Ltd v Bromley Borough Council [2011] EWHC 3430* Linden Homes showed that the deliverability of a site was unrealistic unless delivered in a certain way. The Inspector considered that the plan was 'essentially sound' being viable across the plan period as a whole. However the courts held that this was purely speculative, quashing parts of the plan. This case confirms that the plan allocations and policy requirements must be grounded in a genuine understanding of viability.

SDT1 – Torquay, SDP1 – Paignton and SDB1 – Brixham

We question the evidence for the proposed housing split between the 3 towns. We consider that this is disproportionate and not based on the existing pattern of development/population. From the 2001 census Brixham have around 13.5% of the population of Torbay, yet its only allocated 10% of the overall housing requirement. We strongly question the Council's justification for this, and whether it enables the town to sustain its function and role.

SDB1 – Brixham

We are concerned about the wording of the policy with the inclusion of the words "appropriate but limited" new growth. We consider that the words "but limited" are superfluous as the preceding term "appropriate" sufficiently covers the aspiration to fulfil the towns housing needs. We strongly feel that the wording of this policy demonstrates a lack of commitment to provide for sufficient new housing for the town.

As set out above, we strongly question the justification for the provision of 40-50 new homes per annum in Brixham. We are also concerned that the current policy wording suggests that this level of new housing is only possible if it can be accommodated without prejudicing the AONB. In effect, this overall target could therefore be reduced if development was considered to prejudice the AONB. Given that swathes of Brixham are covered by AONB, we consider that this policy as currently drafted lacks the commitment to delivering housing to meet identified needs, which is a requirement of paragraph 47 of the NPPF.

SDB3 – Brixham urban fringe and Area of Outstanding Natural Beauty

It is considered that this policy is overly restrictive and does not acknowledge the known aspirations for redevelopment surrounding the Former Pontin's Holiday Centre at Wall Park Road, Brixham. This site has been identified for up to 170 dwellings in the Neighbourhood Plan process and was also identified in 3 of the 5 growth options in the previous Core Strategy. Part of the site is located within the built-up part of Brixham and comprises a redundant and vacant brownfield site, which is suitable and available for redevelopment.

Whilst the table below the policy acknowledges that "*redevelopment for residential purposes is proposed within the built-up area, to help maintain the viability of community facilities, strengthen the rural boundary and enhance the AONB*", this is not reflected in the actual wording of the policy. We consider that the

policy should be reworded to acknowledge that brownfield redevelopment for residential purposes can be appropriate within the built up area.

Implementation

There is reliance within the Local Plan on the Neighbourhood Plan process to allocate sufficient sites to accommodate all of the growth. The current draft of the Local Plan does not seek to identify housing sites for potential allocation. However, we have concerns whether the Brixham Neighbourhood Plan will progress within a timely period. There has been no mention of a SEA or HRA to justify the allocations. These processes can be both timely and costly. Whilst the Forum has the best intentions to advance the Neighbourhood Plan by March 2013 we are concerned that this is overly ambitious.

Appendix D – Local list

We have concerns about the proposed local list. The Council's requirements for applicants to provide supporting information is much greater than before, for example including a Health Impact Assessment, an Employment Impact Assessment, an Energy Statement, and a Tourism Impact Statement. This requirement for a significant level of additional upfront information is contrary to the Government's intention to streamline the information requirements for planning applications. This includes ensuring that the information requirements are proportional to the proposed development. DCLG consultation was undertaken on this earlier this year and we recommend this list is postponed until the results of this are known.

Benefits of the site

Our clients are willing to work with the Council and the local community to deliver a scheme which works for Brixham. We are pleased to see that the Neighbourhood Plan process has identified my clients land as being suitable for up to 170 dwellings. We are also pleased with the feedback we have received from early consultation with the community that a redeveloped holiday centre site could accommodate new rugby and football pitches for the benefit of the nearby Brixham Rugby Club and Brixham Football Club. We firmly believe that proposals can be advanced to deliver a full range of enhanced landscape and ecological features as well as delivering a range of social, economic and recreational benefits for existing and future residents of the town and the Bay.

Can you please ensure that Tetlow King Planning are retained on the Local Plan database as the agents acting for Northern Trust Company Limited. We look forward to viewing subsequent drafts of the Local plan.

Yours faithfully



James Stacey MRTPI
For and On Behalf Of
TETLOW KING PLANNING

cc John Winstanley – Northern Trust Company Limited

Pickhaver, David

From: Rosie Roome [REDACTED]
Sent: 07 April 2014 08:50
To: Planning, Strategic
Subject: Representations to the Torbay Local Plan consultation 2014
Attachments: Torbay Local Plan representation form 2014.pdf; 0301-169 local plan reps April 2014.pdf; 0301-152.m6 Local Plan reps Nov 2012.pdf

Dear Sir or Madam

Please find attached our representations to the Torbay Local Plan consultation.

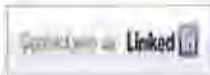
I would be grateful if you could confirm safe receipt of this email.

Kind regards,
Rosie

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**Our Ref DS/PCL/
Date 3 April 2014**

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Dear Sir/Madam

**EMERGING TORBAY LOCAL PLAN – PROPOSED SUBMISSION
CONSULTATION RESPONSE**

This letter is submitted in respect of the current consultation on the Proposed Submission version of the Torbay Local Plan (February 2014).

This letter outlines our key areas of support and objection in relation to the current version of the Torbay Local Plan ("Plan").

Aspirations

The current version of the Plan outlines five key aspirations for the bay covering economy, accessibility and infrastructure, natural and built environment, communities and places, and climate change. It also sets out a number of objectives in relation to these.

We welcome the inclusion of these aspirations and objectives. Specifically, we are supportive of the Council's aspirations:

- To achieve economic growth and deliver new jobs and housing, in order to promote equality, reduce disadvantage and poverty, and increase Torbay's competitiveness; and
- To meet the needs of Torbay's residents, including disadvantaged and minority groups, and to provide everyone with a full range of opportunities in life.

In the context of the above we would like to highlight our particular support for the following objectives:

- To promote higher value uses and activities.

