

# **TORBAY LOCAL PLAN - A landscape for success: The Plan for Torbay – 2012 to 2032 and beyond**

## **PROPOSED SUBMISSION PLAN (FEBRUARY 2014)**

### **PROPOSED MAIN MODIFICATIONS TO THE SUBMISSION LOCAL PLAN**

#### **LIST OF REPRESENTATIONS BY PERSON/ORGANISATION IN TOPIC ORDER**

<b>Consultee ID</b>	<b>File No.</b>	<b>Person /Organisation Consultee</b>
438382	AFC1	South Hams District Council
900125	AFC2	Dittisham Parish Council - Dr Annette Thom
418700	AFC3	Stoke Gabriel Parish Council
468630	AFC4	Kingswear Parish Council
817474	AFC5	Torquay Neighbourhood Forum
704914	AFC6	Paignton Neighbourhood Forum
828890	AFC7	Brixham Neighbourhood Forum
900169	AFC8	Maidencombe Residents Association
843591	AFC9	Devon CPRE (Carole Box)
844172	AFC10	Collaton Defence League and Collaton St Mary Residents Association
830233	AFC11	Stoke Gabriel Parish Plan Group
900130	AFC12	Watcombe Wanderers Football Club

## South Hams District Council Officer Response to Torbay Local Plan

### Proposed Main Modifications

March 2015

1. The Council welcomes the opportunity to respond to the Proposed Main Modifications. Comments relate to the future growth areas of Collaton St Mary and Land South of White Rock. Unfortunately, based on the information provided this Council has to raise a significant concern in relation to the proposal for 460 dwellings in policy SDB1: land south of White Rock. Further information is provided below.

#### Collaton St Mary

2. We note that the level of development proposed for this growth area has considerably reduced to 460 dwellings as opposed to 836 dwellings in the submission stage plan. SHDC raised these concerns in our response to the Collaton St Mary SPD:

*Our concern over the SPD is the proposed density across all phases of development, which is in the region of 20 dwellings per hectare. This will have an impact on the overall deliverability of the plan. The SPD recognises that your SHLAA identifies the Collaton St Mary area to have a development potential of 830 dwellings. There is an obvious conflict between the SHLAA and Local Plan requirements for this area and the total proposed in the SPD (440-460 dwellings). Our concern is that under utilisation in this area will lead to greater pressure for the release of other more environmentally sensitive areas for development either inside or outside the Torbay boundary. This is of particular concern as early work on the emerging South Hams Local Plan and our SHLAA interim report has demonstrated very few opportunities for further development within the district due to the South Devon AONB, South Hams SAC, infrastructure and very limited and constrained sites. Thus, we would wish to encourage better use of land at this location to ensure that Torbay can meet its proposed development strategy as set out in its proposed Local Plan.*

#### Land South of White Rock, Brixham Road (MM3 - SS2 New Future Growth Area)

3. It appears that SHDC concerns have been realised with the reduction in development at Collaton St Mary but that land in an environmentally sensitive location is now proposed to the south of White Rock for a substantial level of development - 460 dwellings in Policy SDB1.
4. The sensitivity of this area is identified in the Sustainability Appraisal of Additional Sites. In particular the following matters are noted in relation to visibility, impact on landscape character and impact on protected landscapes. The Sustainability Appraisal notes at 5.3.
  - *The site lies within AGLV and it is highly sensitive to change. Parts of the southern area slightly less sensitive due to visual contaminant.*
  - *Most of the site is open to views from the AONB to the west and south.*
5. It does not appear that a detailed review of the impact upon the setting of the AONB has been undertaken. Land in the vicinity of White Rock has historically been seen as sensitive to change in relation to the setting of the AONB and significant concern is expressed that even if development of the site is acceptable that there may be a marked impact upon the potential housing yield in order to successfully mitigate impacts on the AONB. It is suggested that further analysis is required, including a detailed review from locations within the AONB, particularly in the vicinity of the River Dart (including the western valley sides).



6. In assessing the impact on the AONB paragraph 115 of the National Planning Policy Framework has to be considered which states *"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to landscape and scenic beauty."*
7. Both the SA and the Habitats Regulations Assessment for Additional Sites identify constraints in relation to protected species and thus the South Hams SAC. The Sustainability Appraisal notes at 5.1 - *The whole site is within curlew 2km buffer zone and the SW part is within 250m buffer zone. It is also within GHB sustenance zone. Protected species have been recorded within the site. Manor Farm OSWI is adjacent to the SW edge of the site.*
8. It would appear that further survey is required to ascertain the extent of impact on protected species and thus there is a potential further constraint on the development form and footprint. Consideration will also need to be given to in combination effects in relation to the South Hams SAC
9. SHDC understands that part of the site was previously identified as 'Country Park or Countryside Access or Enhancement Scheme (SS9)' on the proposals map and this relates to off-site mitigation covered by a LEMP relating to the White Rock development to the north (P/2011/0197) which is approved and under construction. The site is therefore assumed to already be serving a mitigation or enhancement function in relation to biodiversity. In this context the recognition that the site will need to provide for Green Infrastructure (as noted at 2.6 in the SA) will provide further pressure on the potential for development.
10. A number of concerns are raised in relation to land south of White Rock. The primary concern relates to potential adverse impact on the setting of the AONB and the extent to which mitigating this will impact upon the acceptability, and extent, of development.

## **South Hams District Council Officer Response to Torbay Local Plan**

### **Proposed Main Modifications**

**March 2015**

1. The Council welcomes the opportunity to respond to the Proposed Main Modifications. Comments relate to the future growth areas of Collaton St Mary and Land South of White Rock. Unfortunately, based on the information provided this Council has to raise a significant concern in relation to the proposal for 460 dwellings in policy SDB1: land south of White Rock. Further information is provided below.

#### **Collaton St Mary**

2. We note that the level of development proposed for this growth area has considerably reduced to 460 dwellings as opposed to 836 dwellings in the submission stage plan. SHDC raised these concerns in our response to the Collaton St Mary SPD:

*Our concern over the SPD is the proposed density across all phases of development, which is in the region of 20 dwellings per hectare. This will have an impact on the overall deliverability of the plan. The SPD recognises that your SHLAA identifies the Collaton St Mary area to have a development potential of 830 dwellings. There is an obvious conflict between the SHLAA and Local Plan requirements for this area and the total proposed in the SPD (440-460 dwellings). Our concern is that under utilisation in this area will lead to greater pressure for the release of other more environmentally sensitive areas for development either inside or outside the Torbay boundary. This is of particular concern as early work on the emerging South Hams Local Plan and our SHLAA interim report has demonstrated very few opportunities for further development within the district due to the South Devon AONB, South Hams SAC, infrastructure and very limited and constrained sites. Thus, we would wish to encourage better use of land at this location to ensure that Torbay can meet its proposed development strategy as set out in its proposed Local Plan.*

#### **Land South of White Rock, Brixham Road (MM3 - SS2 New Future Growth Area)**

3. It appears that SHDC concerns have been realised with the reduction in development at Collaton St Mary but that land in an environmentally sensitive location is now proposed to the south of White Rock for a substantial level of development - 460 dwellings in Policy SDB1.
4. The sensitivity of this area is identified in the Sustainability Appraisal of Additional Sites. In particular the following matters are noted in relation to visibility, impact on landscape character and impact on protected landscapes. The Sustainability Appraisal notes at 5.3.
  - *The site lies within AGLV and it is highly sensitive to change. Parts of the southern area slightly less sensitive due to visual contaminant.*
  - *Most of the site is open to views from the AONB to the west and south.*
5. It does not appear that a detailed review of the impact upon the setting of the AONB has been undertaken. Land in the vicinity of White Rock has historically been seen as sensitive to change in relation to the setting of the AONB and significant concern is expressed that even if development of the site is acceptable that there may be a marked impact upon the potential housing yield in order to successfully mitigate impacts on the AONB. It is suggested that further analysis is required, including a detailed review from locations within the AONB, particularly in the vicinity of the River Dart (including the western valley sides).

6. In assessing the impact on the AONB paragraph 115 of the National Planning Policy Framework has to be considered which states *"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to landscape and scenic beauty."*
7. Both the SA and the Habitats Regulations Assessment for Additional Sites identify constraints in relation to protected species and thus the South Hams SAC. The Sustainability Appraisal notes at 5.1 - *The whole site is within cirl bunting 2km buffer zone and the SW part is within 250m buffer zone. It is also within GHB sustenance zone. Protected species have been recorded within the site. Manor Farm OSWI is adjacent to the SW edge of the site.*
8. It would appear that further survey is required to ascertain the extent of impact on protected species and thus there is a potential further constraint on the development form and footprint. Consideration will also need to be given to in combination effects in relation to the South Hams SAC
9. SHDC understands that part of the site was previously identified as 'Country Park or Countryside Access or Enhancement Scheme (SS9)' on the proposals map and this relates to off-site mitigation covered by a LEMP relating to the White Rock development to the north (P/2011/0197) which is approved and under construction. The site is therefore assumed to already be serving a mitigation or enhancement function in relation to biodiversity. In this context the recognition that the site will need to provide for Green Infrastructure (as noted at 2.6 in the SA) will provide further pressure on the potential for development.
10. A number of concerns are raised in relation to land south of White Rock. The primary concern relates to potential adverse impact on the setting of the AONB and the extent to which mitigating this will impact upon the acceptability, and extent, of development.

## **South Hams District Council Officer Response to Torbay Local Plan**

### **Proposed Main Modifications**

**March 2015**

1. The Council welcomes the opportunity to respond to the Proposed Main Modifications. Comments relate to the future growth areas of Collaton St Mary and Land South of White Rock. Unfortunately, based on the information provided this Council has to raise a significant concern in relation to the proposal for 460 dwellings in policy SDB1: land south of White Rock. Further information is provided below.

#### **Collaton St Mary**

2. We note that the level of development proposed for this growth area has considerably reduced to 460 dwellings as opposed to 836 dwellings in the submission stage plan. SHDC raised these concerns in our response to the Collaton St Mary SPD:

*Our concern over the SPD is the proposed density across all phases of development, which is in the region of 20 dwellings per hectare. This will have an impact on the overall deliverability of the plan. The SPD recognises that your SHLAA identifies the Collaton St Mary area to have a development potential of 830 dwellings. There is an obvious conflict between the SHLAA and Local Plan requirements for this area and the total proposed in the SPD (440-460 dwellings). Our concern is that under utilisation in this area will lead to greater pressure for the release of other more environmentally sensitive areas for development either inside or outside the Torbay boundary. This is of particular concern as early work on the emerging South Hams Local Plan and our SHLAA interim report has demonstrated very few opportunities for further development within the district due to the South Devon AONB, South Hams SAC, infrastructure and very limited and constrained sites. Thus, we would wish to encourage better use of land at this location to ensure that Torbay can meet its proposed development strategy as set out in its proposed Local Plan.*

#### **Land South of White Rock, Brixham Road (MM3 - SS2 New Future Growth Area)**

3. It appears that SHDC concerns have been realised with the reduction in development at Collaton St Mary but that land in an environmentally sensitive location is now proposed to the south of White Rock for a substantial level of development - 460 dwellings in Policy SDB1.
4. The sensitivity of this area is identified in the Sustainability Appraisal of Additional Sites. In particular the following matters are noted in relation to visibility, impact on landscape character and impact on protected landscapes. The Sustainability Appraisal notes at 5.3.
  - *The site lies within AGLV and it is highly sensitive to change. Parts of the southern area slightly less sensitive due to visual contaminant.*
  - *Most of the site is open to views from the AONB to the west and south.*
5. It does not appear that a detailed review of the impact upon the setting of the AONB has been undertaken. Land in the vicinity of White Rock has historically been seen as sensitive to change in relation to the setting of the AONB and significant concern is expressed that even if development of the site is acceptable that there may be a marked impact upon the potential housing yield in order to successfully mitigate impacts on the AONB. It is suggested that further analysis is required, including a detailed review from locations within the AONB, particularly in the vicinity of the River Dart (including the western valley sides).

6. In assessing the impact on the AONB paragraph 115 of the National Planning Policy Framework has to be considered which states *"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to landscape and scenic beauty."*
7. Both the SA and the Habitats Regulations Assessment for Additional Sites identify constraints in relation to protected species and thus the South Hams SAC. The Sustainability Appraisal notes at 5.1 - *The whole site is within curlew 2km buffer zone and the SW part is within 250m buffer zone. It is also within GHB sustenance zone. Protected species have been recorded within the site. Manor Farm OSWI is adjacent to the SW edge of the site.*
8. It would appear that further survey is required to ascertain the extent of impact on protected species and thus there is a potential further constraint on the development form and footprint. Consideration will also need to be given to in combination effects in relation to the South Hams SAC
9. SHDC understands that part of the site was previously identified as 'Country Park or Countryside Access or Enhancement Scheme (SS9)' on the proposals map and this relates to off-site mitigation covered by a LEMP relating to the White Rock development to the north (P/2011/0197) which is approved and under construction. The site is therefore assumed to already be serving a mitigation or enhancement function in relation to biodiversity. In this context the recognition that the site will need to provide for Green Infrastructure (as noted at 2.6 in the SA) will provide further pressure on the potential for development.
10. A number of concerns are raised in relation to land south of White Rock. The primary concern relates to potential adverse impact on the setting of the AONB and the extent to which mitigating this will impact upon the acceptability, and extent, of development.



