

AS/6

Robert Young
Local Plan Programme Officer
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Castle Circle
Torquay
TQ1 3DR

5.11.14

Dear Mr Young,

Torbay Local Plan Examination

Thank you for your email response of today's date.

As we discussed on the telephone today and, as arranged with you, please find enclosed for you please to place before Inspector Holland a copy of our Representations to Torbay Council upon its only recently published Masterplan for Collaton St Mary, for the Inspector's information and consideration.

As was explained to you during our telephone conversation, following a Community Meeting held yesterday evening at which the Masterplan and our Representations upon it were discussed and the Representations approved for submission to the Council, it was also considered appropriate in the circumstances for a copy of the Representations to be submitted to the Inspector. This being due to the fact, that we and others (as mentioned in our telephone conversation) considered that the timing of the issue of the Masterplan after the (emerging) Local Plan had been submitted for the Examination and it purporting to be a Supplementary Planning Document to be read along with the Local Plan, warrants this, particularly as much of our Representations upon the document go to addressing the questions of policy and procedure which we think the Inspector will want to pay particular attention to and clarify at the forthcoming Examination Hearing.

Thank you for your assistance in this regard.

Yours Faithfully

Nigel R. Jones LL.B (Hons.)

C St. MRA / CDL

COPY

Representations

On

The Collaton St Mary Masterplan

By

Collaton St Mary's Residents Association/Collaton Defence League

Having examined this document, in our considered opinion, so formed, then the question is begged, what exactly is it? What is its exact purpose, its identity, and what is it actually intended for, and for whose benefit? What is the actual necessity for it, and on whose behalf? What is it REALLY all about? Is it just promoting Housing for Housing's sake and nothing else? Is it meant as an adjunct/assist to the Council's emerging new Local Plan ("LP"), in which case why has it been published after the Local Plan has been put forward for Examination in Public? Is it a catching up exercise-an attempt to make up for flaws in or omissions from the LP? Is it a Supplementary Planning Document or is it merely and really a flight of fancy on the part of an allegedly cash- strapped Local Authority thinking up a money- making scheme by way of selling off its crown jewels of Council- owned land and planning permissions for privately owned land by way of an invitation to treat for developers dressed up to look like a serious (but in fact hollow) consultation and engagement with its local Community? In reality a " reach for the Moon " but without actually working out first how it is going to get there i.e. looking to get from A to C but missing out the essential B- the how is it going to deliver it bit- and not knowing how it is going to pay for it in any event.

To elaborate upon this hypothesis/argument:-

1. Supplementary Planning Document ("SPD")

If it is intended to be an SPD (which in fact should only be used to add further detail to policies in the LP and are not part of the development plan, but are used to help inform decisions made on planning applications) then it is our understanding of the applicable regulations that it must state unequivocally in the body of the document that it is an SPD and what it is intended to be supplementary to i.e. in the present instance the emerging new Local Plan. It must contain a reasoned justification of the policies contained in it. It should be prepared only where necessary and in line with paragraph 153 of the NPPF i.e. the need for sustainable development. It should build upon and provide more diluted advice or guidance on the (emerging) Local Plan (so we would ask that if this is so why was it not prepared in line and in tandem with the LP's development; made available for the Public's 6 week consultation period on the LP; not lodged along with the LP for its Public Examination by the Planning Inspectorate; and will not complete its Public minimum (?) 4 weeks scrutiny until

after the Examination in Public?) It should not add unnecessarily to the financial burdens on development but should contribute to the achievement of sustainable development and in accordance with the NPPF's presumption in favour of sustainable development. Any additional development plan documents employed by a Local Authority in the production of a Local Plan for its area should only be used where clearly justified. They should be usedto aid infrastructure delivery (see our next numbered item).