- To ensure the English Riviera achieves its potential as a premier tourist resort by continued investment in existing facilities, waterfront areas and marine environment, and provision of new attractions.
- To cater for changing holiday demands and expectations to attract new visitors, investment in high quality facilities and improvement of existing product and services
- To increase accessibility throughout the Bay and beyond with fast, frequent, reliable and sustainable travel, giving people real choice as to how they can make their journeys.
- To improve road and rail links, cycling and walking routes to reduce congestion and environmental impact.
- To build enough houses to give everyone a chance of a decent home.

Growth Strategy for a prosperous Torbay

In relation to the proposed housing requirement of between 8,000 and 10,000 dwellings outlined in the policy for the period 2012-2032, we object to the range of figures proposed. It is our view that the even highest figure in the range is too low to ensure that the plan does its utmost to meet the objectively assessed need for housing within Torbay.

The PBA Housing Requirement Report (May 2013) looked at demographic trends, employment projections and housing need in relation to trying to determine the objectively assessed need for housing. The assessment establishes that:

- Demographic projections indicate an objectively assessed need for housing of approximately between 8,200 and 11,200 dwellings;
- The most robust scenario tested in the employment based projections indicates that 12,278 homes are required over the plan period;
- The housing need for Torbay, as identified in the SHMA Update 2011, is 3,359 dwellings over five years, approximately 71% (2,370 dwellings) of which was affordable housing need. If this is spread across the remainder of the plan period then a housing requirement of approximately 13,400 dwellings would be required;

The 2013 SHLAA indicates that 11,550 dwellings could be delivered over the plan period on the sites identified in the assessment and outlines that there is

scope for additional provision beyond this within the broad locations for growth considered.

Another consideration is the level of affordable housing provision that the Council intends to seek in respect of future housing developments. Policy H2 in the Proposed Submission plan proposes the use of a sliding scale that will at most require 30% affordable housing provision in relation to greenfield sites and 20% in relation to brownfield sites. If the proposed housing range figure of 8,000 to 10,000 dwellings was to be taken forward then this would, on a crude and very optimistic basis (assuming 30% achieved on all housing development), only result in the delivery of 2,400 affordable housing units across the plan period. This would only just meet the five year requirement for affordable housing provision identified in the SHMA Update.

If a higher overall housing figure is taken forward by the Council then the potential amount of affordable housing that could be delivered in the context of Policy H2 would increase and would be substantially more appropriate given the acute need for affordable housing. The Council therefore needs to ensure that it sets the highest housing figure it can, within the environmental and physical constraints that are prevalent, in the Plan.

A requirement for at least 11,500 dwellings would be more appropriate in light of the evidence base and in particular the findings of the PBA Housing Requirement Report. This level of housing could also be delivered based on the information on housing land supply contained in the 2013 SHLAA Update.

Taking account of all of the above indicators on what the objectively assessed need for housing in Torbay is, it is clear that a figure between 11,500 and 13,500 dwellings should be outlined in the plan for it to be considered in accordance with the National Planning Policy Framework (NPPF – "Framework").

Housing

Policy SS11 restates the overall housing requirement range of 8,000 to 10,000 dwellings for the plan period. We again wish to highlight our disagreement with the range and figures and suggest that it is increased as per the comments provided earlier in this letter.

Park

Sladnor Park

Sladnor Park is an existing residential site in a sustainable location. The site benefits from an extant consent for redevelopment and the site can contribute to both the housing and tourism objectives of the plan.

If you would like to discuss any element of this letter please contact me.

Kind Regards

David Seaton, BA (Hons) MRTPI
For PCL Planning Ltd

e: 



Torbay Local Plan
A Landscape for Success
 The Plan for 2012 – 2032 and beyond
 Proposed Submission Plan

For official use:
 Agent: 844 816
 Contact: 844 815

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	Mr
First name(s)	<input type="text"/>	Colin
Last name	<input type="text"/>	Danks
Organisation (if you are representing that organisation)	Taylor Wimpey (Exeter) Ltd	Origin3 Ltd
Address – line 1	<input type="text"/>	17 Whiteladies Road
Address – line 2	<input type="text"/>	<input type="text"/>
Address – line 3	<input type="text"/>	<input type="text"/>
Post Town	<input type="text"/>	Bristol
Postcode	<input type="text"/>	BS6 1PB
Telephone number	<input type="text"/>	<input type="text"/>
E-mail address	<input type="text"/>	<input type="text"/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Using the Representation Form

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For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 208804.

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

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Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

Policy SS2

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Policy SS2: Future Growth Areas – Taylor Wimpey supports the inclusion of Land around Collaton St Mary, Paignton as a Future Growth Area. We note the development will be required to deliver a number of elements including housing, employment, essential transport and utilities infrastructure but we would request that this section include reference to 'where need can be demonstrated for such uses'. For example, it would not be appropriate to expect developments in this area to provide for employment where the need could not be justified.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We would request that this section of the Plan include reference to 'where need can be demonstrated for such uses'.

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

The issues raised go to the heart of the plan and should form part of any debate at the Examination. We would like the opportunity to explain these matters to the Inspector.

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature:

Colin Danks on behalf of Origin3, for Taylor Wimpey
Exeter

Date:

03/04/2014



Torbay Local Plan
A Landscape for Success
The Plan for 2012 – 2032 and beyond
Proposed Submission Plan

For official use:

Representation Form

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This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	<input type="text" value="Mr"/>
First name(s)	<input type="text"/>	<input type="text" value="Colin"/>
Last name	<input type="text"/>	<input type="text" value="Danks"/>
Organisation (if you are representing that organisation)	<input type="text" value="Taylor Wimpey (Exeter) Ltd"/>	<input type="text" value="Origin3 Ltd"/>
Address – line 1	<input type="text"/>	<input type="text" value="17 Whiteladies Road"/>
Address – line 2	<input type="text"/>	<input type="text"/>
Address – line 3	<input type="text"/>	<input type="text"/>
Post Town	<input type="text"/>	<input type="text" value="Bristol"/>
Postcode	<input type="text"/>	<input type="text" value="BS6 1PB"/>
Telephone number	<input type="text"/>	<input type="text" value="REDACTED"/>
E-mail address	<input type="text"/>	<input type="text" value="REDACTED"/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

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For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 208804.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

Policy SS6

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

We welcome the provision made within this policy for the online improvements and traffic management schemes on the A385 Totnes Road, Paignton. This is a key route into and out of Paignton and indeed into and out of the authority and we anticipate that improvements on this route will assist in the earlier delivery of much needed development in Collaton St Mary.