**Pickhaver, David**

---

**From:** Graham Swiss [REDACTED]  
**Sent:** 23 March 2015 08:50  
**To:** Planning, Strategic  
**Subject:** Torbay Local Plan - Proposed Main Modifications  
**Attachments:** SHDC response to Prop Mods; Officer response. Mar15.docx

**Importance:** High

Dear Mr. Turner,

Please find attached to this e-mail South Hams District Council's representation relating to the Torbay Local Plan Proposed Main Modification MM3 - Policy SS2 New Future Growth Area, Land South of White Rock.

Yours sincerely,

Graham Swiss | Strategic Planning Officer

**South Hams District Council**

Follaton House | Plymouth Road | Totnes | TQ9 5NE

Email: [REDACTED]



@OurPlanSH



[www.facebook.com/OurPlanSH](http://www.facebook.com/OurPlanSH)

---

This e-mail is strictly confidential and is intended only for use by the addressee. If you are not the intended recipient, any disclosure, copying, distribution or other action taken in reliance of the information contained in this e-mail is strictly prohibited. Furthermore, if you are not the intended recipient, please notify the sender immediately and then delete this e-mail from your system. Incoming and outgoing e-mail messages are routinely monitored for compliance with our policy on the use of electronic communications. This e-mail message has been scanned for computer viruses; however, no liability in respect of damage caused by any virus which is not detected will be accepted.

---

900125  
AFC2

**Pickhaver, David**

---

**From:** Annette Thom [REDACTED]  
**Sent:** 08 March 2015 16:26  
**To:** Planning, Strategic  
**Subject:** Proposed Local Plan: Policy SS2 New Future Growth Area, Land South of White Rock

Dear Sir/Madam,

I am writing on behalf of Dittisham Parish Council to convey its comments on the above.

The Parish Council asks that Torbay Council ensure that the road infrastructure to this area is improved to manage the anticipated increase in demand.

Thank-you for taking the Parish Council's comments into consideration.

Kind regards,

Annette Thom

---

Dr Annette Thom

Dittisham Parish Clerk

# STOKE GABRIEL PARISH COUNCIL

Chairman: Mr Richard Tully, Waddeton Barton, Waddeton, Devon. [REDACTED]

418700

AFL3

by email [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk)  
Torbay Local Plan (FAO Pat Steward)  
Strategic Planning Team  
Spatial Planning  
Torbay Council, Electric House (2nd Floor)  
Castle Circus, Torquay, TQ1 3DR

Cllr. John Robinson  
12 Kings Rydon Close,  
Stoke Gabriel,  
Devon, TQ9 6QG.

18<sup>th</sup> March 2015

Dear Mr Steward,

- i) Proposed Modifications to the submitted Torbay Local Plan;
- ii) Proposed Community Infrastructure Levy;
- iii) Proposed Local Validation List.

Below are the views of the Stoke Gabriel Parish Council on the above proposals published by Torbay Council 9 February 2015 for response before 9am on 23 March 2015.

1. Stoke Gabriel Parish Council endorses the views expressed by the Paignton Neighbourhood Forum in their response entirely.
2. Policy SS2 – New Future Growth Area, Land South of White Rock Brixham Road – we believe that inclusion of this site is ill-conceived. As well as the detail in the 'Forum Response' we believe that such a development will, as already been seen with current developments along Brixham Road, add significantly to traffic, especially when Tweenaway is congested, by using a 'rat run' through Galmpton or Long Road, via Aish to Totnes. These are typical 'Devon Lanes', one car wide with passing places. It would appear that there has been no consideration of this.
  - Development of the site will involve loss of Greenfield land. It could also result in loss of large areas of Grade 1, 2 and 3a agricultural land (excellent, very good and good). The whole area is within curl bunting 2km foraging/feeding zone and the south west part is within 250m buffer zone. It is also within a greater horseshoe bat sustenance zone. Manor Farm LWS is adjacent to the south west edge of the site and protected species have been recorded within the site. – From the sustainability report!
  - Visual impact from Brixham Road would be significant. Views across to the Dart Valley are currently enjoyed and they would be completely obscured. Equally outstanding rural views from the high ground in the Parish of Stoke Gabriel would be exchanged for urban profiles.
3. Any development at Collaton St Mary would have a significant effect on the Village and Parish of Stoke Gabriel due to:-
  - Major traffic impact on the A385 Tones to Paignton route from which all access to Stoke Gabriel is obtained and which is already subject to major traffic delays throughout the day and particularly in holiday season
  - Subsequent negative impact on the economy of Stoke Gabriel which relies heavily on holiday business in its campsites, pubs and cafes.
  - Potential flooding downstream of the Yalberton river, particularly at Port Bridge which is already prone to flooding.

The village of Stoke Gabriel adopts a policy of 'no street lighting' so that residents can enjoy the 'dark skies' which result. The urban sprawl of Torbay which has little if any respect for this increasingly impacts on this. New sites proposed will further degrade the 'dark sky quality enjoyed' unless measures are taken to address this.

The above recommendations are vital not only to the quality of life in our Parish but also to the Parish economy which depends heavily on tourism. We trust that they will be taken into account.

Yours sincerely,

JOHN E. ROBINSON

On behalf of Stoke Gabriel Parish Council



# STOKE GABRIEL PARISH COUNCIL

Chairman: Mr Richard Tully, Waddeton Barton, Waddeton, Devon.

by email [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk)  
Torbay Local Plan (FAO Pat Steward)  
Strategic Planning Team  
Spatial Planning  
Torbay Council, Electric House (2nd Floor)  
Castle Circus, Torquay, TQ1 3DR

Cllr. John Robinson  
12 Kings Rydon Close,  
Stoke Gabriel,  
Devon, TQ9 6QG.

18<sup>th</sup> March 2015

Dear Mr Steward,

- i) Proposed Modifications to the submitted Torbay Local Plan;
- ii) Proposed Community Infrastructure Levy;
- iii) Proposed Local Validation List.

Below are the views of the Stoke Gabriel Parish Council on the above proposals published by Torbay Council 9 February 2015 for response before 9am on 23 March 2015.

1. Stoke Gabriel Parish Council endorses the views expressed by the Paignton Neighbourhood Forum in their response entirely.
2. Policy SS2 – New Future Growth Area, Land South of White Rock Brixham Road – we believe that inclusion of this site is ill-conceived. As well as the detail in the 'Forum Response' we believe that such a development will, as already been seen with current developments along Brixham Road, add significantly to traffic, especially when Tweenaway is congested, by using a 'rat run' through Galmpton or Long Road, via Aish to Totnes. These are typical 'Devon Lanes', one car wide with passing places. It would appear that there has been no consideration of this.
  - Development of the site will involve loss of Greenfield land. It could also result in loss of large areas of Grade 1, 2 and 3a agricultural land (excellent, very good and good). The whole area is within curl bunting 2km foraging/feeding zone and the south west part is within 250m buffer zone. It is also within a greater horseshoe bat sustenance zone. Manor Farm LWS is adjacent to the south west edge of the site and protected species have been recorded within the site. – From the sustainability report!
  - Visual impact from Brixham Road would be significant. Views across to the Dart Valley are currently enjoyed and they would be completely obscured. Equally outstanding rural views from the high ground in the Parish of Stoke Gabriel would be exchanged for urban profiles.
3. Any development at Collaton St Mary would have a significant effect on the Village and Parish of Stoke Gabriel due to:-
  - Major traffic impact on the A385 Tones to Paignton route from which all access to Stoke Gabriel is obtained and which is already subject to major traffic delays throughout the day and particularly in holiday season
  - Subsequent negative impact on the economy of Stoke Gabriel which relies heavily on holiday business in its campsites, pubs and cafes.
  - Potential flooding downstream of the Yalberton river, particularly at Port Bridge which is already prone to flooding.

The village of Stoke Gabriel adopts a policy of 'no street lighting' so that residents can enjoy the 'dark skies' which result. The urban sprawl of Torbay which has little if any respect for this increasingly impacts on this. New sites proposed will further degrade the 'dark sky quality enjoyed' unless measures are taken to address this.

The above recommendations are vital not only to the quality of life in our Parish but also to the Parish economy which depends heavily on tourism. We trust that they will be taken into account.

Yours sincerely,

JOHN E. ROBINSON

On behalf of Stoke Gabriel Parish Council

468630

AFC4

# Kingswear Parish Council



Spatial Planning  
Torbay Council  
Electric House  
Castle Circus  
Torquay  
TQ1 3DR

TORBAY COUNCIL PLANNING	
RECU	20 MAR 2015
TO	DP

19<sup>th</sup> March 2015

Dear Sir,

**Re: Torbay Local Plan**

Thank you for giving the parish council the opportunity to comment on the amendments to the draft plan. It was discussed at the recent meeting of the parish council.

In relation to the Main Modification Notation MM3 for Policy SS2 ( New Future Growth area , land south of White Rock), the parish council would like to register an objection to the modification on the grounds of encroachment into the local countryside and impact on the infrastructure of the area.

Yours sincerely,

[Redacted Signature]

Mrs Emma Illingworth  
Clerk, Kingswear Parish Council  
68 Winsu Avenue  
Paignton  
Devon  
TQ3 1QE

[Redacted Address]

817474

AFLS

**Pickhaver, David**

---

**From:** Lanscombe House [REDACTED]  
**Sent:** 19 March 2015 19:45  
**To:** Planning, Strategic  
**Subject:** Representation on Local Plan changes  
**Attachments:** NF feedback on revised LP FINAL.doc

On behalf of the Torquay Neighbourhood Forum I wish to make the attached representation on the proposed changes to the Local Plan for Torbay.

Leon Butler  
Chair TNF

## **Representation by the Torquay Neighbourhood Forum on the revision to the Local Plan for Torbay dated February 2015**

### **Comments identified with original reference.**

#### **AM19 (4.1.32)**

Masterplans have been prepared for Torquay Gateway, Great Parks Paignton, and Collaton St Mary, Paignton as well as Torquay and Paignton Town Centres. These are expected to inform Neighbourhood Plans. Alternatively, they may be further consulted on as Supplementary Planning Documents".

**Mater Plans are a key element of the Neighbourhood Plan and subsidiary to them; as such they must be compliant with our Plan and by inference the wishes of the local community. As the current Master Plans have not been developed jointly with the Neighbourhood Forum (we were not a formal consultee to the Council's process) then they should not be subject to a Supplementary or Development Planning Document unless the Neighbourhood Plan is not adopted or there is little prospect of it succeeding.**

#### **MM2 4.1.25**

Where there appears to be a risk of a shortfall of deliverable sites against the Local Plan rolling five year requirement, or overall housing trajectory, the Council will bring forward additional sites through site allocations development plan documents. In order to avoid a policy vacuum occurring after year 5 of the Plan (i.e.2017), the Council will start to prepare site allocation documents if neighbourhood plans, which meet the necessary regulations and are in general conformity with the Local Plan, have not been Submitted to the Local Authority by October 2015.

#### **MM8 4.5.40**

To deliver the second phase of the Local Plan and avoid a policy vacuum after 2017, the Council will assess the proposed emerging Neighbourhood Plans when submitted to the Council, under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012, to check that Plan proposals endorse and implement the strategy in the Local Plan. If Neighbourhood Plans are not submitted to the Council in a form that it is in general conformity with the Local Plan by October 2015, the Council will commence production of site allocations development plan documents, in order to provide sufficient time to produce and adopt any Site Allocations DPDs that may be required.



