

# TORBAY LOCAL PLAN

*A landscape for success*

The Plan for Torbay - 2012 to 2032 and beyond



**Local Development Scheme January 2014**





**Torbay  
Development Plan**

**Torbay Local Development Scheme  
2014**

**Torbay Council**

**The Torbay Local Development Scheme (LDS) is available....**

on the Torbay Council Website:

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

and

at Torbay Council's Spatial Planning Offices at Electric House, Castle Circus,  
Torquay TQ1 3DR

If you would like any further information about this document or any aspect of the  
Torbay Development Plan please use the contact details below:

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If you wish be kept informed about the emerging Torbay Local Plan and other  
Local Development Documents as they are produced, you can **register your  
interest** by asking to have your details added to our Development Plan  
consultation database.

**Other links that will provide more detailed background information on the  
spatial planning system include:**

Department of Communities and Local Government: National Planning Policy  
Framework [www.communities.gov.uk](http://www.communities.gov.uk)

The Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)) is the Government's online service  
for planning which includes advice and information on the plan-led system

**To request this document in an alternative format or  
language, please contact the Strategic Planning Team  
on 01803 208804**

## TORBAY LOCAL DEVELOPMENT SCHEME 2014

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## **1. INTRODUCTION**

### **1.1 Background**

1.1.1 The requirement to produce a Local Development Scheme (LDS) was introduced by the Planning and Compulsory Purchase Act 2004. This Act heralded the replacement of the development plan system of Structure Plans and Local Plans with a system of Regional Spatial Strategies (RSSs) and Local Development Frameworks (LDFs).

1.1.2 Advice on the preparation and submission of LDSs to the Government was set out in The Town and Country (Local Development) (England) Regulations 2004, as revised by subsequent Amendment Regulations published in 2008 and 2009. Further guidance was provided by a revised replacement PPS12 'Creating strong, safe and prosperous communities through Local Spatial Planning' (July 2008) and a related on-line live 'guidance manual'.

### **1.2 Localism Act 2011 and recent legislative change**

1.2.1 The Localism Act of 2011 reshaped the development plan system. It removed the requirement for regional spatial strategies and county structure plans and focused on the production of local plans and, where appropriate, the preparation of neighbourhood plans by local communities. The Act nevertheless retained the requirement for local planning authorities to produce a Local Development Scheme, introducing amendments to the way that the LDS should be produced and publicised.

1.2.2 The Council is therefore still required to prepare and monitor an LDS in order to implement the current development plan system. The current 2012 Local Planning Regulations no longer prescribe how LDSs are to be prepared, and no reference is made in the National Planning Policy Framework (2012). However, the more recent National Planning Practice Guidance (NPPG) published in 2013 does refer to the LDS.

### **1.3 The Local Development Scheme and spatial planning system**

1.3.1 An LDS identifies the Local Development Documents (LDDs) that local planning authorities intend to produce over a prescribed period. Collectively, these provide and deliver the spatial planning strategy for an area over a stated plan period.

1.3.2 The LDS is thus the project management document for an authority's Development Plan, setting out the range of documents that will be prepared and the timescales for their production.

### **1.4 Background to previous Torbay Local Development Schemes**

1.4.1 The first Torbay Local Development Scheme (LDS) was submitted to the Government Office for the South West (GOSW) in March 2005. It was approved by the Council in December 2005.

1.4.2 Following an appraisal of the effectiveness of the LDF system, the Government subsequently required local planning authorities to carry out a review of their LDS. A review of the Torbay LDS 2005 was submitted to the (former) Government Office for the South West at the end of March 2007.

Further 'post-submission' work was carried out in order to refine the document.

1.4.3 Following consideration of the revised LDS, the Government confirmed in March 2008 that there were no objections to the LDS as revised. Under the Council's delegated powers, it was agreed that the revised Torbay Local Development Scheme March 2007 (March 2008 Update) should take effect from 13 May 2008.

1.4.4 This document was the subject of further review and submission to the Government in November 2009. A review of the Torbay Local Development Scheme 2009 took place in 2010 in the context of changing national, regional and local planning policy.

#### 1.5 Existing Development Plan, 'Saved' Policies and the NPPF

1.5.1 In tandem with the work carried out on LDSs, the Government also required local planning authorities to carry out a review of Adopted Local Plan policies that were 'Saved' under the provisions of the 2004 Act. The Council submitted a review in March 2007.

1.5.2 The outcome of this review was that the policies of the Adopted Torbay Local Plan (all but three of 175 policies) were 'saved' for a further indefinite period from September 2007 pending adoption of key LDF Development Plan Documents (Secretary of State Direction dated 20 September 2007). Similarly, all policies of the Adopted Devon Structure Plan were 'saved' for a further period from September 2007 until such time as adoption of the Regional Spatial Strategy took place (Secretary of State Directions dated 20 September and 5 October 2007). However, by order of the Secretary of State, the Structure Plan (together with the Regional Spatial Strategy for the South West) was revoked on 20 May 2013.