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

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Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

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(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature:

Colin Danks on behalf of Origin3, for Taylor Wimpey
Exeter

Date:

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Representation Form

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Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
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Organisation (if you are representing that organisation)	<input type="text" value="Taylor Wimpey (Exeter) Ltd"/>	<input type="text" value="Origin3 Ltd"/>
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- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SS11

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Whilst we wholly support the recognition that Torbay requires more new homes over the plan period we would question whether a sufficient number of new homes are being provided. The explanation behind this policy refers to evidence from the DCLG Housing Projections 2011 but the use of these projections has been criticised by professionals on many levels. We believe that Torbay are not demonstrating that they are meeting objectively assessed needs in this instance as the evidence that supports this 'need' is questionable.

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Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
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TQ1 3DR

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(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Plan should be revised to meet the fully objectively assessed housing need of 12,300 dwellings in accordance with the Torbay Housing Requirements Report.

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

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The issues raised go to the heart of the plan and should form part of any debate at the Examination. We would like the opportunity to explain these matters to the Inspector.

(Continue on a separate sheet if necessary)

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6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SS12

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Subject to the outcome of concerns relating to Policy SS11, consequential changes might be required to Policy SS12 in respect of the 5 year land supply requirement. Taylor Wimpey do however raise the question of needing a 5 year land supply policy which largely repeats national policy. It may also become out of date if NPPF changes during the life of the Plan.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Remove policy SS12 from the Plan.

(Continue on a separate sheet if necessary)

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

The issues raised go to the heart of the plan and should form part of any debate at the Examination. We would like the opportunity to explain these matters to the Inspector.

(Continue on a separate sheet if necessary)

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Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature:

Colin Danks on behalf of Origin3, for Taylor Wimpey
Exeter

Date:

03/04/2014



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A Landscape for Success
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Proposed Submission Plan

For official use:

Representation Form

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Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
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First name(s)	<input type="text"/>	<input type="text" value="Colin"/>
Last name	<input type="text"/>	<input type="text" value="Danks"/>
Organisation (if you are representing that organisation)	<input type="text" value="Taylor Wimpey (Exeter) Ltd"/>	<input type="text" value="Origin3 Ltd"/>
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Address – line 3	<input type="text"/>	<input type="text"/>
Post Town	<input type="text"/>	<input type="text" value="Bristol"/>
Postcode	<input type="text"/>	<input type="text" value="BS6 1PB"/>
Telephone number	<input type="text"/>	<input type="text" value="REDACTED"/>
E-mail address	<input type="text"/>	<input type="text" value="REDACTED"/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

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If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

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TQ1 3DR

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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SDP3

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Taylor Wimpey supports the identification and commitment to development in this part of the authority. We note reference to the location providing a balance of jobs and homes and would wish this to include reference to 'where need can be demonstrated' in terms of employment uses. It would not be beneficial to see sites prevented from coming forward that did not demonstrate employment provision if the requirement for such does not exist.

(Continue on a separate sheet if necessary)

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The plan should include a reference in policy SDP3 that requires a range of land uses "where a need can be demonstrated". This avoids the potential under utilisation of land.

(Continue on a separate sheet if necessary)

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6. Do you want to be informed of the following:

YES NO

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The publication of the Inspector's Report of the Examination?

The Adoption of the Torbay Local Plan by the Council?

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

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Exeter

Date:

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5. General advice

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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

Policy H3

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Taylor Wimpey generally supports the requirement for affordable housing in the authority but welcomes the reference made to the ability to negotiate a reduced provision if viability is an issue or if early delivery is possible.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Plan should make cross reference to NPPG and the mechanisms for determining site viability therein.

(Continue on a separate sheet if necessary)

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

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The issues raised go to the heart of the plan and should form part of any debate at the Examination. We would like the opportunity to explain these matters to the Inspector.

(Continue on a separate sheet if necessary)

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Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

YES

NO

Submission of the Local Plan to the Secretary of State?

The publication of the Inspector's Report of the Examination?

The Adoption of the Torbay Local Plan by the Council?

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

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- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
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5. General advice

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Please state which policy this representation relates to?

Policy number

Para 4.1.32

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1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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It is noted that Torbay do not expect that all land within the Future Growth Areas will be developed. Reference should be made at this point to need in terms of land uses in these areas and some flexibility to allow the Future Growth Areas to be developed efficiently and to their full ability.

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

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Paragraph 4.1.32 should be modified to allow a range of development solutions at the Future Growth Areas to be developed; perhaps within the parameters of a key set of housing, employment and other requirements. This would allow further evidence to be prepared outside the Local Plan process and avoid potential conflict after the adoption of the Plan if development options evolve.

(Continue on a separate sheet if necessary)

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	YES	NO
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- If the Plan is unsound without the policy, what should the policy say?

5. General advice

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6. Using the Representation Form

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For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 203304.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

paras 4.1.6-
4.4.14

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Paragraph 4.1.6 – Taylor Wimpey support Torbay’s commitment to providing more homes and jobs in the Bay but we would question how the rate of provision at 400-500 new homes per annum has been calculated and what evidence can be relied upon the back this figure up. We would further request that more information is provided in relation to the rationale behind the figure only relating to the first 15 years of the plan. If market conditions improve is there likely to be an increase in numbers and might this then require further review of the plan?

Paragraph 4.1.10 and 4.1.14 - Taylor Wimpey support the recent SHLAA refresh which has identified Torbay’s maximum capacity for housing at around 11,200 homes, and provides an up to date assessment of availability in the area. We would however, question the reference in paragraph 4.1.14 to only 9,000 homes being able to be delivered in the Plan period as a result of various constraints. Whilst it is understandable that technical constraints do have an impact, it is critical to see this figure compared against the objectively assessed needs of the Torbay area in relation to housing. The plan cannot be found sound if the 9,000 new homes

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Torbay Council
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Torquay
TQ1 3DR

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does not satisfy the need demonstrated by relevant and up to date needs assessments.