**The October 2015 timescale is too short to allow the Neighbourhood Plan sufficient time to have comfortably reached an appropriate stage. We suggest May 2016 unless it is reasonably and mutually clear there is little chance of the Plan succeeding.**

**The production of the sites Development Planning Document must be stopped once the Neighbourhood Plan is submitted to the Council.**

**If at any time the emerging Neighbourhood Plan has identified development sites to meet the targets set within the adopted Local Plan those sites must be implemented through any Development Plan even if the timeline for the Neighbourhood Plan is behind schedule.**

#### **MM& SS12**

Where the supply of specific deliverable sites (plus windfall allowance) falls below this figure, or Neighbourhood Plans do not identify sufficient sites to provide sufficient land in years 6-10 of the housing trajectory, the Council will, either:

1). bring forward housing land from later stages of the Plan, working closely with land owners, developers and Neighbourhood Forums; or

2). identify additional sites through new site allocation development plan documents, or

**Future development sites must be determined through the Neighbourhood Forum or the Community Partnership system as otherwise the successful engagement with the local community through decision making on a community basis within the Neighbourhood Planning process will be lost and would not be compliant with the Localism Act.**

#### **MM14 AppD SDT1/2**

Torquay (SDT1)			
----------------	--	--	--

SDT2 Torquay Town Centre & Harbour	670	<u>950</u>	<u>+50 Town Hall car park (food retail led development site with potential for housing as part of a mixed-use development) +65 Temperance Street, +20 Lwr Union Lane, +60 Terrace car park +50 Sheddons Hill, +20 Meadfoot car park, +13 Brunswick Square (+278 total)</u>
SDT3 Torquay Gateway	745	745	
SDT4 Babbacombe and St Marychurch	255	<u>335</u>	<u>+10 Chilcote Close, +70 Smalldon Lane/Moor Lane</u>
Elsewhere in SDT1 (excluding SDT2, 3 & 4)	1025	<u>1050</u>	<u>+25 Sladnor Park</u>
Small windfalls <6 dwellings)	1170	1170	
<b>Torquay sub total</b>	<b>3865</b>	<b><u>4250</u></b>	

The additional numbers of homes and the sites required for the Torquay area have been included without consultation with the Neighbourhood Forum and based largely on Council owned assets. These may not be supported within the Neighbourhood Plan due to the conflict with other community based requirements for the sites, capacity of car parks to serve the town centre and the potential preference by the community for other sites not identified within the SHLAA to fulfill the housing and jobs needs for Torquay.

There is a concern that the changes to the housing numbers for Torquay are not based on an independent assessment of suitable capacity for the Torbay area and use potentially unsound predictions for numbers of homes. I am therefore concerned that this part of the Local Plan has not been objectively assessed.

Leon Butler

Chair Torquay Neighbourhood Forum

19<sup>th</sup> March 2015



704914  
AFCb

## PAIGNTON NEIGHBOURHOOD FORUM

- Blatchcombe
- Clifton with Maidenway
- Goodrington, Roselands & Hookhills
- Paignton Town
- Preston



c/o 34 Totnes Road  
Paignton  
TQ4 5JZ

20 March 2015

By email to [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk)  
To Spatial Planning (FAO Pat Steward)  
Torbay Council  
Electric House (2nd Floor)  
Castle Circus  
Torquay  
TQ1 3DR

Dear Pat

- i) **Proposed Modifications to the submitted Torbay Local Plan;**
- ii) **Proposed Community Infrastructure Levy;**
- iii) **Proposed Local Validation List.**

1. These are the views of the Paignton Neighbourhood Forum on the above proposals published by the Council on 9 February 2015 for response before 9am on 23 March 2015.
2. The views are presented in a single submission because the proposals are inter-related and have been assessed collectively, as well as separately.
3. Sub-headings and appendices have been adopted to assist the next stage assessment of component parts by the Council and Local Plan Inspector as requested in the consultation notification. However it is stressed the views set out in this covering letter form an integral part of the submission, and are to be read in conjunction with the appendices. Cross references are included to help with this.

### **i) Proposed Modifications to the submitted Torbay Local Plan:**

4. It continues to be the Forum's view overall that the Local Plan is unsound, but can be made 'sound', as required by the National Planning Policy Framework (NPPF). However, review of the proposed Modifications has led to the conclusion that this will not be possible unless a number of the Modifications are amended further. Full details are set out in this submission with supporting appendices that evidence where and why further change is necessary to achieve the soundness required.
5. As requested, the submission does not stray into other parts of the Local Plan that remain unchanged by the Modifications proposed. For ease of reference, the views of the Forum on the Plan submitted were made by letter on 31 March 2014, and by supplementary letters on 24 October and 16 November 2014 shortly before the Hearing opened on 18 November 2014. The supplementary letters drew attention to

key evidence relating to soundness from authoritative sources published after the Local Plan had been submitted. Where relevant these are referred to further below.

#### **Relevant tests and procedural matters**

6. In coming to conclusions on the Modifications proposed by the Council, the Forum has applied only the following considerations:-
  - The tests of soundness required to be met as defined in NPPF158.
  - NPPF154 which states Local Plans are expected to be 'aspirational but realistic'.
  - The 'Wednesbury' test of reasonableness that must be met by the final decision of the Inspector and the Council in order to be legally compliant on the basis of the evidence available. (*Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1947) 2 All ER 680).
7. The Forum is concerned that the composite set of Modification documents in particular must be considered 'in the round', not separately under the next stage process as defined in the consultation notification. This submission is therefore being copied in full and concurrently to the Local Plan Inspector via the Programme Officer.
8. This is the first opportunity the Forum has had to comment on the additional information provided to the Inspector by the Council after the Hearing session in November 2014, and on the findings so far published by the Inspector. Forum comments on these Post Hearing document sets (numbered PH1 to PH8 on the Council's website) have been included below.
9. The Forum has found the Inspector's interim findings in PH2 and PH4 clear, concise, and helpful on the following key issues:
  - support for the proposed 'step-change' in the local economy and net addition of 5-6,000 jobs by 2032 (PH2-para.13);
  - recognition that there is no evidence yet of net job growth – and assumption made that net job growth will start to show from 2016 (PH2-para 12);
  - the Strategic Housing Market Assessment (SHMA) growth is not justified at present (PH2-para 14);
  - the interim figure indicated of 10,000 homes is not immutable, and review may justify less (PH2-para 18);
  - the housing trajectory is not clear (PH4-para.9);
  - Part 5 of the Plan needs to be made clearer (PH2-para.20);
  - monitoring needs to be flexible, highly responsive, and allow for downward revision as well as upward (PH2-para.21).
10. Conversely, the Forum is concerned to see the Inspector has so far concluded (in PH4):
  - the challenge to job growth is 'very largely based on unsubstantiated assertions' (PH4 para.2);



- additional information from the Council on Sustainability Assessment (SA) does not show 10,000 additional dwellings would be unsustainable (PH4 para.3);
  - the need for a trigger point for site allocation Development Plan Documents (DPDs) if Neighbourhood Plans (NPs) fail (PH4-para.7).
11. However, it is noted the Inspector has confirmed his interim and further findings are not final, pending his consideration of the responses made to the Councils proposed Modifications (PH2-para.1 and PH6-email).
  12. This is important because the Forum has relevant concerns about some of the additional 'evidence' provided to the Inspector by the Council, and resulting conclusions drawn by the Inspector.
  13. Account must also be taken of the Government's Household Projection for 2012 to 2037 published on 27 February 2015 by the Department for Communities and Local Government (DCLG). The projections have been revised to 2021, and extended to 2037. They are lower than has so far been assumed by the Council and the Inspector. These changes are new and relevant evidence, and must be taken into account.

#### **Conclusions reached and why**

14. The Forum has examined the changed mix of proposed Main Modifications (MMs) and Additional Modifications (AMs) that occurred between the drafts published by the Council on 8 January 2015 and those published for formal consultation on 9 February 2015, including the corrections published only on the Council's web site on 17 February 2015.
15. In summary, the Forum:
  - broadly agrees with the published consultation classification of MM's and AM's, apart from a few important exceptions defined later below;
  - supports the majority of AMs, if the wordings proposed remain unchanged;
  - could support a further 20 AMs if amended;
  - does not support 6 AMs, and nearly all of the MMs, without significant change to reflect more up to date evidence now available
16. The conclusions reached on the MMs and AMs individually are shown in **Appendix 1** herewith attached.
17. For quick reference, a colour code is shown:
  - Green - those MMs and AMs the Forum supports;
  - Yellow - those that can be supported if adjusted as shown;
  - Red - those requiring significant change as shown.
18. In summary, the red Modifications fail to resolve the key issues identified to date, and in their published form fail the test of 'soundness' for one or more of the following reasons:

- failure to accord with the evidence;
  - Inadequate safeguard of the now clear risk of a significant homes/jobs imbalance;
  - Inadequate consideration of the drainage infrastructure problem identified, and duty to assess this in accordance with the Supreme Court decision referred to later below;
  - insufficient consideration of the impact on protected species as required by the agreement reached with Natural England;
  - inadequate provision of a flexible, highly responsive, monitoring mechanism the Inspector has agreed is required.
19. Further details are given below under the 3 key sustainability roles for planning defined by NPPF7. The details are to be read in conjunction with the attached appendices:
- a) The Economic role
20. The Forum continues to support in full the proposed 'step-change' in the local economy by planning for a 5-6,000 net increase in jobs by 2032. Since the Hearing in November, the latest evidence now available shows that only 8,300 additional homes are required by the 'policy-on' /Full Objectively Assessed Need (FOAN).
21. The post Hearing evidence provided to the Inspector by the Council, and DCLG household projections now available, prove this conclusion to be clear and correct, as shown below:
- The evidence on job increase is set out in Post Hearing document PH1 Appendix 3, and 3.1d in particular. The Inspector called for this further information from the Council because the Council agreed at the Hearing that no net increase in job provision has so far been achieved, even though further homes have been built. The Inspector wished to ensure the net increase in jobs proposed was soundly evidenced
  - The Council's evidence in PH1 Appendix 3.1a states (page 2 fifth bullet point) that the "*PBA and subsequent Oxford Economics projections are more robust than the current in-house assessment of net job increases could provide. The January 2014 Oxford Economics Projections indicate a net increase of 5,700 new jobs in Torbay between 2012-30. This is higher than the figures used by PBA but broadly compatible with PBA's overall findings.*"
  - In support of the submitted Local Plan, the Council has already confirmed in Technical Paper SD24 entitled '*Growth Strategy and capacity for change*' that in the 'policy-off' state, the demographic OAN would be negative growth because deaths exceed births in Torbay, and future growth depends entirely on the assumed rate at which net-inward migration will return. Growth from migration dried up in the previous 10 years due to economic decline locally that occurred well before the national economic recession commenced in 2008.
  - The Council's Technical Paper SD24 correctly points out that the population projection to 2032 by ONS already includes an assumption that net-inward migration will restart from the nil level reached at the time of the 2011

Census. It is this assumed pace of return to net-inward migration, driven by an assumed return to job growth, that the FOAN is attempting to anticipate and address.

- Therefore, by aligning the latest projections alongside each other, as shown in **Appendix 2** attached herewith, and summarised below, the position is now clear.

**Table 1:** Alignment of most recent evidence (Summary of Appendix 2)

Period	Year	ONS Population Projection	DCLG Household Projection	Oxford Econometrics Jobs
0	2012	131,500	59,404	59,500
5	2017	133,700	61,267	63,000
10	2022	136,600	63,461	64,500
15	2027	139,600	65,677	65,000
20	2032	142,500	67,746	n/a
20yrs	2012-32	+11,000	+8,342	+5,500 min

**Source:**

ONS - Population projection (2012 based) released 29 May 2014

DCLG - Household projection (2012 based) released 27 February 2015

Oxford Econometrics - Jobs projection produced for the Council January 2014

22. It is relevant to note the PBA work for the Council predates any of the latest ONS and DCLG projections to 2032. The Council very clearly now relies on the Oxford Econometrics projection. This too at the time (January 2014) did not have the benefit of the ONS and DCLG projections now available. The Job projection now being used by the Council in 3.1d assumes a more rapid job growth than has so far occurred, but does provide sufficient evidence that a 5-6,000 net increase is realistic over the full plan period to 2032. It is therefore no longer appropriate for the Council or the Inspector to prefer the evidence of the PBA reports. To do so would run the unnecessary risk of challenge.
23. There are further matters of relevance at this point:
  - It is noted that post hearing exchanges between the Council and the Inspector occasionally appear to confuse the terms of net job growth and new job growth. The two terms are of course different. There can be new job growth without there being net job growth. Referring only to new job growth gives no indication of the net growth position. The agreed Local Plan Policy is to achieve 5-6,000 net job growth not new job growth. The Forum requests that confusion be avoided.
  - There is no base figure included in the Local Plan or Modifications that will enable effective monitoring and Review proposed. From **Appendix 2** herewith attached that contains the table given to the Inspector by the Council, the base figure for 2012 for monitoring is 59,500 jobs. Job growth figures also need to be included in the Modifications to the summary shown in Table 7.1 (*Local Plan Phasing and Review*), to enable effective monitoring of both jobs and homes.
  - There is the question of whether or not it is now appropriate to amend the job delivery trajectory, given it has been agreed there is no evidence of net job growth having so far been achieved, even though new homes have been



constructed, and we are halfway through the first 5 year monitoring period (2012-2017). The Forum supports the view of the Council and the Inspector that the tide may start to turn when the South Devon Link Road opens later this year (2015), thus enabling net growth to show through before the first 5 year Review point in 2017. The Forum supports this view, and therefore does not propose any change to the net job growth trajectory. However, it is clear the same cannot be the case with the housing trajectory referred to next below.