1.5.3 Following changes to the development plan system introduced by the Localism Act 2011 and the National Planning Policy Framework (NPPF) 2012, these saved policies now remain in place until replaced by the emerging new Torbay Local Plan. In the meantime, however, the government has specified (March 2013) that the NPPF should take precedence over any saved local plan policy that no longer complies with the policy guidance set out in the NPPF. A review of the Adopted Local Plan's compliance with the NPPF was subsequently undertaken by Spatial Planning (see [www.torbay.gov.uk/localplan](http://www.torbay.gov.uk/localplan) for further details). This indicated that the majority of Policies are fully or partly compliant. However in the key area of housing land supply, the Council is basing its assessment of five year housing supply on more recent evidence, rather than Policy H1.

1.5.4 The strategic aims and objectives, and related suite of strategic and detailed Policies, currently set out in the Saved Adopted Torbay Local Plan provide a sound interim planning policy framework for Torbay for development management purposes. Pending completion of the new Torbay Local Plan, the Development Plan providing planning policy guidance in Torbay will continue to be the saved Adopted Torbay Local Plan, subject to compliance with the NPPF.



## 2. TORBAY LOCAL DEVELOPMENT SCHEME 2014

### 2.1 Background

2.1.1 An updated version of the LDS has now been prepared because of further changes that are considered necessary to the scope and content of the existing Scheme. This follows publication of the NPPF and greater clarity over progression of the new Torbay Local Plan 'A landscape for success' and its relationship with Torbay's emerging Neighbourhood Plans (see 3.4 below).

### 2.2 Objectives and key issues

2.2.1 The LDS aims to:

- ✓ reflect an understanding of ongoing resource requirements
- ✓ ensure effective and timely input from all key partners
- ✓ create certainty for the Authority and key partners
- ✓ balance the desirability for speed with the requirement for soundness and quality spatial planning documents

2.2.2 The LDS has taken into account the following factors, each of which has a bearing on the identification, content and timing of the Council's development plan documents and its overall direction:

- A. *Changes in relevant government legislation*
- B. *Regional and sub-regional policy context*
- C. *Adequacy of evidence base and impact of related strategies*
- D. *Torbay's Corporate governance agenda*
- E. *Local democracy and neighbourhood planning*
- F. *Resources*
- G. *Previous LDF/Local Plan programme management experience*

### 2.3 Content

2.3.1 The Adopted Local Plan (supported by specific policy amendments subsequently adopted by the Council) remains largely up to date. It contains policies and proposals that provide relevant policy guidance and a sound basis for decision-making in the interim, i.e. pending completion and adoption of the new Torbay Local Plan. This position is subject to the caveats set out in Section 1.5 above.

2.3.2 The aim of the 2014 LDS is to ensure that it contains LDDs that will deliver an effective spatial planning policy and development framework for Torbay for the period 2012 – 2032 and beyond.

2.3.3 **The current LDS prioritises work on the new Torbay Local Plan.** It seeks to utilise fully the available resources in the most cost effective way; in this context, the importance of a streamlined LDS is recognised. In adhering to these principles, the Council is acknowledging the Government's particular emphasis on the primacy of preparing local plans in the light of the economic

downturn and the need to promote sustainable growth. The Torquay Harbour Area Action Plan (THAAP) has been removed from the LDS and all relevant work completed is now being fed into the Torquay Neighbourhood Plan (see below) in order to minimise any abortive work involved in progressing this AAP to Submission stage.

- 2.3.4 The Council considers that it remains appropriate and helpful to include *for information* details of the community's intentions for the production of Neighbourhood Plans, since when adopted they will form part of the Torbay Development Plan. The LDS therefore sets out broad timelines for the key stages for production of the Torquay, Paignton and Brixham Neighbourhood Plans. However, the progression and timing of these documents is largely in the hands of third parties.
- 2.3.5 The two Torbay Local Plan Future Growth Areas and two town centre studies that are currently the subject of masterplanning could also become the subject of Supplementary Planning Documents, in order to provide a statutory framework for delivery. However, the option being pursued at present is for masterplanning work to be incorporated within Torbay's three emerging Neighbourhood Plans.
- 2.3.6 Paragraph 3.5 below highlights additional topics, studies and areas of work that may in due course be promoted as SPDs.
- 2.3.7 For information, the LDS also includes the Authority Monitoring Report (AMR), since this remains a key spatial planning / LDD monitoring document.
- 2.3.8 A number of LDDs forming part of the former LDF have been adopted and as a consequence have been removed from the LDS work programme (see 3.1 below).

## 2.4 Timing

- 2.4.1 The other key changes put forward in the current LDS relate to the timing of LDD production, specifically the Torbay Local Plan. This Plan remains a high corporate priority. The dates for key milestones are illustrated in the Project Plan set out in Section 4.
- 2.4.2 The key change in the timescale for the Authority Monitoring Report is that there is no longer a requirement for it to be submitted to the Government by the end of December each year. As a minimum, the AMR will now be reviewed and amended annually following the completion of the annual land use monitors. There is now also the option to update the LDS as new information / data becomes available, where resources permit. Thus both documents will be updated with greater regularity than has previously been the case, subject to available resources.

## 2.5 Conclusions

- 2.5.1 The content and timescales for the LDS reflect a detailed assessment of current and anticipated spatial planning policy issues, carried out in the context of prevailing internal and external policy influences. A broad risk assessment has been undertaken for the key issues referred to above to ensure that, as far as is practicable, the most relevant likely impacts have been addressed and subsequently reflected in the allocated timescales.