Picture

4.1 Key Diagram – We welcome the inclusion of the Strategic Delivery Area SDP3.3 Paignton North and Western Area

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Plan should be modified to meet the fully objectively assessed needs of Torbay at around 11,200 dwellings which is the specified unmet need.

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will

not normally be a another chance to make further representations based on the original representation made at publication stage.

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

The issues raised go to the heart of the plan and should form part of any debate at the Examination. We would like the opportunity to explain these matters to the Inspector.

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature: Colin Danks on behalf of Origin3, for Taylor Wimpey Exeter

Date: 03/04/2014



Torbay Local Plan
A Landscape for Success
 The Plan for 2012 – 2032 and beyond
 Proposed Submission Plan

For official use:

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Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	<input type="text" value="Mr"/>
First name(s)	<input type="text"/>	<input type="text" value="Colin"/>
Last name	<input type="text"/>	<input type="text" value="Danks"/>
Organisation (if you are representing that organisation)	<input type="text" value="Taylor Wimpey (Exeter) Ltd"/>	<input type="text" value="Origin3 Ltd"/>
Address – line 1	<input type="text"/>	<input type="text" value="17 Whiteladies Road"/>
Address – line 2	<input type="text"/>	<input type="text"/>
Address – line 3	<input type="text"/>	<input type="text"/>
Post Town	<input type="text"/>	<input type="text" value="Bristol"/>
Postcode	<input type="text"/>	<input type="text" value="BS6 1PB"/>
Telephone number	<input type="text"/>	<input style="background-color: black; color: black;" type="text"/>
E-mail address	<input type="text"/>	<input style="background-color: black; color: black;" type="text"/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
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Torquay
TQ1 3DR

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Please state which policy this representation relates to?

Policy number

Para 4.5.12

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

- | | YES | NO |
|--|--------------------------|-------------------------------------|
| (1) Legally compliant | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) Sound | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) Complies with the duty to co-operate | <input type="checkbox"/> | <input type="checkbox"/> |

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

We are concerned that the required housing numbers proposed in this paragraph are not reflected in Torbay's estimations for delivery of new homes across the plan period. There is a significant difference between both the 12,300 homes referred to in the Torbay Housing Requirements Report and the 8,000 to 10,000 identified in Policy SS1 and furthermore a significant difference between the 820 dwellings per annum suggested by the Exeter and Torbay Housing Market Assessment (SHMA) and the 400 – 500 per annum proposed in this plan. Torbay must ensure that identified need is met to demonstrate that the Local Plan is sound. In order to meet these requirements, it is important to ensure that those sites identified for development are designed efficiently using the land available to its full capability.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Plan should reflect the requirements of the Torbay SHMA and meet the objectively assessed housing need of at least 12,300 dwellings.

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

The issues raised go to the heart of the plan and should form part of any debate at the Examination. We would like the opportunity to explain these matters to the Inspector.

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

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Exeter

Date: 03/04/2014



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Telephone number	<input type="text"/>	<input type="text" value="REDACTED"/>
E-mail address	<input type="text"/>	<input type="text" value="REDACTED"/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
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5. General advice

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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

Para 4.5.22

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| (1) Legally compliant | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) Sound | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (3) Complies with the duty to co-operate | <input type="checkbox"/> | <input type="checkbox"/> |

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Taylor Wimpey welcome the preparation of a Masterplan for the Collaton St Mary Future Growth Area and are committed to being involved in this process. It is prudent however to ensure that the delivery of such a masterplan does not artificially delay any site coming forward if the site is deliverable in all other means.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Plan should not seek to prevent planning applications being made and determined to ensure the early delivery of land for housing and other uses.

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

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4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

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(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Signature:

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Date:

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First name(s)		Colin
Last name		Danks
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Address – line 1		17 Whiteladies Road
Address – line 2		
Address – line 3		
Post Town		Bristol
Postcode		BS6 1PB
Telephone number		
E-mail address		
Consultee ID (if known)		

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
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Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

Para 5.2.2.4

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being ‘legally compliant’, ‘sound’ and ‘complying with the duty to co-operate’ are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

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Concern is raised in connection with paragraph 5.2.2.4 which suggests that there are infrastructure constraints around Collaton St Mary that might prevent all but browfield sites coming forward early in the Plan period.

Taylor Wimpey are not aware that there are any substantive constraints allowing their land at Collaton St Mary coming forward early in the plan period as part of a first development phase of the Future Growth Area.

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Plan should be modified to be less prescriptive about whether Brownfield or Greenfield land should be brought forward first. Any technical constraints should be considered on a site by site basis at the appropriate time.

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

The issues raised go to the heart of the plan and should form part of any debate at the Examination. We would like the opportunity to explain these matters to the Inspector.

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

[Empty rectangular box for content]

(Continue on a separate sheet if necessary)

Signature: Colin Danks on behalf of Origin3, for Taylor Wimpey Exeter

Date: 03/04/2014



Torbay Local Plan
A Landscape for Success
 The Plan for 2012 – 2032 and beyond
 Proposed Submission Plan

For official use:

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	<input type="text"/>	<input type="text" value="Mr"/>
First name(s)	<input type="text"/>	<input type="text" value="Colin"/>
Last name	<input type="text"/>	<input type="text" value="Danks"/>
Organisation (if you are representing that organisation)	<input type="text" value="Taylor Wimpey (Exeter) Ltd"/>	<input type="text" value="Origin3 Ltd"/>
Address – line 1	<input type="text"/>	<input type="text" value="17 Whiteladies Road"/>
Address – line 2	<input type="text"/>	<input type="text"/>
Address – line 3	<input type="text"/>	<input type="text"/>
Post Town	<input type="text"/>	<input type="text" value="Bristol"/>
Postcode	<input type="text"/>	<input type="text" value="BS6 1PB"/>
Telephone number	<input type="text"/>	<input type="text" value="REDACTED"/>
E-mail address	<input type="text"/>	<input type="text" value="REDACTED"/>
Consultee ID (if known)	<input type="text"/>	<input type="text"/>

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via www.torbay.gov.uk/newlocalplan) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for **each policy** you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

If submitting representations via e-mail, you will need to fill out and submit a separate copy of the form for each representation you make and attach them as separate documents. Note that the form is locked for editing but the text boxes will expand to fit the size of your written response to questions.