b) The Social role

24. The Forum has found the Modifications will not provide a housing delivery trajectory that is 'sound' having examined each of the following:
  - as shown in the submitted Local Plan to achieve 8-10,000 additional homes;
  - as proposed in the Modifications to attain 10,000;
  - as will result from the household projections recently issued by DCLG.
25. Account has also been taken of the NPPF47 requirement to include a 5% addition in the first 5 year period drawn from the supply for future years. The resulting comparison is shown in Appendix 3 attached herewith.
26. The conclusions reached are:
  - a 'flat line' trajectory would not be 'sound' as it will result in an unjustified rolling 5 year delivery rate that would significantly exceed the FOAN (see Table 1 above) and cause premature Greenfield land release in very sensitive areas of drainage constraint and habitats of protected species;
  - the trajectory proposed in the Modifications no longer follows equally spaced 5 year time periods, thus introduces an unnecessary risk of monitoring confusion at the 5 year Review periods proposed and supported;
  - actual delivery of planning consents in the first 5 year period significantly exceeds the requirement shown in the DCLG projections recently issued, and without a net job addition being achieved.
27. The last conclusion is of particular concern as it provides conclusive evidence that a repeat has already started to occur of the over supply that arose in Torbay from 2001 to 2011 which the evidence supporting the Local Plan confirms resulted in more than 5,000 dwellings being built but only 1,400 increase in population. This is why the Plan area now suffers from a large number of dwellings that have stood vacant for more than 6 months and cause the Council to use scarce resources to bring back into use 150 per year.
28. Having considered each of these factors, and the need to keep a realistic and sustainable balance between FOAN job and homes growth, it is the Forum's conclusion that a 'sound' trajectory would be achieved by adopting the DCLG household projection from 2012:
  - it incorporates the corrections by DCLG to household size change in future years that previously caused the Forum concern (i.e. household growth to 2021 is now significantly less than 4,400 contained in the interim projections issued and less than the 'extrapolated 8,800' assumed by the Council at 2032);

- the projection supports in full the 5-6,000 net additional growth in jobs as evidenced in paragraphs 20-23 above;
  - because an over supply has already occurred, the government's wish to see a 'significant boost' in housing supply has already been met (NPPF47).
29. The resulting trajectory the Forum has found would achieve the 'soundness' required is shown in Table 2 below (figures rounded to nearest 5):

**Table 2: Housing delivery trajectory**

Period	Year	Annually	5 yr Total	Cumulative
Yrs 0-5	2012-17	375	1,875	1,875
Yrs 6-10	2017-22	440	2,200	4,075
Yrs 11-15	2022-27	440	2,200	6,275
Yrs 16-20	2027-32	415	2,075	8,350

Source: Appendix 3

30. The trajectory would remain subject to each 5 year Review, and will provide the soundness lacking in the Modifications proposed because the trajectory shown in Table 2 relates correctly to the FOAN and justifying evidence.
31. The trajectory in Table 2 would also give more time to address the foul water drainage issue that has not been addressed sufficiently so far in either the Inspectors interim findings or the Modifications proposed, as the following evidence demonstrates:
- In the Forum's letter of 24 October 2014 (see para.5 above) attention has been drawn to the findings of the Council's Sewer Capacity Study (SD88) that show very significant assumptions have been made about the ability to accommodate the scale of additional development proposed. As a result, the Inspector requested further information from the Council. This has been provided to the Inspector in PH1 at pages 14 and 15 under heading Appendix 6.1 entitled 'Infrastructure'. The additional information only confirms the evidence given by the Forum at the Hearing and has not addressed the concerns raised.
  - The critically important concern raised by the Council's Sewer Capacity Study is that the asserted adequacy of sewer capacity to accept additional foul water is actually based on three assumptions that are being accepted as fact without examination of the evidence and robustness:
    - (i) the assumption that spare capacity for foul water in the combined sewer will arise because existing households will use less water and thereby release capacity in existing sewers for additional development – an assumption defined in the report as “a substantial challenge” (SD88 page 3)
    - (ii) the assumption that climate change in combination with ‘urban creep’ caused by soft areas converting to hard surfaces will not increase surface water run-off into existing sewers – an assumption defined in the report as “highly likely to cause significant detriment” (SD88 page 3)
    - (iii) the assumption that a robust strategy can be put in place by the Council to remove surface water from the existing system in order to maintain the current level of service – with no indication given of how this can be achieved by the Council realistically, yet it is clearly fundamental to overcoming the development constraint that exists.



- The clarification supplied in the Post Hearing information has not addressed any of these assumptions, and only superficially refers to other aspects. The Forum remains concerned that there is very clearly a need for some form of Infrastructure Delivery Plan that shows where, when and how this constraint will be overcome if the Modifications continue to propose a substantial number of additional homes.
  - Since the Hearing in November, the issue has grown in significance and salience. A planning application was made to the Council for development of Greenfield land off Yalberton Road that is already allocated for development in the existing Local Plan of 2004 (Application P/2014/0983). On 10 December 2014, South West Water submitted formal objection on the grounds of inadequate sewer capacity. A copy is attached herewith at (**Appendix 4**). The Inspector must consider this further evidence of the problem the Forum has already drawn attention to.
  - At the Hearing in November, and by letters from the Forum of 24 October and 16 November 2014, attention has been drawn to the foul water flooding that takes place currently at Collaton St Mary, and absence of any indication that the foul drainage problems of the Masterplan area has been addressed, also in the Town Centre.
  - At the Hearing in November, the assumption was clearly being made by developers (and it would appear by the Inspector) that these are matters of construction detail to be resolved by financial contributions in due course to provide the drainage solutions required. This is not the point the Forum has raised. The evidence clearly shows there is a need to plan for trunk sewers or expensive routes that will have to serve a number of new sites. There is no plan of where these need to be located, and they are likely to involve significant viability issues. The Supreme Court ruling of 2009 has determined that Water Undertakers such as South West Water, do not have the lawful right to prevent a developer from connecting to an existing sewer, and it falls to the responsibility of the planning system to address the issue where a problem of capacity exists. This obviously includes Local Plan making (*Barratt Homes Ltd v Welsh Water 2009 UKSC 13*).
32. It is very clear a foul water drainage constraint has been identified, but not yet addressed in the Local Plan capacity considerations. The Modifications seek only to require the provision of drainage information when planning applications are submitted and determined. This does not provide for a properly assessed and co-ordinated solution necessary at the Local Plan level having regard to the situation of actual flooding that already takes place, and was evidenced at the Hearing when the Inspector heard first hand how residents in Collaton St Mary already suffer foul water flooding in their homes.
33. The Modifications similarly have not addressed the environmental capacity constraint to anything like the degree required as referred to next below.
- c) The Environmental role
34. The starting point the Forum has taken into account is that it is unlawful to allow development that harms protected species. NPPF119 similarly makes clear that *"The presumption in favour of sustainable development does not apply where*

*development requiring appropriate assessment under the Birds and Habitats Directives is being considered, planned or determined”.*

35. The Forum has drawn the Inspector's attention to the challenge made by Judicial Review of the decision to adopt the Teignbridge Local Plan because of the capacity constraint to development resulting from the South Hams Special Area of Conservation (SAC). It is understood the case has now been referred to the Court of Appeal. The same SAC affects the Torbay Local Plan area and the outcome will be directly of relevance.
36. There was no opportunity at the Hearing to consider the changes agreed by the Council with Natural England outside of the Hearing, nor has there been subsequent opportunity to examine their implications, simply because relevant documents and details have not been made publicly available. As evidenced in PH1 at Appendix 7 the agreement was not reached until the letter from Natural England dated 24 November 2014. The appendices referred to in the letter have not been posted on the Council's website, though it is understood the amendments agreed have been included in the Council's proposed Modifications.
37. The Forum has noted that it has taken nearly one year of negotiations between the Council and Natural England to reach the point of agreement. This is a valid mark of how challenging the problem has been, and remains, to resolve the concern about the capacity of the Plan area to accommodate further development without harm to protected species.
38. In response to the proposed Modifications and Habitats Regulation Assessment (HRA), the Forum's views are:
  - The HRA of the additional sites proposed does not settle the question of the capacity available for development in the further locations identified, especially in respect of the new site proposed off Brixham Road south of White Rock;
  - As a result, there is insufficient evidence that demonstrates beyond reasonable doubt that significant harm will not be caused to protected species recognised to be present in the area;
  - Similarly, there is a large discrepancy between the assumed capacity of the south of White Rock site and the SHLAA. The Modifications say it is 460 homes (MM's Annex 2 Table 5.14) yet the SHLAA refers only to 250 (T756b). Even taking account of possible boundary differences, the discrepancy is nearly two fold.
  - The same problem has already arisen with the proposed Masterplan for development at Collaton St Mary. As evidenced in the Forum's letter of 16 November 2014, the capacity assumed by the Council in the submitted Local Plan has proven to be considerably less, and has not yet been settled in respect of impact on protected species.
  - Of particular concern is the issue of 'in-combination' impact the law requires must also be addressed when making decisions involving protected species present in the area. It is not accepted by the Forum that the in-combination impact has been recognised either by the Council or the Inspector. The scale of additional development in the area west of Paignton is considerable when having regard to the 'in-combination' impact on the South Hams SAC in particular, as shown in **Appendix 5** attached herewith;



- At individual site level, the outcome of the Churston Golf Course Section 78 Appeal (Appeal Ref: APP/X1165/A/13/2205208) has confirmed that 'mitigation' can be accepted only after it has been demonstrated to be actually deliverable. This test has not been passed by the Modifications proposed;
- In the Modifications proposed, reference is made incorrectly to the last resort being 'compensation' for loss of habitat, and where the development is in the 'public interest'. The European Court has ruled that 'compensation' can be considered an available option only where the proposed development can be demonstrated to be in the 'national interest'. (*Judgment of the European Court on 15 May 2014 (Case C-521/12, T.C. Briels and Others v Minister van Infrastructuur en Milieu (Netherlands Government) and supported by the United Kingdom Government*). There is no provision in law that allows loss of protected habitat in the 'public interest'. The terms used in the Modifications have been incorrectly applied.

39. In response to the Sustainability Appraisal (SA) addition, the Forum's further views are:

- The Inspector has concluded in his initial findings that the further information provided by the Council had not shown that a provision of 10,000 would be unacceptable in terms of sustainability (PH4-para 3). This is unsurprising as the further information provided by the Council to the Inspector at that point (PH1 Appendix 4) was little more than the superficial assessment questioned at the Hearing as being a technique of limited assistance. This remains the Forum's view on the additional information supplied to the Inspector.
- The more detailed SA documentation provided alongside the proposed Modifications contains more information, and has drawn attention to such issues as the conflict that would arise with previous decisions made by the Secretary of State in respect of the additional site proposed at Brixham Road south of White Rock in particular (Appeal Ref: SW/ P/5183/220/4). The same is the case with previous decisions by the Secretary of State in respect of land within the Masterplan area at Collaton St Mary (Appeal Ref: SW/APP/5183/A/81/15785). In both cases, the Secretary of State intervened and did not support development of the land at these locations for reasons that apply with equal weight today.
- The Torbay Landscape Character Assessment (SD92b) submitted by the Council as evidence in support of the Local Plan shows the proposed Future Growth Area in the Modification site south of White Rock, and at Collaton St Mary, as "Highly Sensitive". Additionally, both locations are of Grade 1, 2, and upper 3 agricultural quality. To attempt to classify these sites as appropriate for development fails to comply with NPPF47 which states very clearly that Local Plans are required to meet the FOAN "as far as is consistent with the policies set out in this Framework". NPPF109 has particular significance here in requiring the protection of valued landscapes and soils. The Inspector agreed at the Hearing (as confirmed by the Hunston Court of Appeal Judgement [2013] EWCA Civ 1610) the assessment is first made of the FOAN, then whether or not it can be met without conflicting with other NPPF requirements. This submission by the Forum has evidenced that the FOAN does not need the development of either of these Greenfield locations, and even if it did, the FOAN does not override other requirements of the NPPF.