- 2.5.2 Consultation with PINs plays a key part in this process, against a background of informal bench marking. Particular emphasis has been placed on the need to ensure the delivery of key documents through a manageable workload and within realistic timescales.
- 2.5.3 The following Section of the LDS outlines individual pro-formas for each LDD proposed for inclusion in the revised Torbay LDS.

### **3. PROFILES OF LOCAL DEVELOPMENT DOCUMENTS**

#### **3.1 Adopted Local Development Documents**

The following Local Development Documents have been **adopted** by Torbay Council and are a formal part of the Torbay Local Development Plan (formerly the Local Development Framework):

- LDD1 Statement of Community Involvement DPD (Adopted 22/05/07)
- LDD6 Planning Contributions and Affordable Housing SPD (Adopted 28/02/08), plus subsequent amendments adopted by the Council
- LDD7 Urban Design Guide (Adopted 07/02/07)
- LDD 8 Greenspace Strategy (Adopted 14/12/06)

[See also 1.5 above regarding the Saved Adopted Torbay Local Plan 1995 – 2011, Adopted in April 2004]

#### **3.2 Authority Monitoring Report**

*Status:*

Monitoring Document accompanying the Torbay Development Plan – **Ongoing**

*Role, scope and description:*

The Authority Monitoring Report (formerly the Annual Monitoring Report) is produced by the Council to assess the manner in which the Council's Local Development Scheme (LDS) has been implemented and also to review actual plan progress in relation to the targets and milestones for preparation set out in the LDS. The AMR will provide an opportunity to assess key planning policy issues and priorities, and to review the content of the LDS. Monitoring of housing and employment delivery and other key indicators are also an important feature of the monitoring process. The AMR will be updated on a regular basis and published on the Council's website.

*Evidence base:*

See Section 6

*Geographic coverage:*

Whole of Torbay Unitary Authority area

*Conformity:*

N/A

*Outline timetable/ key stages (see Project Plan diagram for further details):*

April – August	Annual Torbay Land Monitors (housing and retailing)
September - December	Analysis of LDS implementation / LDD production & progress / achievement of policies and related targets / housing trajectories / indicators / need for LDS and policy amendment / updating of AMR
January – March	Scoping and monitoring preparation

### **3.3 Torbay Local Plan - ‘A landscape for success’ The Plan for Torbay - 2012 to 2032 and beyond’ (formerly Torbay Core Strategy)**

*Status:*

Development Plan Document – ***In progress***

*Role, scope and description:*

The purpose of the Local Plan is to be locally distinctive, conserving and enhancing Torbay’s ‘unique selling points’, as well as meeting its ‘under sold potential’. It will therefore plan for success and play to the strengths of the Bay to achieve that success. This will be delivered through meeting the Plan’s five interconnected aspirations, informed by the Community, and related spatial objectives. The Plan sets out the preferred approach to change and growth in the Bay, which is through a Constrained Balanced Strategy for the period up to 2032. At the heart of the Plan’s aspirations and strategy is the environment. The document contains broad quantified development provision and targets for development within Torbay, including housing and employment provision, and identifies Strategic Delivery Areas and Future Growth Areas. The production of the Local Plan is a high corporate priority.

The Local Plan has developed a Constrained Balanced Strategy for development in Torbay by setting out a series of broad strategic delivery policies, a suite of place-making policies for the three towns and more detailed criteria-based development management policies relating to specific topics for the period up to 2032. These policies in turn provide a context for more detailed site specific policies and proposals that are likely to be brought forward by the three Neighbourhood Plans for Torquay, Paignton and Brixham Peninsula. The Neighbourhood Plans must be consistent with the Torbay Local Plan, in accordance with current Neighbourhood Planning Regulations.

*Evidence base:*

See Section 6 – a full range of existing and proposed evidence base has been used to inform the preparation of a wide spectrum of strategic aspirations, objectives and policies.

*Geographic coverage:*

Whole of Torbay Unitary Authority area

*Conformity:*

National Planning Policy Framework (NPPF)

*Previous stages, when being produced as Torbay Core Strategy  
(2004 Local Planning Regulations):*

- |                  |     |  |
|------------------|-----|--|
| Sept - Dec 2005  | (1) | Pre-production (scoping / evidence gathering)                          |
| Jan - April 2006 | (2) | Preparation of issues & options for Core Strategy                      |
| April - May 2006 | (3) | Consultation on Draft Core Strategy (Regulation 25) Issues and Options |

(2008/2009 Local Planning Regulations):

- |                    |    |   |
|--------------------|----|---|
| Sept '08 - Aug '09 | 1. | Drafting, internal consultation and approval of Draft Regulation 25 'Vision, Objectives and Growth Options' |
| Sept - Oct '09     | 2. | Public participation on Draft Regulation 25 Consultation 'Vision, Objectives and Growth Options'            |

*Recent stages, when being produced as Torbay Local Plan  
(2012 Local Planning Regulations)*

- |                    |    |  |
|--------------------|----|--|
| Sept '11 – Aug '12 | 1. | Drafting, internal consultation and approval of Draft Regulation 18 Torbay Local Plan 'A Landscape for Success – The plan for Torbay to 2032 and beyond) |
| Sept '12 – Nov '12 | 2. | Public participation on Regulation 18 Consultation Draft Torbay Local Plan   |

*Current Outline timetable / key stages*

See Project Plan diagram for further details

### **3.4 Neighbourhood Plans**

Broad details are included here, for information, on the emerging Neighbourhood Development Plans that are being prepared in Torbay.