2. Infrastructure/Infrastructure Delivery Plan ("IDP")

We would contend that this Masterplan document, whatever it purports or is meant to be, proposes significant substantial large-scale demographic and physical change, with accompanying large-scale disruption and significant and substantial disturbance (and accompanying Planning blight) for many years to come for Collaton St Mary and its residents without first establishing sufficient need, viability, appropriateness and sustainability of and for its proposals and policies . We as a Community and through our Neighbourhood Forum were led to believe that this so called Masterplanning document would serve to constitute the Council's "missing" (from the Local Plan documentation) Infrastructure Delivery Plan and would set out **the strategic priorities** for our area and fill in the gaps in the LP to include strategic policies to deliver the provision of infrastructure for transport waste management, water supply, flood risk, waste water, sewage, habitats (eg Great Horseshoe Bat) and ecology etc. (NPPF para 156) and where adverse impacts should be avoided wherever possible, or if unavoidable measures to mitigate the impact should be considered (NPPF para 152.) In our considered view this document does none of this. It merely alludes to the fact and states within it that "The West of Paignton offers the largest area of land for expansion within Torbay although there are infrastructure matters that need to be provided prior to development of already committed areas" but offers no detail of how these issues are to be managed or overcome or financed other than to state that the Council will require financial contributions from developers and other stakeholders to provide assistance "in delivery of critical infrastructure" and for infrastructure delivery partners to provide key infrastructure to include the upgrades to the sewerage and the management of the inherent flood risk which is endemic to Collaton St Mary and its environs. It is our view that nowhere in this document is there the requisite detail for the Council to properly and fully demonstrate that it has planned positively (as required by the NPPF) for the development and infrastructure required in and appropriate to our area to adequately and appropriately address and to meet the objectives, principles and policies of the NPPF and to provide evidence to ensure there is a reasonable prospect that such requisite planned infrastructure is deliverable, viable and affordable in a timely fashion and most importantly relevant. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-making. We contend that this document is not and cannot be viewed as an IDP and Schedule .In our opinion it has not

examined at all or paid attention or credence to the engineering complexities, land instability, subsidence, ground suitability, flooding and natural habitats issues to be overcome for any future development in our locality unavoidably engendered by its topography, its height differentials in the areas proposed for development and by its numerous underground aquifers, watercourses, streams, springs, and also its ecology and environment, that will constrain and confound the most ardent and optimistic development proposals.

3. The Fundamental Flaw in this Document

Given all of the above and the document's deficiencies alleged herein and by reference to the Town and Country Planning (Local Planning) (England) Regulations 2012 ["the Regulations"], which if this document is intended to be an SPD, set out the requirements for producing Supplementary Planning Documents:

a. Then this so called Masterplan document (and also the LP) as targeting and identifying our village of Collaton St Mary and its environs as included in an area for major significant future housing growth "identifies that area as an area of significant change."

b. As such we would contend that should the Council decide to adopt this document as a Planning document then it would be a decision on its part "procedurally flawed and unlawfully made" [ref. The London Borough of Hammersmith and Fulham and Shepherds Bush Market area High Court Decision May 2012] because it will not have carried out in connection with the same a Sustainability Appraisal in line with regulations 26 and 35 of the Regulations (para 165 NPPF states "A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process.....") and will not have considered whether a Strategic Environmental Assessment is required [in this we have noted on previous occasions the apparent aversion of the Council to providing environmental impact assessments where others have considered them to have been necessary and appropriate e.g. in connection with the failed Taylor Wimpey Planning Applications, at land north of Collaton St. Mary Totnes Road A385 and the Churston Golf Course, Bloor Homes Planning Application).

c. As such, if we are correct in our contention, then we think that the Council would be leaving itself open to an application for a judicial review of its decision to adopt. A situation we would trust and hope that the Council would be at pains to avoid, not least because of its potential for the Public purse.

4. The Duty to Cooperate/Public Consultation

(A) We would contend that the document deliberately does not accurately reflect the views of our Community in respect of what is proposed in the document (in which it is stated that it is a Council-led Masterplan) in so far as the limited engagement the Council and its appointed consultants have had with our Community results. This is clearly evident from the content of the attached "Initial feedback from consultation "Drop-in" session and

Stakeholder Engagement workshop” which would appear to contradict much of what is put forward in the document as meeting our Community’s so-called aspirations. More like re-enforcing the Council’s aspirations....we would contend. This will be produced to the Planning Inspectorate.

- (B) We would contend that the “Initial Masterplan Response” map and schematic which appears on page 23 of the document is a device, was apparently pre-prepared in advance of the so-called public consultation and presentation exercises carried out on behalf of the Council and was never officially made available to the public for scrutiny prior to the publication of the Masterplan itself. This can be seen from the photographs of the display boards at the Paignton Club, Stroud Treglown Limited’s, presentation of 28th April 2014 as appears on page 21 of the document which show none of what eventually appears on the above-referred to map and schematic. This most revealing map was only by chance discovered at the time by two of our colleagues who were attending the presentation as apparently being inadvertently lying flat on its own out of plain sight on a table to the far side of the room in which the display boards were set up and arranged, not put up on the boards, and clearly not meant to be seen by those attending the presentation. Our colleagues photographed the map and at a later date (Community Meeting on 20th May 2014 at Collaton St. Mary ‘s Parish Rooms) it was shown/revealed to numerous members of our local Community there present much to their consternation, dismay and anguish that such had been prepared as a representation of our Community’s supposed development aspirations gleaned from a so-called consultation feedback.
- (C) It is stated in Planning Practice Guidance that “while the local planning authority is not legally required to adopt its Local Plan following examination ,it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area”. We would say exactly the opposite has occurred in the case of the Collaton St. Mary’s so-called Masterplan and that the Council, conjecturally having pre-briefed its consultants of its desired outcome, has done its utmost to keep its engagement and consultation with and dissemination of information to our Community and its residents to an absolute minimum and as much out of area as possible for its own reasons and purpose .For example and significantly:-

i)Collaton St. Mary being within the Blatchcombe Electoral Ward, the Council appears to us to have chosen to utilise the Blatchcombe Community Partnership and its Newsletter as a vehicle to conduct its so-called consultation process, with Meetings of the Sub-Group held at Great Parks and Foxhole Community Centres, in which matters appertaining to