Implications if further changes are not made

40. For all the above reasons, it is the Forum's view that the NPPF position in respect of the 'policy-on'/FOAN has clarified significantly since the Hearing in November 2014 as a result of the further evidence that has become available and not yet been considered by the Council or the Inspector.
41. The conclusion, as evidenced above, is that the FOAN from 2012 to 2032 is a net growth of 11,000 population / 8,300 homes / 5,700 jobs. In this submission the Forum has evidenced how this housing trajectory and net jobs trajectory can be met, and Appendix 1 sets out in detail the exact changes required to the published Modifications to make the Plan justified, effective and therefore 'sound'.
42. At this point, it is relevant to note that the three Neighbourhood Forums have already agreed to provide 8,100 additional homes in decisions that each has so far taken, as confirmed in the Forum's letter of 31 March 2014 and referred to by the Inspector at the Hearing.
43. A pro-rata apportionment of the additional 200 homes required would result in Part 5 of the Local Plan needing to be modified to show the following for each Neighbourhood Plan area:

Table 3: Neighbourhood Plan provision

NP Area	Additional homes (31 Mar 2014)	Modified
Torquay NP	3,860	3,955
Paignton NP	3,450	3,535
Brixham NP	790	810
Total	8,100	8,300

(all figures rounded)

44. Such a provision would not require the development of the Greenfield land at Collaton St Mary, nor of a new site south of White Rock. Nor would it require the addition of other sensitive sites that have been added by the proposed Modifications published by the Council, nor the early development of existing sites such as the Yalberton Road currently the subject of an application as referred to at paragraph 31 bullet 4 above. By way of example, the schedule at Appendix 6 attached herewith illustrates exactly how the Tables in Part 5 of the Plan could be adjusted, and thereby leave each Neighbourhood Plan to assess further the additional sites required in the NP drafts so far prepared, and would remain subject to the 5 yearly Review mechanism already proposed. If this does not commend itself to the Inspector, it would be possible as an alternative for the Council and the respective Forums to agree the details of the sites to achieve the uplift from 8,100 to 8,300 before the Modifications are finalised for Adoption. One way of securing this would be via a meeting of the Local Plan / Neighbourhood Plan Reference Group that the Council chairs that has not met for more than a year.
45. If the Modifications are not amended further, and were to continue as they are, the Forum concludes the consequences would be:
- The uplift to 10,000 homes and trajectory proposed in the Modifications would not be consistent with the evidence now available and would struggle to meet the 'Wednesbury' test of reasonableness;

- Neighbourhood Plans would not be able to resolve the capacity question marks of infrastructure deficiency and HRA issues by October 2015;
  - It would not be possible for site allocation DPDs to resolve the situation without there first being a Public Inquiry to deal with the deliverability objections that it is clear will arise with good reason;
46. Conversely, if the Modifications are adjusted as proposed in this submission there is a realistic prospect of a 'sound' Local Plan being achieved with the minimum of further delay, and followed shortly after by Neighbourhood Plans that provide the integrated coverage as originally intended. It is unfortunate that the Local Plan / Neighbourhood Plan Reference Group chaired by the Council has not met for more than a year, and it would be fair to say has not helped the effort being made by the Forum to achieve synergy between the respective plans.

## **ii) Proposed Community Infrastructure Levy**

47. The Forum had not expected the draft to be published for consultation concurrently with the proposed Local Plan Modifications, but welcomes the opportunity to comment.
48. The draft appears to be proposing that CIL will be levied on smaller schemes, but not on larger schemes for which reliance will be placed on continued use of Section 106 payments or works where they are still lawful under new rules that come into operation in April (2015).
49. The draft charging schedule appears to be proposing that brownfield sites of fewer than 15 dwellings and Greenfield sites of less than 11 dwellings will be charged a CIL Levy at £70 per sq.m., while for larger sites the levy will be zero.
50. If understood correctly, the logic of this appears to be at odds with wanting to encourage the development of brownfield sites before Greenfield as the priority and the Forum would welcome further discussion before coming to a final view.
51. Additionally, it is disappointing to see that no estimate has been included of the overall amount that will be generated. Also, the levy collected will be directed towards only two schemes, the South Devon Link Road already well under way, and a school in Paignton. While appreciating the rules now allow only up to 5 schemes to be identified for pooled funds collected, it is disappointing to see the Link Road identified which already has capital spend approval and with it the funding source in place as required by the Compulsory Purchase Order involved. There is no evidence that the CIL will generate sufficient funds to assist delivery of the Local Plan. For example, there is no reference to an Infrastructure Delivery Plan (IDP) needed to deal with the problem of foul water disposal referred to in paragraph 31 above (bullet 3). Without such an IDP it is clear that a substantial number of additional homes cannot be shown to be deliverable.
52. If it is the intention of the Council to use CIL funds collected to enable the release of funds already committed to the Link Road to be allocated to other items, the Forum would welcome further discussion on the projects that this would involve. It would be a worthy Agenda item for the Local Plan / Neighbourhood Plan Reference Group Chaired by the Council which, as already noted with concern, has not met for more than a year.

## **iii) Proposed Local Validation List**

53. As will already be known by Council's officers, the Forum has already identified the need to change the information submitted with some types of application at the time of first submission, instead of later via conditions, in particular in respect of sewer infrastructure and tree impact.
54. The Forum welcomes the proposal overall, and has the following comments:
- For 'Major Developments', there appears to be a typographical error at a) - typo 'Wining' should be Mining, and the same again under sub heading "Mining operations";
  - Under 'Householder Application for Planning Permission for works or extension to a dwelling - Local Requirements – EIA', as the word "significantly" is open to interpretation it should be replaced with "any". Similarly, add wording "or to any other protected species";
  - Under 'Applications for Outline or Full Planning Permission - Local Requirements – EIA, remove the word "significantly" and replace with "any". Similarly, add after "Greater Horseshoe bats" "or any other protected species"
  - Under Employment Statement/EIA, since the figure of 10 or more houses represents a "Major development" in order to prevent gradual erosion of employment land, the figure of 30 houses in this section should be reduced to 10, also the word "significantly" should be removed to avoid ambiguity;
  - Under 'Flood Risk Assessment', "Development in any flood risk Zone or which would cause run off into such Zones which have drainage problems or where the site is 1 ha or more" would be a safer way of ensuring flooding prevention.
  - Under 'Health Impact Assessment', to align with "Major Development" figure of 30 should be reduced to 10, also the word "significant" should be replaced with "any" preventing any disagreement over what the definition of the word actually means. Add after "expected" "including traffic pollution"
  - Under 'Independent Viability Assessment', if the developer indicates that they cannot afford the minimum affordable housing requirement or any Planning Contribution including section 106, CIL, or infrastructure improvements then the application must be refused. There is no point in having conditions laid down which a developer can circumvent later on by seeking to argue that the necessary contributions cannot be afforded. This could lead to problems, not only for those occupying the resulting houses but also those in the surrounding area. In short if it is unviable then don't build it.
  - Under 'Infrastructure Assessment', traffic flow/congestion should be specifically included.
  - Under 'Noise Impact Assessment', it is not clear in its meaning with regards to "or for sensitive development proposals close to a use". The whole paragraph should be rephrased as "Development proposals that will create an increase in noise causing an adverse effect on nearby houses/facilities of any sort"
  - Under 'Pollution Prevention Plans', demolition on any site anywhere in Torbay should be subject to an investigation of whether there is any risk of pollution.
  - Under 'Retail Impact Assessment', as read does not make sense. It is assumed that it means that any A1 retail goods proposals that are out of town and over 1,000 sq. metres gross area, or A1 convenience retail use of over



500 sq. metres gross floor space also out of town will need a Retail Impact Assessment.

- Under 'Shading Diagrams / Sun path Shading Analysis', "Development Proposals that will overshadow adjoining properties or public space adversely affecting amenities" , could benefit from a clearer description of the type of amenities that will expect to be considered.
- Under 'Statement of Community Involvement', amend to "Proposals that are not in accordance with all policies in the adopted Local Plan/Neighbourhood Plan"
- Under 'Topographical Survey', remove the words "major" and "significant" to prevent ambiguity.
- Under 'Travel Plan', "Development proposals that will have a transport implication" needs clarification to avoid ambiguity.
- Under 'Visual Impact Assessment', remove words "Major" and "could".
- Under 'Waste Audit', instead of "significant volumes" a precise maximum volume figure needs to be incorporated to avoid ambiguity.
- Under 'Local Requirements Bat and Breeding Birds', add "and any other protected species."
- Under '9. Bats and breeding bird assessment', add "and any other protected species."
- Under '13. Prior Approval of Proposed Change of use. Flood risk assessment.', change to "Developments in all flood zones and areas where drainage problems exist or where the site area is greater than 1 ha"
- For 14, 16, 17 and 18, as 13 above;
- For '19. Application to extend time limits. Local requirements, remove "significant".

55. The Forum would be very pleased to discuss any or all of the above suggestions further with you, if that would be of assistance.

Yours sincerely

David Watts, Forum Chairman

Enclosures:

- Appendix 1 - Comments on each Local Plan Modification (in 2 parts)
- Appendix 2 - DCLG Household projections to 2037 released 27 February 2015 and summary of Oxford Econometric projection of Jobs
- Appendix 3 - Comparison of Housing Trajectories
- Appendix 4 - Recent objection by South West Water to Application P/2014/0983
- Appendix 5 - "In-combination" sites within Paignton and HRA impact

## **Appendix 6 - Re-profiled Local Plan Part 5 housing site delivery**

### **Copies to:**

**Elected Mayor Oliver and all Torbay Councillors,  
Local Plan Inspector, via the Programme Officer; Planning Inspectorate**

## **Appendix 1**

### **Paignton Neighbourhood Plan Forum**

#### **Representations on Proposed Modifications to Torbay Local Plan**

This Appendix is in 2 parts, **to be read in conjunction with the covering letter:**

**Part A:** Shows the Forum summary view on every Modification proposed so that it can be seen where they interact with each other, by reference to:

- where in the Local Plan structure they will appear;
- how the reference numbers changed between the draft published by the Council on 8 January 2015 and final version published for formal consultation on 9 February 2015, and subsequently corrected on 17 February 2015;
- the classification between Main Modifications (MMs) the Inspector will consider and Additional Modifications (AMs) the Council will consider;
- conclusions reached by the Forum on each Modification individually, using traffic light colouring for ease of reference:

Green: - supported;

Yellow: - supportable if amended as explained;

Red: - not sound/ requires change as shown;

**Part B:** Shows the same information for the proposed Main Modifications (MMs) only for those in Part 1 that are not sound / require change (coloured Red).



## Appendix 1 – Part A

### Proposed Modifications to Torbay Local Plan – All

<b>Part 1: Introduction (Pages 1-6)</b>	
<b>Throughout all parts</b> (All square metre measurements) AM1 still AM1	AM1 Supported
<u>Reason supported:</u> Indicates a necessary factual correction.	
<b>1.1 The plan in a nutshell Pages 1-4</b>	
<b>Paragraph 1.1.3</b> (Sustainable, realistic ambition) AM2 still AM2	AM2 Supported
<u>Reason supported:</u> Indicates the strategy is to accommodate need within environmental and infrastructure limits.	
<b>Paragraph 1.1.5</b> (Sustainable, realistic ambition) AM3 still AM3	AM3 Supported
<u>Reason supported:</u> Indicates the scope of the 5 year major review will include both need and capacity.	
<b>Paragraph 1.1.8</b> (Environmental Capacity) AM4 still AM4	AM4 Supported in part
<u>Amend:</u> beginning and end of the modified sentence to read:  <i>"The Council has assessed for example that there is land for around 9,200 homes over the next 20 years as a maximum without breaching environmental limits, and all capacity figures beyond year 6 can only be provisional pending completion of the Neighbourhood Plans"</i>	
<u>Reason:</u> A factual correction.	
<b>Paragraph 1.1.15</b> (Monitoring) AM5 still AM5	AM5 Supported
<u>Reason supported:</u> Indicates that both need and capacity will be kept under review.	
<b>Part 2: Opportunities and challenges (Pages 7-17)</b>	
<b>2.1 The Bay's Unique Selling Points (USP) Pages 7-10</b>	
<b>Paragraph 2.1.2</b> (What we mean by USP) AM6 still AM6	AM6 Supported
<u>Reason supported:</u> Indicates the historic environment is an asset to the Bay's economic improvement, not an impediment.	
<b>2.2 Key Issues facing Torbay Pages 10-15</b>	
<b>Paragraph 2.2.5</b> (Economic recovery and success) AM7 still AM7	AM7 Supported
<u>Reason supported:</u> Indicates that progress made in job provision will be included in the reviews	
<b>Paragraph 2.2.9</b> (Protect and enhance a superb environment) AM8 still AM8	AM8 Supported
<u>Reason supported:</u> Indicates the range of historic environments involved.	