Neighbourhood Plans form a new tier of planning in Torbay at a local level, produced by the community to shape local neighbourhoods. Such Plans must be positive about change and growth, ensuring that this happens in the right place, at the right time and with community support. Once completed, they will be part of the statutory planning framework and will have a big influence over decisions on planning applications.

The decision has been taken by Community Partnerships and Torbay Council that communities will prepare separate Neighbourhood Plans for Torquay, Paignton and Brixham (including Broadsands, Galampton and Churston). The Plans will collectively have complete coverage of the local authority area and are being prepared by specially constituted Neighbourhood Planning Forums, mentored by officers from Torbay Council's Spatial Planning Team.

Under 'The Neighbourhood Planning (General) Regulations 2012', applications for the designation of neighbourhood areas and the designation of neighbourhood forums were received by Torbay Council. These were approved by the Council at its meeting in December 2012.

Forums are currently preparing their draft Neighbourhood Plans through their steering groups and topic groups, in the context of the emerging Torbay Local Plan.

### **3.5 Additional key development plan work areas**

The Spatial Planning Business Unit is actively involved in delivering an ambitious programme of related development plan projects that could in due course be formalised as additional local development documents within the LDS. These may be promoted as SPDs for example, as highlighted in 2.3.6 below; where this occurs, the LDS will be amended accordingly. Current projects include the following:

#### Projects for major regeneration areas / Future Growth Areas

Torquay Town Centre Masterplan; Torquay Gateway Masterplan; Paignton Town Centre Masterplan; Collaton St Mary, Paignton Masterplan; Great Parks Phase 2, Paignton Masterplan

#### Other projects

Torbay Housing Delivery Plan

CIL / S106 Planning obligations guidance

Tor Bay Harbour Authority Port Masterplan (July 2013)

Local Development Orders (facilitating town centre, harbour and port regeneration; employment space provision etc)

Neighbourhood Development Orders (Neighbourhood Plan Delivery)

#### Adopted SPDs

Review and updating of existing Adopted SPDs including Planning Contributions and Affordable Housing, and Urban Design Guide (see 3.1 above).

## **4. PROJECT PLAN AND WORK PROGRAMME**

### **4.1 Aims and objectives**

4.1.1 The aim of the Local Development Scheme is to set out a programme for the delivery of Torbay's Development Plan in accordance with realistic timescales.

4.1.2 The key component of the current Torbay Local Development Scheme is the 'Torbay Local Plan - A landscape for success, The Plan for Torbay - 2012 to 2032 and beyond'. For information, details are also included for related documents, namely the Authority Monitoring Report and the three neighbourhood plans being prepared for the Council's administrative area (the Torquay Neighbourhood Plan, the Paignton Neighbourhood Plan and the Brixham Peninsula Neighbourhood Plan).

## 4.2 Public participation

4.2.1 The Local Plan continues to be the subject of public participation and consultation in accordance with the principles and practices set out in the Council's Adopted Statement of Community Involvement, as revised. The current Local Planning Regulations (The Town and Country Planning (Local Planning) (England) Regulations 2012) provide the current statutory basis for this work, in the context of the National Planning Policy Framework (2012) and the recent National Planning Practice Guidance (2013). At each relevant stage of its preparation, the Local Plan will be the subject of a detailed consultation and engagement strategy. Such work will take place both at specific milestones and, where appropriate, as a continuous process.

## 4.3 Detailed work programme and project plan diagram

4.3.1 A detailed work programme and project plan for the current LDS is set out at the end of this section. It outlines a timetable, timeline and key milestones for the Torbay Local Plan. As a general principle, this programme reflects available resources (see also Section 7 below), timescales for completion of the various strands of the evidence base, the importance of Member and stakeholder involvement, and the related cycle of Council meetings. It also embraces the workload implications arising from the need to meet the Sustainability Appraisal / Habitats Regulations Assessment requirements for the production of the Local Plan (see 5.2 below).

4.3.2 The programme outlines the following key local plan document preparation stages:

1. **Regulation 18 – Preparation of a local plan** (scoping; evidence gathering; public consultation on Vision, Objectives and Options + SA + HRA; consultation on Draft Local Plan + SA + HRA)
2. **Regulation 19 - Publication of a local plan** (analysis of Regulation 18 representations; preparation of Publication version of Local Plan; public consultation on Proposed Submission Plan +SA + HRA)
3. **Regulation 20 – Representations relating to a local plan** (receipt of representations during six week Regulation 19 consultation period)
4. **Regulation 22 – Submission of documents and information to Secretary of State** (preparation and submission of a wide range of specified submission documents)
5. **Regulation 23 – Consideration of representations by appointed person** (consideration of Regulation 28 representations by Inspector)
6. **Regulation 24 – Independent examination** (provide 6 week notice period for Examination / notify relevant objectors; hold Examination)
7. **Regulation 25 – Publication of the recommendations of the appointed person** (Council to publish Inspector's recommendations and reasons / give notice to relevant parties)
8. **Regulation 26 – Adoption of a local plan** (Council to adopt Local Plan; publish Plan and related documents; send out relevant documentation to interested parties)

4.3.3 The Torbay Local Plan contains a Key Diagram and a Policies Map in order to illustrate the geographical application of new policies and proposals contained within. **When adopted, the new Local Plan will supersede the Saved Adopted Torbay Local Plan 1995-2011 and Proposals Map in their entirety.**