Collaton St. Mary were on occasions aired to those in attendance, which given the issues of distance and complication of travel from Collaton, and public awareness of the same, would not have included many residents of Collaton.

ii) On 28th June 2014 one of our colleagues together with members of his family was visiting Goodrington Beachfront and happened by chance to come upon the Council's Travelling Roadshow which was headed up by Council Officer Ms. Tracy Cabbache. Our colleague was concerned to see exhibited on a number of Boards on display to the public there a number of plans and maps (inviting comments from the public in attendance) which directly referred to Collaton St. Mary and the Council's development plans for our area. Never having seen these before then and much concerned as to their content and display our colleague took the opportunity of photographing them. He also asked one of the Council's representatives in attendance if the Roadshow would be coming to Collaton St. Mary and if so when. He received a non-committal response together with the unwelcome flippant comment, not to worry as there will be building all over Collaton St. Mary. At a later date, at the next Paignton Neighbourhood Forum Meeting, at which Ms. Cabache was in attendance, she was asked specifically if the Roadshow could be brought to Collaton St. Mary so as to better inform our residents of exactly what was being proposed by the Council in their name. She replied that she did not think there would be any problem with that, but she would have to check with her superiors first for their authority for her to do so. Nothing more was ever heard or seen from her, or from anyone else, with regard to our request.

iii) For what it is worth, we should point out as a correction to the dates given in the Masterplan and its accompanying Public Participation Statement (a misnomer if there ever was one), the actual date of the so-called "Drop-in" event at the Collaton St. Mary Parish Rooms was 22nd April 2014 not 23rd April 2014 and the so-called Stakeholder Session at the Paignton Club was held on 28th April 2014 not 24th April 2014, as stated (even this the Council cannot get right) and was by invitation only for so-called "Stakeholders" and NOT the public in general and certainly not the residents of Collaton St. Mary in general, and, furthermore begs the question why was this so and why was it not held in Collaton St. Mary itself having first been advertised to its Community? Why also was what was available to be seen at the so-called "Drop-in" event was entirely different to that on display at the Stakeholder event? One can only conjecture.....?

iv) Our inevitable unavoidable conclusion from all of the above is, and can be only and not otherwise, that the so-called Masterplan is, in truth, the Council's own vision for Collaton St. Mary's future NOT our Community's

and NOT born out of a genuine and serious thorough consultation process with our Community. We say that it is a piece of propaganda. It is our conclusion that it is a deliberate cynical and calculated construct of their version of events and the truth of the matter is that the Council has intended this outcome from the very outset. Not the result of a balanced impartial conversation with our Community at large, which is something they really deserve and had the right to expect. This has just not happened whatever the Council chooses to dress it up as.

v) We say that it is a concoction that seeks to pervert the voracity of the matter, which is in fact to present a case that the Council has complied with its Duty to Consult, and in the interests of Localism, when in fact we consider that it has done its utmost to avoid actually engaging with our Community about(and exposing to its residents,) until NOW with the issue of the Masterplan document, its true intentions for Collaton, namely releasing our green fields for future development en masse for much needed developers' cash for its Council coffers. Verily, a blue print/signpost for developers. Open season on Collaton St. Mary for developers and a money pot for the Council!

We would end this commentary by pointing out that as an example of good and proper practice, policies, and the following of correct procedure, it is our view that one only needs to look at adjacent Teignbridge Council's adopted Local Plan 2013-2033, following its own Examination in Public, and its prior process of meaningful engagement with its local Communities-"Plan Teignbridge" which to their credit has included in it and with it, amongst others, a Sustainability Appraisal/Strategic Environmental Assessment and, most importantly, The Teignbridge Infrastructure Delivery Plan and Schedule July 2014, all of which, we contend Torbay Council in its turn does NOT have any such of its own in place and has attempted to disguise this salient fact. Other Local Authorities throughout the land that we have looked at, almost without exception, to us, have appeared to have complied with due process and procedure and public consultation in the development and bringing forward of their Local Plans for their Communities (South Cambridgeshire District Council, Bristol City Council and Leeds City Council to name but a few), but, in our considered view and observation, Not Torbay Council.