<p><b>Paragraph 2.2.11</b> (Protect and enhance a superb environment) AM9 still AM9</p> <p><u>Amend:</u> to add at end of modified sentence so that it reads:</p> <p><i>"This reserve will only be drawn on when demand shows it is needed, having regard to the most up to date evidence of objectively assessed need (see paragraph 7.5.14 below) and if the constraint originally identified remains valid."</i></p> <p><u>Reason:</u> As worded, the modification proposed does not allow the original constraint to be given any weight on future review. This is unreasonable - e.g. if an existing public car park remains important to town centre or business community needs, any review should allow this constraint to continue.</p>	<p>AM9 Supported in part</p>
<p><b>Paragraph 2.2.13</b> (Create more sustainable communities and better places) AM10 still AM10</p> <p><u>Amend:</u> by adding words that read:</p> <p><i>"Torbay's population growth is driven by (domestic) migration, and the 2012 based population projection assumes there will be a return to net inward migration as the local economy improves. In February 2015, central government (DCLG) updated the household projections to 2021, and extended the projection to 2037. These revised downwards the previous increase to 2021 and show an increase from 2012 to 2032 of 8,342, not 8,800 as previously extrapolated in bullet point 4 below."</i></p> <p><u>Reason:</u> Factual corrections to ensure there is understanding of the change that has occurred and relevant to the rest of the Plan.</p>	<p>AM10 Supported in part</p>
<p><b>2.3 The 'big ticket' items promoted in this plan</b> Pages 15-17</p>	
<p><b>Paragraph 2.3.1</b> (Economic recovery and success) AM11 still AM11</p> <p><u>Reason supported:</u> Indicates support of historic assets, natural assets, and quality of new home provision being promoted.</p>	<p>AM11 Supported</p>
<p><b>Part 3: Vision and ambition</b> (Pages 18-23)</p>	
<p><b>Paragraph 3.1.7</b> (Aspiration 1: Secure economic recovery and success) AM12 still AM12</p> <p><u>Reason supported:</u> Indicates the objective is to ensure there is a balanced provision of housing and employment.</p>	<p>AM12 Supported</p>
<p><b>Paragraph 3.1.7</b> (Aspiration 3: Protect and enhance a superb natural and built environment) AM13 still AM13</p> <p><u>Reason supported:</u> Indicates the assets covered.</p>	<p>AM13 Supported</p>
<p><b>Paragraph 3.1.7</b> (Aspiration 5: Respond to climate change) AM14 still AM14</p> <p><u>Reason supported:</u> Indicates the range of issues that must be addressed.</p>	<p>AM14 Supported</p>
<p><b>Part 4: Spatial strategy and policies for strategic direction</b> (Pages 24-65)</p>	
<p><b>4.1 A balanced and sustainable approach to growth</b> Pages 24-33</p>	
<p><b>Paragraph 4.1.11</b> (Torbay's capacity for growth and change) AM15 still AM15</p> <p><u>Reason supported:</u> Indicates support of the historic environment.</p>	<p>AM15 Supported</p>



<p><b>Picture 4.1</b> (Key Diagram) AM16 still AM16 (as corrected)</p> <p><b>Amend:</b> to add "Strategic Policy Areas and Neighbourhood Plan areas."</p> <p><b>Reason:</b> There is nowhere on the diagram that states where the Neighbourhood Plan areas are located, and through these where additional policies will apply in addition to those of the Local Plan. Thus it will provide developers and decision makers with a more effective (therefore more 'sound') referencing.</p>	<p>AM16 Supported in part</p>
<p><b>Policy SS1</b> (Growth strategy for a prosperous Torbay) MM1 still MM1</p> <p><b>Amend:</b> those sentences in the proposed Modifications shown below, to read as follows:</p> <p><i>"The Plan also seeks to identify land for the delivery of <del>500 homes per annum, equating to about 8,000-10,000</del> <u>8,300</u> new homes over the Plan period of 2012-2032"</i></p> <p><i>"In the first 5 years, the Plan will enable delivery of 1,250-1,500 net new jobs, and land for around <del>2,365</del> <u>1,775</u> new homes equal to <del>460</del> <u>355</u> dwellings per year plus 5%"</i></p> <p><i>"If Neighbourhood Plans do not identify sufficient sites to provide the housing requirements of the Local Plan, the council will bring forward sites through site allocations development plan documents, <u>not supplementary planning documents.</u>"</i></p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>The last amendment shown above is required in order to be clear that SPD's will not be acceptable as a procedure as it will require the full statutory procedure of DPD's and their associated Public Inquiries should there be grounds for formal objection to the proposals and/or necessary SA and HRA.</p>	<p>AM17 Not supported</p>
<p><b>Paragraph 4.1.20</b> (Explanation – Policy SS1) AM17 still AM17</p> <p><b>Amend:</b> by adding new sentence after the modification proposed to read:</p> <p><i>"It must be noted that deliverability of the assumed 'mitigation' measures has not been tested fully and subsequent examination may not confirm the deliverability of the capacity or development assumed."</i></p> <p><b>Reason:</b> The recent Section 78 Appeal decision at Churston Golf course (P/2013/0019) has evidenced that even where it is thought 'mitigation' is a solution, it must also be demonstrated beyond any doubt that it is deliverable. The high level assessment of the Local Plan does not have the necessary certainty in the very broad level of assessment undertaken.</p>	<p>AM17 Supported in part</p>
<p><b>Paragraph 4.1.21</b> (Explanation – Policy SS1) AM18 still AM18</p> <p><b>Reason supported:</b> Indicates importance of the historic environment.</p>	<p>AM18 Not supported</p>



<p><b>Paragraph 4.1.25</b> (Sequence and phasing of development) MM2 still MM2</p> <p><b>Amend:</b> by deleting the following sentence:</p> <p><del>"In order to avoid a policy vacuum occurring after year 5 of the Plan (i.e. 2017), the Council will start to prepare site allocation documents if neighborhood plans, which meet the necessary regulations and are in general conformity with the Local Plan, have not been submitted to the Local Authority by October 2015."</del></p> <p><b>Reason:</b> The proposed Modification is not justified, nor realistic nor consistent with other Modifications proposed. NPPF47 makes no requirement for specific sites to be identified in a Local Plan beyond the first 5 years. For year 6 onwards the Local Plan structure already sets out a specific trajectory for each 5 year period to 2032, together with review dates and criteria that will be used to determine any change necessary. There is no justification for claiming a policy vacuum will arise.</p>	<p>MM2</p> <p>Not Sound</p>
<p><b>Policy SS2</b> (Future growth areas) &amp; Policies Map change MM3 still MM3</p> <p><b>Amend:</b> the published Modification where shown below to read as follows:</p> <ol style="list-style-type: none"> <li>1. Edginswell, Torquay</li> <li>2. Paignton North and West Area <del>including Collaton St Mary, Paignton (Great Parks and Yannons)</del></li> <li>3. Brixham Road, Paignton (White Rock)</li> <li>4. <del>Land South of White Rock, Paignton</del></li> </ol> <p>"A bespoke Greater Horseshoe Bat (GHB) mitigation plan for all development within the following <u>potential Future Growth Areas</u> must be submitted and approved before planning permission will be granted:</p> <p>SDP 3.2 Great Parks</p> <p>SPP 3.3 Tolnes Road/Collaton St Mary <u>Claylands</u></p> <p>SDP 3.4 Brixham Road/Yalberton</p> <p>SDP3.5 White Rock"</p> <p><b>Reason:</b> The change in homes provision is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<p>MM3</p> <p>Not Sound</p>
<p><b>Policy SS2</b> (Future growth areas) &amp; Policies Map change New AM19A (as corrected)</p> <p><b>Amend:</b> by adding a sentence at the end of the modified policy that reads:</p> <p><u>"All capacities will be treated as provisional until full HRA and drainage infrastructure assessment has been carried out and the results submitted."</u></p> <p><b>Reason:</b> To make it clear to applicants how the policy will be implemented to ensure that it is effective, thus 'sound'.</p>	<p>AM19A</p> <p>Supported in part</p>



<p><b>Paragraph 4.1.32</b> (Explanation – Policy SS2) AM19 still AM19 then AM19B (as corrected)</p> <p><u>Amend:</u> by adding a sentence at the end of the modified sentence to read:</p> <p><i><u>"All capacities will be treated as provisional until full HRA and drainage infrastructure assessment has been carried out and the results submitted."</u></i></p> <p><u>Reason:</u> To make it clear to applicants how the policy will be implemented to ensure that it is effective, thus 'sound'. By letter dated 21 November 2014, copied also to the Local Plan Inspector via the Programme Officer, the Forum has drawn specific attention to the HRA and drainage infrastructure omissions in respect of the draft Masterplans so far produced for Collaton St Mary and Paignton Town Centre.</p>	<p>AM19B Supported in part</p>
<p><b>Policy SS3</b> (Presumption in favour of sustainable development) MM4 now AM20</p> <p><u>Reason supported:</u> Indicates how the requirements of the NPPF will apply.</p>	<p>Supported</p>
<p><b>Paragraph 4.1.36</b> (Explanation – Policy SS3) AM20 now AM21</p> <p><u>Amend:</u> by adding a sentence after the proposed modification to read:</p> <p><i><u>"Paragraph 119 of the NPPF states expressly that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds and Habitat Directives is being considered, planned or determined."</u></i></p> <p><u>Reason:</u> To state more clearly the circumstances where the presumption in favour of sustainable development will not apply.</p>	<p>AM21 Supported In part</p>
<p><b>4.2 Aspiration 1: Secure economic recovery and success</b> Pages 34-41</p>	
<p><b>Paragraph 4.2.20</b> (Explanation – Policy SS4) AM21 now AM22</p> <p><u>Reason supported:</u> Indicates support for South Devon College</p>	<p>AM22 Supported</p>
<p><b>Policy SS5</b> (Employment space) MM5 now AM23</p> <p><u>Amend:</u> the published Modification where shown below to read as follows:</p> <p><i><u>"An element of cross subsidisation of employment uses from higher value land uses will be sought, so that net job growth is achieved in accordance with Policy SS1."</u></i></p> <p><u>Reason:</u> As worded the published modification lacks clarity of purpose and would put net job increase at risk. It is therefore an MM not an AM.</p>	<p>AM23 Not Supported</p>
<p><b>Paragraph 4.2.26</b> (Explanation – Policy SS5) AM22 now AM24</p> <p><u>Reason supported:</u> Indicates how the policy will operate.</p>	<p>AM24 Supported</p>
<p><b>Paragraph 4.2.27</b> (Explanation – Policy SS5) MM6 now AM25</p> <p><u>Reason supported:</u> Indicates how the policy will operate.</p>	<p>AM25 Supported</p>
<p><b>4.3 Aspiration 2: Achieve a better connected, accessible Torbay and essential infrastructure</b> Pages 42-48</p>	
<p><b>Paragraph 4.3.17</b> (Strategic transport network) AM23 now AM26</p> <p><u>Reason supported:</u> Indicates the scope of assessment required.</p>	<p>AM26 Supported</p>



<p><b>Paragraph 4.3.18</b> (Facilitating sustainable transport) AM24 now AM27</p> <p><u>Reason supported:</u> Indicates the scope of assessment required.</p>	<p>2015 2015 2015</p>
<p><b>Paragraph 4.3.23</b> (Facilitating sustainable transport) AM25 now AM28</p> <p><u>Reason supported:</u> Indicates the scope of assessment required includes HRA regard.</p>	<p>2015 2015 2015</p>
<p><b>Policy SS7</b> (Infrastructure, phasing and delivery of development) MM7 now AM29</p> <p><u>Reason supported:</u> Indicates the critical importance of infrastructure and highway safety requirements.</p>	<p>2015 2015 2015</p>
<p><b>Paragraph 4.3.27</b> (Explanation – Policy SS7) AM26 now AM30</p> <p><u>Reason supported:</u> Indicates the critical importance of green infrastructure requirements and compliance with Habitat Regulations.</p>	<p>2015 2015 2015</p>
<p><b>Paragraph 4.3.29</b> (Explanation – Policy SS7) MM8 now AM31</p> <p><u>Reason supported:</u> Indicates the critical importance of infrastructure requirements.</p>	<p>2015 2015 2015</p>
<p><b>Paragraph 4.3.34</b> (Explanation – Policy SS7) MM9 now AM32</p> <p><u>Reason supported:</u> Indicates the critical importance of needing to meet mitigation measures required.</p>	<p>2015 2015 2015</p>
<p><b>4.4 Aspiration 3: Protect and enhance a superb environment</b> Pages 49-52</p>	
<p><b>Paragraph 4.4.3</b> (Introduction) AM27 now AM33</p> <p><u>Reason supported:</u> Indicates the relationship to the AONB.</p>	<p>2015 2015 2015</p>
<p><b>Policy SS8</b> (Natural environment) MM10 now AM34</p> <p><u>Reason supported:</u> Indicates the aspects of critical importance that development will be required to observe.</p>	<p>2015 2015 2015</p>
<p><b>Paragraph 4.4.6</b> (Explanation – Policy SS8) AM28 now AM35</p> <p><u>Reason supported:</u> Indicates the scope of sites and elements that will be taken into account.</p>	<p>2015 2015 2015</p>
<p><b>Paragraph 4.4.7</b> (Explanation – Policy SS8) MM11 now AM36</p> <p><u>Reason supported:</u> Indicates the aspects of critical importance that development will be required to observe.</p>	<p>2015 2015 2015</p>
<p><b>Paragraph 4.4.9</b> (Explanation – Policy SS9 Green Infrastructure) new AM37</p> <p><u>Reason supported:</u> Indicates the interrelationship between the historic and natural environments that exist.</p>	<p>2015 2015 2015</p>
<p><b>Policy 8.1 (Formerly Policy HE1)</b> (Conservation and the historic environment) MM12 now AM38</p> <p><u>Reason supported:</u> Indicates importance of the subject matter.</p>	<p>2015 2015 2015</p>