4.3.4 Details of the Saved Adopted Torbay Local Plan can be found on the Council's Strategic Planning web page via the link below.  
[www.torbay.gov.uk/strategicplanning](http://www.torbay.gov.uk/strategicplanning)










**TORBAY DEVELOPMENT PLAN**

**TORBAY LOCAL DEVELOPMENT SCHEME 2014 - PROJECT PLAN**

LOCAL DEVELOPMENT DOCUMENT	12												13												14												15											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A								
Local Development Scheme (LDS*)	[Red bar]																																															
Authority's Monitoring Report (AMR**)	[Grey bar]																																															
Torbay Local Plan - A landscape for success The Plan for Torbay - 2012 to 2032 and beyond	[Yellow bar]												[Orange bar]												[Blue bar]			[Green bar]			[Purple bar]																	
<b>NEIGHBOURHOOD PLANS</b>																																																
Torquay Neighbourhood Plan	Evidence / Preparation of Draft Plan												Evidence / Preparation of Draft Plan												++																							
Paignton Neighbourhood Plan	Evidence / Preparation of Draft Plan												Evidence / Preparation of Draft Plan												++																							
Brixham Peninsula Neighbourhood Plan	Evidence / Preparation of Draft Plan												Evidence / Preparation of Draft Plan												++																							

**Development Plan Documents - Key stages and milestones**

-  **Regulation 18 - Preparation of a local plan** (scoping; evidence gathering; public consultaion on Vision, Objectives and Options + SA + HRA; consultation on Draft Local Plan + SA + HRA)
-  **Regulation 19 - Publication of a local plan** (analysis of Regulation 18 representations; preparation of Publication version of Local Plan; publication of Proposed Submission Plan + SA + HRA)
-  **Regulation 20 - Representations relating to a local plan** (receipt of representations during the six week Regulation 19 consultation period)
-  **Regulation 22 - Submission of documents and information to Secretary of State** (preparation and submission of a wide range of specified submission documents)
-  **Regulation 23 - Consideration representations by appointed person** (consideration of Regulation 28 representations by Inspector) and **Regulation 24 - Independent examination** (provide 6 week notice periodfor Examination / notify relevant objectors; hold Examination)
-  **Regulation 25 - Publication of recommendations of the appointed person** (Council to publish Inspector's recommendations and reasons / give notice to relevant parties)
-  **Regulation 26 - Adoption of a local plan** (Council to adopt Local Plan; publish Plan and related documents; send out relevant documentation to interested parties)

**Notes:**

All references to 'Regulation' relate to The Town & Country Planning (Local Planning)(England) Regulations 2012 (as amended)

\*LDS - subject to continous monitoring and updating (review published as required)

\*\* AMR - subject to continous monitoring and updating as required (review published at least annually)

++ Publication of Draft Neighbourhood Plan (Pre-submission consultation and publicity)

## **5. SUSTAINABILITY APPRAISAL AND HABITATS REGULATIONS ASSESSMENT**

### **5.1 Legislative background**

5.1.1 The Planning and Compulsory Purchase Act 2004 requires local development documents to be prepared with a view to contributing to the achievement of sustainable development (Section 39). There is a parallel requirement for the Council to comply with the European Union Directive 2001/42/EC which stipulates the need for formal strategic environmental assessment of certain plans and programmes impacting on the environment. Under Section 19(5) (b) of the 2004 Act, the Council is required to produce a sustainability appraisal report.

5.1.2 In addition, the Council is required to comply with the EU Habitats Directive by carrying out Appropriate Assessment under the Habitats Regulations Assessment. These requirements will all apply to all of the plans being prepared as part of the Torbay Development Plan, as set out in this Local Development Scheme. Currently, the NPPF sets out a presumption in favour of sustainable development (paragraph 14).

### **5.2 Appraisal process**

5.2.1 Government guidance indicates that sustainability appraisal relating to preparation of local plans is a systematic and iterative process which incorporates the requirements of the Strategic Environmental Assessment Directive. This process has been fully integrated into the Torbay Development Plan programme and applies to the prescribed key stages of local plan production. The purpose of the SA is to appraise the implications of policies and proposals in terms of their social, environmental and economic effects. This process runs in parallel with work undertaken on the Habitats Regulations Assessment. The Council will produce appropriate technical information for each stage of plan preparation, in liaison with relevant organisations.

## **6. EVIDENCE BASE**

### **6.1 Scope**

6.1.1 Preparation of the Torbay Local Plan and the three Neighbourhood Plans will draw on a variety of data and information sources. This evidence base comprises a wide range of documents that will in turn also provide a source of baseline data for preparation of the SA and SEA process. Good practice indicates that local plan evidence base should be proportionate to the scope and complexity of the specific DPD.