For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 208804.

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

Para 5.2.28
and Table
5.12

If you have _____ comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

Whilst we wholly support the proposed growth area at Collaton St Mary which is considered highly sustainable we are concerned about the continued reference to sites in this area being delayed in the plan period. We understand that further works / studies are underway seeking to demonstrate that these sites could be deliverable at an earlier stage and would not wish to see delivery of sustainable development artificially delayed in any way. The notes in the table should refer to sites being able to come forward in the plan period should developers be able to demonstrate that any infrastructure constraints can be overcome. We note the reference to the provision of 836 dwellings in this Growth Area and wish to see an insertion of the words 'at least' in this instance. Collaton St Mary is a highly sustainable location for growth and we believe that it is important to maximise development in such an area. For instance the site referred land adjacent to the A385 Totnes Road in Collaton St Mary is one of the most developable sites in the area given a number of topographical constraints and is capable of being able to deliver more than the 150 dwellings identified through the SHLAA process.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We would wish to see that development is maximised where possible and that reference is made to this in the text.

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

The issues raised go to the heart of the plan and should form part of any debate at the Examination. We would like the opportunity to explain these matters to the Inspector.

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature: Colin Danks on behalf of Origin3, for Taylor Wimpey
Exeter

Date: 03/04/2014

Notes for completing the Torbay Local Plan (Proposed Submission Plan) Representation Form and making representations using the online consultation portal

1. Making representations

Representations (comments) must be made in writing to the Council during the publication period – **9:00am on Monday 24 February to 9:00am on Monday 7 April**. Comments received outside this period will not be accepted and submitted to the Inspector appointed to conduct the Independent Examination of the Proposed Submission Torbay Local Plan (Plan). Please note that comments cannot be treated as confidential. Your comments will be published with your name as part of a document and made publicly available on the Council's website.

Torbay Council will be using an **online consultation portal** and **we would strongly encourage you to use this system** to make representations as it is the most efficient way in which to comment on the Plan. Alternatively, you should submit comments in writing via letter or e-mail using the provided representation form which will ensure you supply all the information necessary for your response to be valid. Copies of this form can be downloaded via the website or posted to you on request.

2. Introduction

The Plan has been published in order for representations to be made prior to its submission to the Secretary of State. The representations will then be considered alongside the published Plan when it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the Independent Examination is to consider whether the Plan complies with the relevant legal requirements, the duty to co-operate and is sound.

3. Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements under S20(5)(a) and the duty to co-operate under S20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following points before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA), setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any Plan which the LPA proposes to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the Plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.

- The Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 [as amended] (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal (SA) Report when it publishes a Plan. This should identify the process by which the SA has been carried out, the baseline information used to inform the process and the outcomes of that process. SA is a tool for appraising policies to ensure they reflect social, environmental and economic factors.
- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

4. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective, and consistent with national policy.

- ***Positively prepared***

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- ***Justified***

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- ***Effective***

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- ***Consistent with national policy***

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF. If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via www.torbay.gov.uk/newlocalplan) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for **each policy** you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

If submitting representations via e-mail, you will need to fill out and submit a separate copy of the form for each representation you make and attach them as separate documents. Note that the form is locked for editing but the text boxes will expand to fit the size of your written response to questions.

For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 208804.



Torbay Local Plan
A Landscape for Success
The Plan for 2012 – 2032 and beyond
Proposed Submission Plan

For official use:

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Mrs	Mr
First name(s)	J	Alan
Last name	Tyrrell	Sydenham
Organisation (if you are representing that organisation)		Herridge Property Consulting
Address – line 1		4 Barnfield Crescent
Address – line 2		
Address – line 3		
Post Town		Exeter
Postcode		EX1 1QT
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SS2

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| (1) Legally compliant | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (2) Sound | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (3) Complies with the duty to co-operate | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

We support policy SS2 which proposes strategic growth during the plan period around Collaton St Mary, Paignton. This area forms a sustainable location with easy access to existing employment, educational and retail facilities. The land in this area is relatively unconstrained and there are several brownfield sites that would benefit from comprehensive redevelopment. We can confirm that the owners of land at the Former Torbay Motel on Totnes Road are actively pursuing the development of their land in line with this emerging planning guidance.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

No amendments necessary

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature:

Alan Sydenham

Date:

4.4.14

Making Representations - Guidance Notes and Representation Form

Notes for completing the Torbay Local Plan (Proposed Submission Plan) Representation Form and making representations using the online consultation portal

1. Making representations

Representations (comments) must be made in writing to the Council during the publication period – **9:00am on Monday 24 February to 9:00am on Monday 7 April**. Comments received outside this period will not be accepted and submitted to the Inspector appointed to conduct the Independent Examination of the Proposed Submission Torbay Local Plan (Plan). Please note that comments cannot be treated as confidential. Your comments will be published with your name as part of a document and made publicly available on the Council's website.

Torbay Council will be using an **online consultation portal** and **we would strongly encourage you to use this system** to make representations as it is the most efficient way in which to comment on the Plan. Alternatively, you should submit comments in writing via letter or e-mail using the provided representation form which will ensure you supply all the information necessary for your response to be valid. Copies of this form can be downloaded via the website or posted to you on request.

2. Introduction

The Plan has been published in order for representations to be made prior to its submission to the Secretary of State. The representations will then be considered alongside the published Plan when it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the Independent Examination is to consider whether the Plan complies with the relevant legal requirements, the duty to co-operate and is sound.

3. Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements under S20(5)(a) and the duty to co-operate under S20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following points before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA), setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any Plan which the LPA proposes to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the Plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.

- The Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 [as amended] (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal (SA) Report when it publishes a Plan. This should identify the process by which the SA has been carried out, the baseline information used to inform the process and the outcomes of that process. SA is a tool for appraising policies to ensure they reflect social, environmental and economic factors.
- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

4. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective, and consistent with national policy.