<p><b>Policy 8.1 (Formerly Policy HE1)</b> (Conservation and the historic environment) MM13 now AM39</p> <p><u>Amend:</u> by replacing the word "should" with "<i>will be required to</i>" in the proposed modification.</p> <p><u>Reason:</u> The word 'should' is ambiguous here and needs to be more effective thus 'sound' by making it clear how the development proposed will be expected to relate to the subject matter of the policy..</p>	AM39 Supported in part
<p><b>Paragraph 6.3.3.1</b> (Explanation – Policy HE1) AM30 (was no AM29 ?) now AM40</p> <p><u>Reason supported:</u> Indicates that Conservation Area additions will be considered.</p>	AM40 Supported
<p><b>Paragraph 6.3.3.11</b> (Explanation – Policy HE1) AM31 now AM41</p> <p><u>Reason supported:</u> Indicates the relationship to the Torbay Heritage Strategy 2011.</p>	AM41 Supported
<p><b>Policy SS9</b> (Green infrastructure) MM14 now AM42</p> <p><u>Reason supported:</u> Indicates the position in respect of trees and woodland creation.</p>	AM42 Supported
<p><b>Paragraph 4.4.13</b> (Explanation – Policy SS9) AM32 now AM43</p> <p><u>Reason supported:</u> Indicates the importance of Green Infrastructure links with Yalberton Valley and other locations.</p>	AM43 Supported
<p><b>Paragraph 4.4.15</b> (Explanation – Policy SS9) AM33 now AM44</p> <p><u>Amend:</u> add to second sentence of AM44 modification to read:</p> <p><i>"as well as to new country park proposals such as at Yalberton valley."</i></p> <p><u>Reason:</u> To make clear the scope of the intended policy is to include existing assets that have not previously been recognised, such as at Yalberton valley, thus making the policy justification more clear and plan more 'sound'.</p>	AM44 Supported in part
<b>4.5 Aspiration 4: Create more sustainable communities and better places Pages 53-61</b>	
<p><b>Paragraph 4.5.12</b> (Evidence of requirements) AM34 now AM45</p> <p><u>Reason supported:</u> Indicates factual updates of lower population growth than previously assumed in the Plan.</p>	AM45 Supported
<p><b>Paragraph 4.5.13</b> (Evidence of requirements) AM35 now AM46</p> <p><u>Reason supported:</u> Indicates factual updates of lower population growth than previously assumed in the Plan.</p>	AM46 Supported
<p><b>Paragraph 4.5.14</b> (Evidence of requirements) AM36 now AM47</p> <p><u>Reason supported:</u> Indicates factual updates.</p>	AM47 Supported
<p><b>Paragraph 4.5.25</b> (Phasing of new housing development) AM37 now AM48</p> <p><u>Reason supported:</u> Indicates that Reviews will allow downward change as well as upward.</p>	AM48 Supported
<p><b>Paragraph 4.5.26</b> (Phasing of new housing development) AM38 now AM49</p> <p><u>Reason supported:</u> Indicates that provision listed may go beyond 2032.</p>	AM49 Supported



**Table 4.3** (Source and timing of new homes) MM15

**Amend:** paragraph 4.5.6 and replace Table 4.3 as shown below to read:

*"The distribution of new homes is set out in the Strategic Development Policies (SDT1,SDP1,SDB1). The expected approximate housing land supply over 20 years, and possibly beyond is set out in Table 4.3 below and Policy SS11 "Housing".*

Source	Approximate numbers
Torquay (SDT1)	3,955
Paignton (SDP1)	3,535
Brixham (SDB1)	810
Total	8,300

**Reason:** The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.

See paragraphs 1 to 46 of the covering letter attached herewith for full details.

**Policy SS10** (Sustainable communities) AM39 now AM50

**Reason supported:** Indicates that designing out crime and disorder will be a criterion, plus improved wording regarding HMOs.

**New paragraph after 4.5.30** (Explanation – Policy SS10) AM40 now AM51

**Reason supported:** Indicates that designing out crime and disorder will be a criterion.

**Paragraph 4.5.32** (Explanation – Policy SS10) AM41 now AM52

**Reason supported:** Indicates that bringing at least 150 vacant dwellings back into use will be an on-going number during the whole of the Local Plan period as agreed orally by the Inspector at the formal Hearing held in November 2014.

**Policy SS11** (Housing) MM16 now part MM5 and part AM53

**Amend:** by

(a) replacement of figure 10,000 in first paragraph with 8,300;

(b) amend reference Table 4.3/H1 to read Table 4.3 (i.e. delete H1)

(c) retitle Table to read: "Table 4.3/H4 Source and timing of new homes (rounded to nearest 5 dwellings) necessary to achieve ~~40,000~~ 8,300 dwelling trajectory."

(d) replace all dwelling numbers for each sub policy with those defined in Appendix 6 attached herewith

(e) delete the column and all modifications in that column headed "Notes on change (Modification) from Submission Draft"

(f) retain the rest of the Modification table as part of Policy SS11

**Reason:** The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.

See paragraphs 1 to 46 of the covering letter attached herewith for full details.

All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'

MM4

Not  
Sound

Policy  
Supported

Policy  
Supported

Policy  
Supported

MM16

Not  
Sound



<p><b>Policy SS11</b> (Housing) MM16 now part MM5 and part AM53</p> <p><u>Reason supported:</u> Indicates how the cross link with Policy 12 operates.</p>	<p>SS11 Support (M1)</p>
<p><b>Paragraph 4.5.34</b> (Explanation – Policy SS11) AM42 now AM54</p> <p><u>Reason supported:</u> Indicates the housing provision assumptions more clearly</p>	<p>SS11 Support (M1)</p>
<p><b>Paragraph 4.5.36</b> (Explanation – Policy SS11) New</p> <p><u>Amend:</u> by replacing the dwelling number to read:</p> <p><i>"A cross-boundary review of strategic housing land availability may be needed as part of a longer term assessment of growth options, particularly if there is evidence of significant employment growth, which would take the requirement above <del>40,000</del> <u>8,300</u> homes."</i></p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<p>MM5 Not Support</p>
<p><b>Policy SS12</b> (Five year housing land supply) MM17 now MM7 (as corrected)</p> <p><u>Amend:</u> the published modifications where shown below to read as follows:</p> <p><i>"The Council will maintain a rolling 5 year supply of specific deliverable sites sufficient to meet a housing trajectory of <del>40,000</del> <u>8,300</u> dwellings over the Plan period 2012-32."</i></p> <p><i>"The trajectory is:</i></p> <p><i>460 <del>355</del> dwellings per year for the period <del>2012/13–2017/18</del> <u>2012/17</u> (+5% required by the NPPF i.e. <del>473</del> <u>373</u> dwellings per year).</i></p> <p><i>500 <del>440</del> dwellings per year for the period <del>(2018/19–2023/24)</del> <u>2017/27</u></i></p> <p><i>525- <del>415</del> dwellings per year (minus the 5% brought forward from later in the Plan period if appropriate)"</i></p> <p><i>"2) identify additional sites through new site allocation development plan documents, <u>not supplementary planning documents</u></i></p> <p><i>3) consider favourably applications for new housing consistent with Policy SS2, <del>H4</del> and other policies of this Plan."</i></p> <p><i>" Five year Review of the Local Plan</i></p> <p><i>The Local Plan will be reviewed on a five year basis <del>from adoption</del>, and the housing trajectory adjusted if assessed to be necessary to maintain the delivery of sustainable development, <del>or meet housing needs</del>. Further details of criteria to be considered at the five year five year review are set out at Section 7.5</i></p> <p><i>An early review of the Local Plan's housing trajectory will be triggered where there is evidence that the provision of housing will not keep pace with the need to provide for economic growth, <u>or where the growth of housing is not being accompanied by net job growth in accordance with the trajectory of Policy SS1"</u></i></p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<p>MM7 Not Support</p>



<p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	
<p><b>Paragraph 4.5.38</b> (Explanation – Policy SS12) AM43 now AM55</p> <p><u>Reason supported:</u> Indicates the requirement will be as in NPPF47.</p>	<p>Amended</p>
<p><b>Paragraph 4.5.40</b> (Explanation – Policy SS12) New incorporating previous MM18 below.</p> <p><u>Amend:</u> the published modification to be read as amended below by the additions underlined and deletions scored through:</p> <p><i>"It is important that the provision of new homes keeps pace with the likely provision of jobs and that a shortage of homes does not impede job creation or deter inward investment. <u>Equally, it is important to ensure that the provision of new homes does not run too far ahead of the net growth in jobs.</u> On this basis, the ongoing relationship between new homes and jobs will be reviewed on a yearly basis. If evidence suggests that a shortage of homes is in danger of curtailing growth, <u>or an imbalance in net job growth is arising,</u> additional land <u>provision will be identified adjusted</u> through a Local Plan review. Examples of evidence that could trigger this review are:</i></p> <ul style="list-style-type: none"> <li><i>• An increase of more than 250 net new FTE jobs per annum for two consecutive years (based on BRES data <u>from a job base of 59,500 FTE's at 2012).</u></i></li> <li><i>• <u>An over provision of more than 100 homes in any rolling five year period</u></i></li> </ul> <p><i>The Local Plan enables and expects Neighbourhood Plans to come forward and allocate land to assist meeting housing needs after the first five years – i.e. expected requirements from April 2017. The Local Plan identifies a pool of sites, based on a Strategic Housing Land Availability Assessment, which could provide a suitable selection of sites for development subject to further scrutiny through the neighbourhood planning process (see Appendix D). Neighbourhood Plans are at a draft stage of preparation for the Brixham, Paignton and Torquay areas which will cover 100% of the administrative area of Torbay. It is expected that these three Neighbourhood Plans will, drawing on the pool, allocate sufficient housing land to enable delivery of the growth strategy outlined in Policy SS1 and Table 4.3.</i></p> <p><i>Should Neighbourhood Plans not be adopted (made) by the Council, for example an emerging Neighbourhood Plan is found by the Independent Assessor to not be in general conformity with the strategic policies of the Local Plan and/or does not pass the Examination or Referendum process, then under those circumstances the Council undertakes to produce a Site Allocations DPD <u>not SPD</u> to allocate land to meet housing needs later in the Plan period. Sufficient land is allocated within the Local Plan to meet housing needs during the first five years, so either Neighbourhood Plans and/or a Site Allocations DPD will allocate sites to contribute to providing clarity over housing supply after April 2017.</i></p> <ul style="list-style-type: none"> <li><i>• Economic projections showing an increase in FTE jobs of more than 250 FTE per year sustained over a five year period.</i></li> <li><i>• Population projections or mid year estimates indicate an increase of working age population (aged 18-65) of more than 250 people per year over a five year period.</i></li> <li><i>• Evidence of market signals (as set out in Planning Practice Guidance) indicating a high level of unmet demand for housing.</i></li> </ul> <p><i>Where monitoring indicates a danger of a shortfall <u>or over supply</u> against the five year supply or overall trajectory, action to identify additional sites, <u>or sites to be held in reserve,</u> will commence in the first year of a shortfall <u>or oversupply</u> being identified, to ensure that a rolling five year supply can be maintained, as set out in SS12 <u>and sustainable balance of jobs and homes as set out in Policy SS1.</u></i></p> <p><i><del>To deliver the second phase of the Local Plan and avoid a policy vacuum after 2017, the</del></i></p>	<p>MM18</p> <p>Not Amended</p>