### **6.2 Existing evidence base**

6.2.1 The following studies and documents provide relevant evidence and guidance for the policy framework of the emerging Torbay Local Plan:

## **NATIONAL AND REGIONAL SUPPORTING INFORMATION AND GUIDANCE**

Localism Act 2011  
National Planning Policy Framework (CLG, 2012) plus Technical Guidance  
Draft National Planning Practice Guidance (CLG, 2013)  
Planning Practice Guidance for Renewable and Low carbon Energy (DCLG, 2013)  
The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)  
The Neighbourhood Planning (General) Regulations 2012

Local Growth White Paper (CLG, 2010)  
The Plan for Growth (HM Treasury / BIS, 2011)

UK Climate Change Projections ( <http://ukclimateprojections.defra.gov.uk> )  
The Carbon Plan: Delivering our low carbon future (HM Government, 2011)  
The Stern Review on the Economics of Climate Change (Sir Nicholas Stern, 2006)

Waste Strategy for England 2007 (National Waste Planning Policy Review in progress at 2013)  
Regional Waste Strategy 2004

Water for life and livelihoods: River Basin Management Plan - South West River Basin District (Environment Agency, 2009)  
Flood Risk Regulations 2009  
Flood and Water Management Act 2010  
Water Framework Directive (EU 2000 – implementation ongoing to 2013)  
South Devon Catchment Flood Management Plan - Summary (Environment Agency, 2009)  
Shoreline Management Plan Review (SMP2) Durlston Head to Rame Head (South Devon and Dorset Coastal Advisory Group, 2011).

Statutory Schedule of Ancient Monuments  
Statutory Lists of Buildings of Special Architectural or Historic Interest  
Statutory Register of Historic Parks and Gardens  
Historic Environment Planning Practice Guide (English Heritage, 2010)  
Guidance on Tall Buildings (CABE / English Heritage, 2007)  
Manual for Streets 2 (DfT, 2010)  
Design Manual for Roads and Bridges (DfT, 2008)

## **TORBAY / DEVON STUDIES**

### ***Community and health***

Torbay Consultation and Engagement Strategy (Torbay Council, 2005, revised 2009)  
Torbay Community Plan 2011(Working for a healthy, prosperous and happy Bay) Torbay Council  
Public Health Annual Report 2013 (Torbay Council/NHS)  
Torbay's Play Strategy 2005 -10 (Torbay Council, undated)  
Torbay Playing Pitch Strategy (Torbay Council, 2009)  
Torbay Playing Pitch Strategy (Torbay Council, 2013 ongoing)

Torbay Sports Facilities Strategy (Torbay Council, 2009)  
Torbay Sports Facilities Strategy (Torbay Council, 2013, ongoing)  
Strategy for the Arts and Creative Industries in Torbay 2006-2016 (Torbay Council, undated)

### ***Housing***

Devon-wide Gypsy and Traveller Housing Needs Assessment (2006)  
Private Sector House Condition Survey (Torbay Council, 2009)  
Interim Housing Viability Assessment (Belvedere Vantage, 2010)  
Exeter and Torbay Strategic Housing Market Assessment (ORS, 2007; 2011 update)  
Torbay Strategic Housing Land Availability Assessment (PBA, August 2013)  
Torbay Housing Requirement Study (PBA, August 2013)  
Torbay Whole Plan and CIL Viability Study (PBA, January 2014)

### ***Economy***

Mayor's Vision for a future Torbay (LDA Design, 2007)  
Torbay Tourism Strategy 2010-2015 (Torbay Council, 2009)  
Torbay Employment Land Review (PBA, November 2013)  
Torbay Economic Strategy 2010-2015 (TDA, 2013)  
Tor Bay Harbour and Maritime Strategy 2007-2017 "Catching the Wave" (undated)  
Tor Bay Harbour Authority Port Masterplan (Royal Haskoning DHV, July 2013)  
Torbay Retail Study Update (GVA Grimley, 2011)  
Torbay Retail Study Update (GVA Grimley, January 2014)

### ***Transportation***

Torquay Central Area Transportation Study (2002)  
Paignton Central Area Transportation Study (2002)  
Brixham Central Area Transportation Study (2004)  
Western Corridor Saturn Modelling Study (Parsons Brinkerhof 2010)  
Torbay Parking and Transportation Study (Atkins, 2010)  
Torbay Local Transport Plan 2006-26 (LTP3) (2011)

### ***Infrastructure and resource management***

Torbay Contaminated Land Strategy (Torbay Council, 2001; reviewed 2005)  
Local Planning Guidance Note: A guide for Developers to the Assessment and Remediation of Land Affected by Contamination in Devon (Devon Contaminated Land Working Group, 2006)  
Devon Waste Plan [Pre-Submission Version] (Devon County Council, December 2013)  
Torbay Municipal Waste Management Strategy (Torbay Council, 2008)  
Devon Minerals Plan 2011 – 2031 (Options Consultations Paper, March 2011; Cross-boundary Minerals Issues Scoping Report, June 2012)  
Strategic Stone Study - A Building Stone Atlas of Devon (English Heritage, September 2012)  
Torbay Carbon Management Plan (Torbay Council, 2008)  
Torbay Climate Change Strategy 2008-2013 (Torbay Council, 2008)  
Strategic Flood Risk Assessment Level 1 (Torbay Council, 2008)  
Strategic Flood Risk Assessment Level 2 (Torbay Council, 2010)  
Torbay Green Infrastructure Delivery Plan (TCCT / Torbay Council / Natural England, 2011)

Torbay Sustainable Energy Assessment (AECOM, 2011)  
Torbay Infrastructure Study [including Viability Report] (Baker Associates, 2011)  
Torbay Water Cycle Study (Torbay Council, 2012)