- ***Positively prepared***

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- ***Justified***

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- ***Effective***

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- ***Consistent with national policy***

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via www.torbay.gov.uk/newlocalplan) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for **each policy** you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

If submitting representations via e-mail, you will need to fill out and submit a separate copy of the form for each representation you make and attach them as separate documents. Note that the form is locked for editing but the text boxes will expand to fit the size of your written response to questions.

For further information or assistance please check the website at www.torbay.gov.uk/newlocalplan or contact the Strategic Planning team on 01803 208804.



Torbay Local Plan
A Landscape for Success
The Plan for 2012 – 2032 and beyond
Proposed Submission Plan

For official use:

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Mrs	Mr
First name(s)	J	Alan
Last name	Tyrrell	Sydenham
Organisation (if you are representing that organisation)		Herridge Property Consulting
Address – line 1		4 Barnfield Crescent
Address – line 2		
Address – line 3		
Post Town		Exeter
Postcode		EX1 1QT
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SDP3

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

We support policy SDP3 which proposes strategic growth during the plan period for approximately 836 dwellings around Totnes Road, Collaton St Mary, Paignton. This area forms a sustainable location with easy access to existing employment, educational and retail facilities. The land in this area is relatively unconstrained and there are several brownfield sites that would benefit from comprehensive redevelopment. We can confirm that the owners of land at the Former Torbay Holiday Motel on Totnes Road are actively pursuing the development of their land in line with this emerging planning guidance as specified in para 5.2.2.8. This could take place within the early stages of the plan period (0-5 years) rather than the later stages which have been earmarked for the larger scale development of this area. Although the wider development will be the subject of appropriate masterplanning in due course, the Motel site would offer an appropriate access option onto Totnes Road to help facilitate the wider development aspirations for the area.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

No amendments necessary

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

[Empty rectangular box for content]

(Continue on a separate sheet if necessary)

Signature:

Alan Sydenham

Date:

4.4.14



Making Representations - Guidance Notes and Representation Form

Notes for completing the Torbay Local Plan (Proposed Submission Plan) Representation Form and making representations using the online consultation portal

1. Making representations

Representations (comments) must be made in writing to the Council during the publication period – **9:00am on Monday 24 February to 9:00am on Monday 7 April**. Comments received outside this period will not be accepted and submitted to the Inspector appointed to conduct the Independent Examination of the Proposed Submission Torbay Local Plan (Plan). Please note that comments cannot be treated as confidential. Your comments will be published with your name as part of a document and made publicly available on the Council's website.

Torbay Council will be using an **online consultation portal** and **we would strongly encourage you to use this system** to make representations as it is the most efficient way in which to comment on the Plan. Alternatively, you should submit comments in writing via letter or e-mail using the provided representation form which will ensure you supply all the information necessary for your response to be valid. Copies of this form can be downloaded via the website or posted to you on request.

2. Introduction

The Plan has been published in order for representations to be made prior to its submission to the Secretary of State. The representations will then be considered alongside the published Plan when it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the Independent Examination is to consider whether the Plan complies with the relevant legal requirements, the duty to co-operate and is sound.

3. Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements under S20(5)(a) and the duty to co-operate under S20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following points before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA), setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any Plan which the LPA proposes to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the Plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.

- The Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 [as amended] (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal (SA) Report when it publishes a Plan. This should identify the process by which the SA has been carried out, the baseline information used to inform the process and the outcomes of that process. SA is a tool for appraising policies to ensure they reflect social, environmental and economic factors.
- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

4. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective, and consistent with national policy.

- **Positively prepared**

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- **Justified**

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- **Effective**

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- **Consistent with national policy**

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Using the Representation Form

Note that the following is only relevant to those submitting comments using the Torbay Council Representation Form. If you are using the online consultation portal to make your comments (via www.torbay.gov.uk/newlocalplan) then this is not relevant.

The form is split into two parts. Part A is for your personal details and Part B is for your response. Please note that Part B should be filled out once for **each policy** you wish to make comments on. Therefore, if you wish to make comments on two policies, two copies of Part B should be submitted as part of your representation (and three copies for three policies, four copies for four policies and so on). Part A, your personal details, need only be filled out once.

If submitting representations via post, it would be helpful if you could attach multiple Part B sheets together, as one document, appearing behind a Part A front sheet. If printing a copy of Part B at home, print pages 6-8 of this form.

If submitting representations via e-mail, you will need to fill out and submit a separate copy of the form for each representation you make and attach them as separate documents. Note that the form is locked for editing but the text boxes will expand to fit the size of your written response to questions.

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A Landscape for Success
 The Plan for 2012 – 2032 and beyond
 Proposed Submission Plan

For official use:

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Mrs	Mr
First name(s)	J	Alan
Last name	Tyrrell	Sydenham
Organisation (if you are representing that organisation)		Herridge Property Consulting
Address – line 1		4 Barnfield Crescent
Address – line 2		
Address – line 3		
Post Town		Exeter
Postcode		EX1 1QT
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SDP1

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

We support policy SDP1 which proposes strategic growth during the plan period for approximately 4,585 dwellings in Paignton. This area forms a sustainable location with easy access to existing employment, educational and retail facilities. The land in this area is relatively unconstrained and there are several brownfield sites that would benefit from comprehensive redevelopment. We can confirm that the owners of land at the Former Torbay Holiday Motel on Totnes Road are actively pursuing the development of their land in line with this emerging planning guidance.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

No amendments necessary

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature:

Alan Sydenham

Date:

4.4.14

Making Representations - Guidance Notes and Representation Form

Notes for completing the Torbay Local Plan (Proposed Submission Plan) Representation Form and making representations using the online consultation portal

1. Making representations

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Torbay Council will be using an **online consultation portal** and **we would strongly encourage you to use this system** to make representations as it is the most efficient way in which to comment on the Plan. Alternatively, you should submit comments in writing via letter or e-mail using the provided representation form which will ensure you supply all the information necessary for your response to be valid. Copies of this form can be downloaded via the website or posted to you on request.

2. Introduction

The Plan has been published in order for representations to be made prior to its submission to the Secretary of State. The representations will then be considered alongside the published Plan when it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the Independent Examination is to consider whether the Plan complies with the relevant legal requirements, the duty to co-operate and is sound.

3. Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements under S20(5)(a) and the duty to co-operate under S20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following points before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Local Planning Authority (LPA), setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any Plan which the LPA proposes to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
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- The Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 [as amended] (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal (SA) Report when it publishes a Plan. This should identify the process by which the SA has been carried out, the baseline information used to inform the process and the outcomes of that process. SA is a tool for appraising policies to ensure they reflect social, environmental and economic factors.
- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area. The SCS is subject to consultation but not to an independent examination.

You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

4. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective, and consistent with national policy.

- ***Positively prepared***

This means that the Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- ***Justified***

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

- ***Effective***

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- ***Consistent with national policy***

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF. If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so, does it need to also be included in the Local Plan?

- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

5. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make it clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate and the four requirements set out above (note that duty to co-operate matters cannot be dealt with by modification at examination). You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters he/she identifies for examination.

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For official use:

Representation Form

Please return to Torbay Council by 9:00am Monday 7 April 2014

This Form has two parts:

Part A – Personal details

Part B – Your representation. Please fill in a separate form (Part B) for each representation you make.

Part A – Personal details

	Personal details	Agent's details (if applicable)
Title	Mrs	Mr
First name(s)	J	Alan
Last name	Tyrrell	Sydenham
Organisation (if you are representing that organisation)		Herridge Property Consulting
Address – line 1		4 Barnfield Crescent
Address – line 2		
Address – line 3		
Post Town		Exeter
Postcode		EX1 1QT
Telephone number		
E-mail address		
Consultee ID (if known)		

E-mail comments should be sent to strategic.planning@torbay.gov.uk.

Postal comments should be sent to:

Torbay Local Plan
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Anyone wishing to make comments on the Plan must do so by **9:00am on Monday 7 April 2014**. Any comments received after this deadline will not be published or passed to the Secretary of State with the Local Plan.

Part B – Your representation. Please use a separate Form for each policy you wish to comment on

Please state which policy this representation relates to?

Policy number

SDP1

If you have comments to make on the supporting text set out in the related Explanation to a Policy or related designations shown on the Policies Map, please also include these within your comments to questions 2 and 3 of this form.

1. Do you consider that this Local Plan policy is:

	YES	NO
(1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Sound	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

Please note that the considerations in relation to the Local Plan being 'legally compliant', 'sound' and 'complying with the duty to co-operate' are explained in the Representation Form Guidance Notes at the front of this Form, as well as in paragraph 182 of the National Planning Policy Framework).

2. If you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate, please give details and be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also set out your comments here.

We support policy SDP1 which proposes strategic growth during the plan period for approximately 4,585 dwellings in Paignton. This area forms a sustainable location with easy access to existing employment, educational and retail facilities. The land in this area is relatively unconstrained and there are several brownfield sites that would benefit from comprehensive redevelopment. We can confirm that the owners of land at the Former Torbay Holiday Motel on Totnes Road are actively pursuing the development of their land in line with this emerging planning guidance.

(Continue on a separate sheet if necessary)

3. Please set out what modification(s) you consider necessary to address your representation and make the Local Plan legally compliant or sound (please note that duty to co-operate matters cannot be dealt with by modifications at examination). You will also need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

No amendments necessary

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a another chance to make further representations based on the original representation made at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for consideration at the Local Plan Examination.

4. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

Please insert an X in the relevant box

Please note the independent Planning Inspector will give equal consideration to representations that are made in writing and to those that are presented orally.

5. If you wish to participate at the oral part of the Examination, please outline why you consider this is necessary:

(Continue on a separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Please note that your comments and your contact details will be publicly available, although your private e-mail address and telephone number will not be visible on our website.

6. Do you want to be informed of the following:

	YES	NO
Submission of the Local Plan to the Secretary of State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the Inspector's Report of the Examination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Adoption of the Torbay Local Plan by the Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please insert an X in the relevant box

7. If you have any other comments relating specifically to any section of Part 1 (Introduction), 2 (Opportunities and challenges), 3 (Vision and ambition), 7 (Delivery and monitoring) and/or the Appendices of the Local Plan please state these below:

(Continue on a separate sheet if necessary)

Signature:

Alan Sydenham

Date:

4.4.14

ID: Agent: 844351
Consulted: 844349



Our Ref DS/PCL/9370
Date 3 April 2014

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Dear Sir/Madam

EMERGING TORBAY LOCAL PLAN – PROPOSED SUBMISSION CONSULTATION RESPONSE

This letter is submitted on behalf of our client, Waddeton Park Ltd, in respect of the current consultation on the Proposed Submission version of the Torbay Local Plan (February 2014).

This letter outlines the key areas of support and objection that my client has in relation to the current version of the Torbay Local Plan ("Plan").

Aspirations

The current version of the Plan outlines five key aspirations for the bay covering economy, accessibility and infrastructure, natural and built environment, communities and places, and climate change. It also sets out a number of objectives in relation to these.

My client welcomes the inclusion of these aspirations and objectives. Specifically, my client is supportive of the Council's aspirations:

- To achieve economic growth and deliver new jobs and housing, in order to promote equality, reduce disadvantage and poverty, and increase Torbay's competitiveness; and
- To meet the needs of Torbay's residents, including disadvantaged and minority groups, and to provide everyone with a full range of opportunities in life.

In the context of the above my client would like to highlight their particular support for the following objectives:

- To provide sufficient, varied full-time employment and increase earning potential.
- To promote higher value uses and activities.
- To increase accessibility throughout the Bay and beyond with fast, frequent, reliable and sustainable travel, giving people real choice as to how they can make their journeys.
- To improve road and rail links, cycling and walking routes to reduce congestion and environmental impact.
- To build enough houses to give everyone a chance of a decent home.

Growth Strategy for a prosperous Torbay

My client is supportive of the general growth strategy for Torbay. My client welcomes the identification of the Strategic Delivery Areas (SDAs) and reference to Future Growth Areas (FGAs) within Policy SS1.

In relation to the proposed housing requirement of between 8,000 and 10,000 dwellings outlined in the policy for the period 2012-2032, we object to the range of figures proposed. It is our view that the even highest figure in the range is too low to ensure that the plan does its utmost to meet the objectively assessed need for housing within Torbay.