C St.MRA / CDL

6th November 2014

Collaton St Mary Masterplan

The following represents the initial feedback from a "Drop-in Day" on 22nd April and Stakeholder Workshop on 24th April 2014. Approximately 130 people attended the Drop-in Day between 9:00am and 9:00pm. Further opportunities to gather information and local views will be sought via an on-line survey running between the 29th April and Monday 2nd June 2014.

Scale of development

Local residents were not, in the main, opposed to the small scale organic growth of the village to meet village needs. This scale of development would however be at odds with the significant village expansion delivered to meet the emerging strategic growth requirements of the wider "West Paignton" area as set out in the draft Torbay Local Plan (Feb 2014).

These discussions resulted in conversations focussed upon a possible phased development scenario, whereby an initial low growth option was progressed, but in a way that would not prejudice the ability to deliver a longer term, greater growth option as may be required to 2032 and beyond.

Whereas some participants accepted the need for change in Collaton St Mary (and development to strengthen village life) others wanted areas beyond the village to come forward first. Given the new By-Pass, the Edginswell area was identified as more appropriate for strategic housing growth, however other areas (such as along Brixham Road) were also highlighted.

The development of the redundant Motel site, and possible BMW garage (should this site become available in the next 10 years) were generally acknowledged as offering brownfield redevelopment opportunities.

A small number of landowners expressed their opposition towards any development of their land.

Access and Movement

The view was expressed that residents would want to see committed and planned other housing sites (including Great Parks, Yalberton and White Rock) to come forward before large scale development at Collaton St Mary in order to assess the true impact of those housing sites on Tweenaway Cross.

The congestion along Totnes Road was raised by many, with traffic backing up through the village from Paignton, and from Totnes in the summer months and bank holiday periods. The notion of a relief road was highlighted as offering some release to the traffic pressure in the village. Green cycling routes for tourists were recommended.

Pedestrian access into the countryside surrounding the village was raised by many. At present, public footpaths are limited. The congestion around the school and the narrowness of Blagdon Lane were also raised. This also reflected concerns about pedestrian safety.

Infrastructure

Concern was raised by many individuals that the foul drainage network in the area is not able to cope with current flow rates, and that this situation would need to be resolved in the short term, irrespective of more development in the area. Many considered that the cost of upgrading the drainage infrastructure would make any development unviable.

Water Management (Flooding)

Photographs were presented showing the extent of localised flooding within the study area. Opportunities within the masterplan to align more effective water management, attenuation, landscape and wildlife corridors appeared to be supported. Developing upon the known floodplain areas was not supported. Localised works to raise ground levels to facilitate the expansion of the successful primary school were suggested for further investigation.

Landscape and Biodiversity importance

The rural setting of the village came across very strongly in our discussions, and these reflected written comments on the task sheets. Retaining the upper elevated slopes of the valley as undeveloped land was considered a positive long term objective. Access and connectivity to the landscape was also supported. Natural England identified local Greater Horseshoe bat flyways, which would need to be studied further. Opportunities to strengthen hedgerows and woodland planting were supported, as were new orchards and allotments as part of a local food production initiative. The importance of local water sources offering wildlife habitats was highlighted.

Village Identity

The study area was acknowledged by many as being large, and extended beyond 'the village'. Whereas we heard from some that the village was considered to extend just between the two "welcome" signs on the Totnes Road, when questioned, there appeared to be a broad consensus that areas associated with Collaton St Mary included St Mary's Park in the south, the Motel site in the west and as far as Borough Road to the east. Queen Elizabeth Drive and Kings Ash Hill were considered to be remote from the village.

The identity of the village appeared to be closely linked to local heritage assets – primarily listed buildings. Heritage based walks taking in the history of the area was considered a positive Masterplanning objective, aligned to a stronger approach to put the pedestrian first.

Tourist Accommodation

There appeared general support about the positive impact tourist accommodation in the area has on the local economy in the Bay, even if this accommodation did not specifically benefit Collaton St Mary. The attraction of the holiday parks was considered to include the attractive rural setting and proximity to holiday activities in and around Paignton.

Employment Opportunities

Collaton St Mary is not broadly supported as an appropriate location for employment (industrial) development. Opportunities in the wider area (Yannons Farm and White Rock) were considered to provide more suitable land and accommodation. Local tourist related employment, food production and greater homeworking were supported by some.

The Local Centre

During the consultation drop-in days, no single location for a Local Centre was identified. Greater clarity was reached during the Stakeholder Workshop that a location on or close to the current BMW garage (extending to greenfield land to the south) was preferred.

While many considered access to local supermarkets was possible, this tended to be via the car. Appropriate medical facilities to meet the needs of the local population, a supplementary community meeting venue accessible to all, and small scale retail/post office facilities would be supported.