### ***Environment***

Torbay Wildlife Study (DWT, 1998)  
Torbay Biodiversity and Geodiversity Action Plan (TCCT, 2007)  
Torbay Landscape Character Areas Assessment (Enderby Associates, 2010)  
Brixham Urban Fringe Study (Enderby Associates 2011)  
Torbay Building Heights Strategy 2011  
Torbay Historic Environment Record (Torbay Council)  
Adopted Conservation Area Appraisals (Torbay Council)  
Torbay Heritage Strategy (Torbay Council, April 2011)

### ***Monitoring***

Annual/Authority Monitoring Report (Torbay Council, July 2013)  
Torbay Housing Land Monitor 2012 (Torbay Council, produced annually)  
Torbay Retail Monitor 2012 (Torbay Council, produced annually)  
Torbay Joint Strategic Needs Analysis (Torbay Council / NHS Torbay, ongoing)

### ***Other***

The evidence base underpinning preparation of the Regional Spatial Strategy Proposed Modifications document that relates to Torbay may be of relevance to preparation of the Council's Development Plan.

## **6.3 Proposed new evidence base**

6.3.1 The Council has had regard to the key spatial planning issues likely to be faced over the period to 2032 and beyond, and has identified a number of ongoing and additional technical studies that are required to inform the Local Plan process. In each case, the Local Planning Authority will seek to secure appropriate involvement of local communities and other key stakeholders such as utilities, statutory bodies, landowners, developers and other commercial interests. Studies will be managed in the context of the LDS time-scale and input of data and findings co-ordinated accordingly. Studies currently being undertaken or proposed are as follows:

- Local Plan Sustainability Appraisals (ongoing)
- Neighbourhood Plan Sustainability Appraisals (ongoing)
- Habitats Regulations Assessment (ongoing)
- Torbay Traveller Accommodation Review (ongoing)
- Preparation of masterplans for Torquay Town centre, Torquay Gateway, Paignton Town Centre and Collaton St. Mary area (commenced January 2014 – ongoing)
- Hydraulic Modelling of Sewer Capacity in Torbay (being commissioned)

6.3.2 Account will be taken of the need to carry out further research in relation to any key issues arising from the above emerging studies. The relevance of the existing evidence base will also need to be monitored to ensure that it remains up to date and fit for purpose.

#### 6.4 Other material considerations

- 6.4.1 The Council will have regard to policy guidance, research and technical documents produced by the government and key statutory and community partners. These include the Environment Agency, Natural England, English Heritage, Sport England and utilities, as well as other bodies such as the Torbay Coast and Countryside Trust, Devon Wildlife Trust, the South Devon Healthcare NHS Foundation Trust and Torbay Primary Care Trust.

### **7. RESOURCE MANAGEMENT**

#### 7.1 Background

- 7.1.1 Development Plan preparation requires thorough and realistic resource management. This applies particularly to the availability and deployment of staff and financial allocations through relevant budget systems. Both aspects need to be embedded within an effective and transparent organisational and decision-making framework to ensure deliverability. Close liaison between officers and the elected Mayor and the Lead Member for Planning, Housing, Waste and Energy helps to ensure and maintain a high level of political awareness and input to the plan-making and policy process. Involvement of Members in the Place, Policy and Development Group ensures cross-Party involvement in the process. Where appropriate, recommendations are passed to the Mayor or full Council for decision making in accordance with Council protocol. Use is also be made of the Council's delegated decision-making arrangements as appropriate. To be effective, resource management also requires commensurate risk assessment (see Section 8 below).

#### 7.2 Staffing

- 7.2.1 The Spatial Planning Business Unit has a small, well-established and experienced dedicated planning policy unit (the Strategic Planning Team) which is responsible for development planning, policy, monitoring and research work. This unit was established in 1997 when the Council gained Unitary Authority status and was specifically tasked with progressing local plan preparation, strategy and policy formulation. In this context it was responsible for preparation of the Torbay Local Plan, adopted in 2004. The unit is headed by a Team Leader and comprises four qualified town planners and one part-qualified town planner (three of whom are fully Chartered) and a qualified dedicated sustainability appraisal officer. The Team reports to a Senior Service Manager (also a Chartered Town Planner) who in addition manages the Development Management function.

- 7.2.2 The Strategic Planning Team maintains an active and continuing dialogue with key partners at local, regional and national level regarding emerging best practice. It operates alongside the Strategic Transportation Team (responsible for the LTP and the wider sustainable transport remit) and the Strategic Environmental Policy Team (responsibilities include the Waste Management Strategy, Climate Change Strategy and energy conservation), all of whom are within the same Spatial Planning Business Unit and can draw upon any necessary policy related advice as required. This is an important professional synergy. The presence of development management and conservation staff within the same Business Unit facilitates further input as required.