The PBA Housing Requirement Report (May 2013) looked at demographic trends, employment projections and housing need in relation to trying to determine the objectively assessed need for housing. The assessment establishes that:

- Demographic projections indicate an objectively assessed need for housing of approximately between 8,200 and 11,200 dwellings;
- The most robust scenario tested in the employment based projections indicates that 12,278 homes are required over the plan period;
- The housing need for Torbay, as identified in the SHMA Update 2011, is 3,359 dwellings over five years, approximately 71% (2,370 dwellings) of which was affordable housing need. If this is spread across the

remainder of the plan period then a housing requirement of approximately 13,400 dwellings would be required;

The 2013 SHLAA indicates that 11,550 dwellings could be delivered over the plan period on the sites identified in the assessment and outlines that there is scope for additional provision beyond this within the broad locations for growth considered.

Another consideration is the level of affordable housing provision that the Council intends to seek in respect of future housing developments. Policy H2 in the Proposed Submission plan proposes the use of a sliding scale that will at most require 30% affordable housing provision in relation to greenfield sites and 20% in relation to brownfield sites. If the proposed housing range figure of 8,000 to 10,000 dwellings was to be taken forward then this would, on a crude and very optimistic basis (assuming 30% achieved on all housing development), only result in the delivery of 2,400 affordable housing units across the plan period. This would only just meet the five year requirement for affordable housing provision identified in the SHMA Update.

If a higher overall housing figure is taken forward by the Council then the potential amount of affordable housing that could be delivered in the context of Policy H2 would increase and would be substantially more appropriate given the acute need for affordable housing. The Council therefore needs to ensure that it sets the highest housing figure it can, within the environmental and physical constraints that are prevalent, in the Plan.

A requirement for at least 11,500 dwellings would be more appropriate in light of the evidence base and in particular the findings of the PBA Housing Requirement Report. This level of housing could also be delivered based on the information on housing land supply contained in the 2013 SHLAA Update.

Taking account of all of the above indicators on what the objectively assessed need for housing in Torbay is, it is clear that a figure between 11,500 and 13,500 dwellings should be outlined in the plan for it to be considered in accordance with the National Planning Policy Framework (NPPF – "Framework").

Future Growth Areas

Policy SS2 identifies four FGAs where the Council, intends to work with landowners and the community to set out further how growth in these areas can be brought forward.

We welcome the identification of these areas and in particular the proposed areas at Collaton St Mary and Brixham Road. My client would like to emphasise their commitment to working with the Council and the community in detailing how the FGA at Collaton St Mary can be developed in the future.

Employment

Policy SS4 outlines how the Plan supports the creation of 5,000 to 6,000 net additional jobs by 2032 and establishes an overall target for at least 65,000 sq. m of employment floorspace to be delivered on sites identified by Policy SS5. We support the proposed growth in employment provision over the plan period.

Policy SS5 outlines how specific sites will be identified through Neighbourhood Plans and masterplan and that these will be drawn from the site outlined in the accompanying Table 4.2. Within Table 4.2 reference is made to the Yalberton and Collaton St Mary sites within the Paignton North and Western Area SDA (SDP3). It is outlined in the table how:

- In relation to the Yalberton site (rear of Yannon's Farm/ Jackson Land), it is outlined how it is assumed that 50% (3.7 ha) of the overall site of 7.4ha will be for employment use; and
- In respect of Collaton St Mary, it is outlined how it is anticipated that 5% (4.75ha) of the overall FGA of 95ha will comprise of employment provision.

My client would like to make the following comments in relation to the above, respectively:

- The amount of employment to be delivered at the Yalberton site should be reduced to circa 30% (2.22ha) of the overall site area.
- 4.75ha in relation to a wider development at Collaton St Mary seems reasonable however this will be dependent on the exact details of the site that emerge during the masterplanning process.

Housing

Policy SS11 restates the overall housing requirement range of 8,000 to 10,000 dwellings for the plan period. We again wish to highlight our disagreement with the range and figures and suggest that it is increased as per the comments provided earlier in this letter.

My client is however supportive of the reference to the delivery of homes at the Paignton North and Western Area (SDP3) within Table 4.3 and the approximate overall number of 2,625 dwellings however it should be made clear that the exact level of provision could be notably lower or higher than the anticipated numbers once detailed proposals are brought forward.

Paignton

Policy SDP1 outlines how Paignton will be developed over the plan period. It is outlined how Paignton will provide around 4,585 dwellings (between 45% and 57%) of the overall housing requirement.

My client welcomes the focus on Paignton but considers that Paignton should receive a higher proportion of the overall housing growth.

Policy SDP3 identifies a number of sites within the Paignton North and Western SDA that will be brought forward to deliver a mix of housing and employment development.

My client is supportive of Policy SDP3 and the Paignton North Western Area SDA, and in particular the Future Growth Areas at Collaton St Mary (SDP3.3) and Brixham Road (SDP3.4) identified, which directly relate to their land interests. Additionally, they wish to state their commitment to working with the Council and communities in bringing forward a comprehensive development proposal for their land interests within these wider sites.

It is currently proposed that as part of SDP3.4, the Yannons Farm site will provide 3.7 hectares / 14,800 sq. m of employment provision. In terms of housing, it is indicated that 840 dwellings will be delivered across Yannons and Holly Gruit. As previously outlined, my client would prefer to see a different balance between employment and housing in relation to the Yannons Farm site and suggest that a figure of 30%/2.22 hectares for employment would be more suitable.

If you would like to discuss any element of this letter please contact me.

Kind Regards



David Seaton, BA (Hons) MRTPI
For PCL Planning Ltd



Pickhaver, David

From: Richard Bailey [REDACTED]
Sent: 04 April 2014 16:39
To: Planning, Strategic
Cc: David Seaton
Subject: Emerging Torbay Local Plan - Proposed Submission Consultation - Submission of Response
Attachments: Torbay Local Plan - Proposed Submission consultation - WP Ltd consultation response.pdf

Dear Sir/Madam

Please find attached a response submitted on behalf of Waddeton Park Ltd to the current consultation on the Proposed Submission version of the Torbay Local Plan.

If you are able to confirm receipt that would be greatly appreciated.

Yours faithfully

Richard Bailey BA (Hons) Dip TP MRTPI AIEMA
Planning Consultant

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