- 7.2.3 Sustainability appraisal and appropriate assessment work, as well as equalities and health impact assessments, is undertaken for specific documents by the Team's SA officer.
- 7.2.4 Development Plan work involves cross-cutting links with relevant Directorates. Officers from other Business Units, and teams within the Council contribute advice and expertise as required, and particularly in the following areas:
- ❑ Transportation / Highways – strategic and detailed transportation issues
  - ❑ Environmental Policy – waste management, climate change, energy efficiency, carbon management
  - ❑ Torbay Development Agency/ Economic Development Company (public / private partnership regeneration body) – economy, regeneration and estates matters
  - ❑ Engineering – drainage, flooding, sea defences, land stability
  - ❑ Environmental Health / Consumer Protection – ground contamination, pollution and licensing
  - ❑ Communities - in relation to affordable housing issues, stakeholder and community engagement
  - ❑ Legal Services - guidance on the interpretation of legal matters, S106 agreements
  - ❑ Corporate Governance - administration of Scrutiny, committees, Council; Community Plan
  - ❑ Communications – involvement in SCI and media / consultation matters
  - ❑ Design Studio - graphics service
  - ❑ Printing Unit - document preparation and production service
- 7.2.5 Staff resources currently available in the Strategic Planning Team to undertake the work generated by the Local Development Scheme remain modest in relation to the Team's workload, particularly in respect of work involved in mentoring the community's three emerging Neighbourhood Plans. Where expertise or in-house capacity is inadequate, consultants have been employed to ensure timely delivery of critical areas of policy related work.

### 7.3 Financial resources and budget

- 7.3.1 The Business Unit has a modest budget in place to meet programmed development plan work, primarily consultation/engagement and printing requirements. However, as a direct result of a specific funding stream that was put in place in 2004, Spatial Planning does have the essential funding in place to provide the resources necessary to support and enable the formal Independent Examination of the Local Plan.
- 7.3.2 In previous years, the Strategic Planning Team gained considerable benefit from the award of a substantial element of Government Planning Delivery Grant. The subsequent Housing and Planning Delivery Grant programme resulted in much reduced levels of Grant. However, funding from the revenue stream of the 2008/2009 to 2010/2011 three year New Growth Point allocation for Torbay has been of considerable assistance in enabling progression of the Strategic Planning Team research programme. However, such external funding is no longer available. The current New Homes Bonus regime is not used to support Spatial Planning.

## 8. RISK ASSESSMENT

### 8.1 Context

8.1.1 The current Local Development Scheme is a departure from earlier versions, which focused on the production of a number of LDDs comprising the former Local Development Framework. The LDS is now simpler and reflects the considerable changes made to the planning system by the present Government since 2010, plus emerging best practice.

### 8.2 Key areas of risk

8.2.1 Against this background, the key areas of risk associated with delivery of the Torbay LDS relate to the following issues:

- a) Timetable and work programme slippage – it is essential that time-scales are realistic, and that allowance is made for workloads arising from other core areas of planning policy work.
- b) Late delivery of specific research studies and other out-sourced contracts - failure to produce important documents to provide evidence based research and provide detailed guidance for policy implementation can seriously impede progress; this can be offset with realistic work programmes and effective project management.
- c) Inadequate staff resources – local authority budget restrictions, staff redundancies and/or departures, unfilled staff vacancies, staff illness, unforeseen additional local planning work requirements and unforeseen gaps in specific areas of expertise may need to be offset by use of consultants, contract staff or seconded in-house staff.
- d) Capacity of the Planning Inspectorate (PINS) to accommodate demands of examination process. Close liaison with PINS should help to minimise problems
- e) Failure of the Local Plan to meet its duty to co-operate and the tests of soundness – monitoring compliance with the Regulations and tests of soundness, awareness of best practice, benchmarking and close, continuous liaison with DCLG, PINS and neighbouring local planning authorities will help to reduce this risk
- f) Legal challenges - working closely with DCLG and PINS, production of a sound evidence base, sound SA, awareness of good practice and appropriate community involvement will be essential to reduce risk in this area.
- g) Reduction in budget - promoting the corporate role of the Local Plan and its close association with achievement of wider Mayoral and corporate objectives should ensure that this area of work continues to secure local authority funding. However, the public sector generally will continue to suffer budgetary difficulties over the next few years.
- h) Lack of corporate focus and support - the increasingly corporate role of the Council's spatial planning policy remit, the high central government profile for production of robust and timely local plans and



the general thrust of the recent Government planning policy advice should help to ensure that development plan work is given high priority in the context of the Council's corporate priorities.

## **9. REVIEW AND MONITORING**

### **9.1 Review process – Authority Monitoring Report**

- 9.1.1 The Council is required to set out in its Authority Monitoring Report (AMR) details of the timetable for preparation of local plan or supplementary planning documents specified in its Local Development Scheme (LDS) and the stages reached. The AMR is also required to monitor and review their preparation. This will be implemented by means of the published AMR, which will assess progress in the context of the timetable and milestones set out in the LDS. This process forms a key element of the 'plan, monitor and manage' approach to the planning system. Further details are set out in 3.2 above.
- 9.1.2 The LDS review process is required ultimately to consider whether targets relating to constituent LDDs have been met and to give reasons for any delays experienced. In cases where documents are adopted or approved, a statement to this effect and relevant dates are required to be published in the AMR.
- 9.1.3 The Council has a well-established programme of monitoring which includes annual monitors concerning housing land and retail development. Relevant National Indicators and other Council performance management systems provide a context for this process.
- 9.1.4 The Strategic Planning Team will continue to keep the LDS under review through tracking against its in-house Detailed Torbay Local Plan Work Programme and the assessment process that forms part of the Authority Monitoring Report. The AMR additionally places the monitoring and review process in a wider corporate context. The AMR is designed to be a 'live' document', although some of the data referred to will inevitably date back to the previous financial year as a result of data collection timescales.

## APPENDIX A

### Torbay Development Plan – geographical relationship of Local Plan and related Neighbourhood Plans