<p><del>Council will assess the proposed emerging Neighbourhood Plans when submitted to the Council, under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012, to check that Plan proposals endorse and implement the strategy in the Local Plan. If Neighbourhood Plans are not submitted to the Council in a form that it is in general conformity with the Local Plan by October 2015, the Council will commence production of site allocations development plan documents, in order to provide sufficient time to produce and adopt any Site Allocations DPDs that may be required."</del></p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>The last paragraph of the published Modification is shown deleted because it is unjustified to claim there would be a policy vacuum in 2017 for the reason given in response to Modifications proposed to Paragraph 4.1.25 above.</p>		
<p><b>Paragraph 4.5.41</b> (Explanation – Policy SS12) was MM18 now replaced by MM8 above</p> <p>See Paragraph 4.5.40 above</p>		
<p><b>4.6 Aspiration 5: Respond to climate change</b> Pages 62-64</p>		
<p><b>Paragraph 4.6.17</b> (Explanation – Policy SS13) AM44</p> <p><u>Reason supported:</u> Indicates that green infrastructure is also important to the economy.</p>		
<p><b>Part 5: Strategic Delivery Areas – a policy framework for Neighbourhood Plans</b> (Pages 65-89)</p>		
<p><b>TORQUAY</b> Pages 66-72</p>		
<p>Refer to the views of the Torquay Neighbourhood Plan Forum in respect of:-</p>		
<b>Policy SDT1</b> (Torquay) MM19 now part MM9 (as corrected) and part AM57		<b>MM9</b>
<b>Paragraph 5.1.1</b> (Explanation – Policy SDT1) AM45 now AM58		<b>AM58</b>
<b>Paragraph 5.1.3</b> (Explanation – Policy SDT1) AM46 now AM59		<b>AM59</b>
<b>Paragraph 5.1.4</b> (Explanation – Policy SDT1) AM47 now AM60		<b>AM60</b>
<b>Paragraph 5.1.8</b> (Table 5.1 SDT1 Source of new employment within Torquay) AM48 now n/c		-
<b>Paragraph 5.1.8</b> (Table 5.2 SDT1 Source of housing in Torquay) AM48 now AM61 and MM9+Annex2.		<b>MM9+ Annex 2</b>
<b>Policy SDT2</b> (Torquay Town Centre and Harbour) MM20 now AM62		
<b>Paragraph 5.1.1.1</b> (Explanation – Policy SDT2) AM49 now AM63		
<b>Policy SDT3</b> (Torquay Gateway) MM21 now AM64		
<b>Paragraph 5.1.2.2</b> (Explanation – Policy SDT3) AM50 now AM65		
<b>Paragraph 5.1.2.2</b> (Table 5.6 SDT3 Torquay Gateway Key sites for housing) AM51 now AM66 relating to Table 5.5 SDT3 Torquay Gateway Key sites for employment.		
<p><b>PAIGNTON</b> Pages 73-82</p>		
<p><b>Policy SDP1</b> (Paignton) MM22 now part MM10+Annex2 and AM67 below.</p> <p><u>Amend:</u> the last paragraph of the Modification proposed, to read:</p> <p>"Paignton will provide a minimum of 30,100 sq m (net) of employment floor space and around 4,375 3,535 new homes over the Plan period. <u>Subject to further assessment of known capacity constraints of protected species and foul water disposal, the expected delivery pace and sequence of delivery are set out in Tables 5.7 and 5.8 below and Policies SDP2-SDP4. See also Policy W5."</u></p>		<b>MM10+ Annex 2 for SDP1</b>



<p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	
<p><b>Policy SDP1</b> (Paignton) MM22 remainder now AM67</p> <p><b>Reason supported:</b> Indicates requirement to safeguard protected species.</p>	Not supported
<p><b>Paragraph 5.2.2</b> (Explanation – Policy SDP1) AM52 now AM68</p> <p><b>Reason supported:</b> Indicates the importance of existing historic and environmental identity.</p>	Not supported
<p><b>Paragraph 5.2.5</b> (Explanation – Policy SDP1) AM53 now AM69</p> <p><b>Reason supported:</b> Indicates requirement to safeguard protected species.</p>	Not supported
<p><b>Paragraph 5.2.5</b> (Table 5.8 SDP1 Source of housing within Paignton) MM22 now MM10+Annex2 above</p> <p><b>Amend:</b> by retaining the Table number and heading and thereafter replace Table 5.8 with Appendix 6 attached herewith as the replacement Table 5.8 for Paignton.</p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p> <p>The new site shown in the published Modifications (off Brixham Road south of White Rock) is not a supported site as it would damage the AONB and result in other unsustainable outcomes as confirmed by the Secretary of State when making his previous decision on a "called in" planning application (Appeal Ref: SW/P/5183/220/4). See the attached covering letter for further details at paragraph 39.</p>	As M10+ Annex 2 Not supported
<p><b>Paragraph 5.2.1.9</b> (Table 5.10 SDP2 Paignton Town Centre and Seafront - Key sites for housing) MM22 now MM10+Annex2 above</p> <p><b>Amend:</b> by retaining Table number and heading, and thereafter replace Table 5.10 with Appendix 6 section SDP2 attached herewith as the Table 5.10 for Paignton.</p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	As M10+ Annex 2 Not supported
<p><b>Policy SDP3</b> (Paignton North and Western Area) MM23 now AM70</p> <p><b>Reason supported:</b> Indicates requirement to safeguard protected species.</p>	Not supported
<p><b>Paragraph 5.2.2.1</b> (Explanation – Policy SDP3) AM54 now AM71</p> <p><b>Reason supported:</b> Indicates continued commitment to Great Parks</p>	Not supported



<p><b>Paragraph 5.2.2.5</b> (Explanation – Policy SDP3) AM55 now AM72</p> <p><u>Reason supported:</u> Indicates the approach intended towards habitat enhancement.</p>	AM72 Supported
<p><b>Paragraph 5.2.2.7</b> (Explanation – Policy SDP3) AM56 now AM73</p> <p><u>Reason supported:</u> Indicates the approach intended towards flood risk prevention.</p>	AM73 Supported
<p><b>Paragraph 5.2.2.10</b> (Explanation – Policy SDP3) MM24 now AM74</p> <p><u>Amend:</u> the published modification to read:</p> <p><i>"The Local Plan promotes them for mixed use development comprising a significant element of residential development to assist in the short to medium term supply of housing. As a broad guide, around 25% of the former Nortel site (Devonshire Park) and a third 25% not less than 50% of the Yalberton Road (Jackson Land) will be sought for employment uses, and 75% not more than 50% for residential"</i></p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>The Jackson Land is Greenfield and allocated for employment use in the existing 'saved' Local Plan Adopted in 2004. The Employment Land Review prepared by consultants for the Council in support of the new Local Plan made clear that 50% of the Jackson Land should be retained for employment. It lies immediately opposite the Yalberton Industrial Estate and is the site that South West Water has objected to on foul water capacity grounds as evidenced in Appendix 4 herewith attached. The Forum has given support to reallocating not more than 50% to housing development and has placed delivery of the site to later years in view of the significant foul drainage constraint that must be resolved.</p>	AM74 Not Supported
<p><b>Paragraph 5.2.2.11</b> (Table 5.12 SDP3 Paignton North and Western Area Key sites for housing) MM23 and AM57 now MM11+Annex2 and AM75 below</p> <p><u>Amend:</u> by retaining Table number and heading, and thereafter replace Table 5.12 with Appendix 6 section SDP3 attached herewith as Table 5.12 for Paignton.</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	MM11+ Annex 2  Not Sound
<p><b>Paragraph 5.2.2.11</b> (Table 5.12 SDP3 Paignton North and Western Area Key sites for housing) MM23 and AM57 – now MM11+Annex2 above and AM75</p> <p><u>Amend:</u> delete reference in proposed Modification to Kings Ash House.</p> <p><u>Reason:</u> Reference to the Nortel site is supported, but it is premature to delete Kings Ash House for the stated reason that it is 'likely' to be retained. Leave in list of sites until further assessed.</p>	AM75 Supported in part
<b>BRIXHAM</b> Pages 83-89	
Refer to the views of the Brixham Neighbourhood Plan Forum in respect of:-	
<b>Policy SDB1</b> (Brixham Peninsula) MM25 now MM12 and AM76	MM12+ AM76



<b>Paragraph 5.3.1</b> (Explanation – Policy SDB1 ) MM26 now AM77	AM77
<b>Paragraph 5.3.2</b> (Explanation – Policy SDB1) AM58 now AM78	AM78
<b>Paragraph 5.3.4</b> (Explanation – Policy SDB1) AM59 now AM79	AM79
<b>Paragraph 5.3.6</b> (Table 5.14 SDB1 Source of housing within Brixham Peninsula) AM60 now MM12+Annex 2 and AM80	MM12+ AM80
<b>Policy SDB3</b> (Brixham Urban Fringe and Area of Outstanding Natural Beauty) MM27 now AM81	AM81
<b>Paragraph 5.3.2.1</b> (Explanation – Policy SDB3) MM28 now AM82	AM82
<b>Paragraph 5.3.2.2</b> (Explanation – Policy SDB3) AM61 now AM83	AM83
<b>Paragraph 5.3.2.3</b> (Table 5.17 SDB3 Brixham Urban Fringe and AONB Key sites for employment) AM62 now AM84	AM84
<b>Paragraph 5.3.2.3</b> (Table 5.18 SDB3 Brixham Urban Fringe and AONB Key sites for housing) AM63 now AM85	AM85
<b>Part 6: Policies for managing change and development in Torbay</b> (Pages 90-170)	
<b>Aspiration 1: Secure economic recovery and success</b> Pages 90-103	
<b>Paragraph 6.1.1.1</b> (Explanation – Policy TC1: Town Centres) AM64 now AM86	<p>AM86 Reason supported</p> <p>AM87 Reason supported</p> <p>AM88 Reason supported</p> <p>AM89 Reason supported</p> <p>AM90 Reason supported</p> <p>AM91 Reason supported</p> <p>AM92 Reason supported</p> <p>AM93 Reason supported</p> <p>AM94 Reason supported</p>
<u>Reason supported:</u> Indicates the wider role supported in Town Centres.	
<b>Paragraph 6.1.1.2</b> (Explanation – Policy TC1: Town Centres) AM65 now AM87	
<u>Reason supported:</u> As Paragraph 6.1.1.1 above.	
<b>Paragraph 6.1.1.3</b> (Explanation – Policy TC1: Town Centres) AM66 now AM88	
<u>Reason supported:</u> As Paragraph 6.1.1.1 above.	
<b>Policy TC2</b> (Torbay retail hierarchy) MM29 now AM89	
<u>Reason supported:</u> Indicates the local centre role intended for Great Parks and White Rock.	
<b>Paragraph 6.1.1.4</b> (Explanation – Policy TC2: Torbay retail hierarchy) AM67 now AM90 instead of amendment to Paragraph 6.1.1.6	
<u>Reason supported:</u> Indicates factual reference to the BID locations and their purpose	
<b>Policy TC3</b> (Retail development) MM30 now MM13	
<u>Reason supported:</u> Meets the request of the Forum for the threshold to be reduced from 1,000 sq m gross to 500 sq m gross (see Forum representations of 31 March 2014)	
<b>Paragraph 6.1.1.11</b> (Explanation – Policy TC3) AM68 now AM91	<p>AM92 Reason supported</p> <p>AM93 Reason supported</p> <p>AM94 Reason supported</p> <p>AM95 Reason supported</p>
<u>Reason supported:</u> As Policy TC3 above.	
<b>Paragraph 6.1.1.20</b> (Explanation – Policy TC5: Evening and night time economy) AM69 now AM92	
<u>Reason supported:</u> As Paragraph 6.1.1.1 above.	
<b>Policy TO1</b> (Tourism, events and culture) MM31 now AM93	<p>AM94 Reason supported</p> <p>AM95 Reason supported</p>
<u>Reason supported:</u> Indicates support for sustainable tourism.	
<b>Paragraph 6.1.2.3</b> (Explanation – Policy TO1) AM70 now AM94	<p>AM95 Reason supported</p> <p>AM96 Reason supported</p>
<u>Reason supported:</u> Indicates the all year round tourism objective.	



<p><b>Paragraph 6.1.2.5</b> (Explanation – Policy TO1) AM71 now AM95</p> <p><u>Reason supported:</u> Indicates the support includes new 4 or 5 star hotels</p>	AM95 Supported
<p><b>Paragraph 6.1.2.6</b> (Explanation – Policy TO1) AM72 now AM96</p> <p><u>Reason supported:</u> Indicates the approach intended in Core Tourism Investment Areas.</p>	AM96 Supported
<p><b>Policy TO3</b> (Marine economy) MM32 now AM97</p> <p><u>Reason supported:</u> Indicates the approach intended at Paignton Harbour.</p>	AM97 Supported
<p><b>Paragraph 6.1.2.26</b> (Explanation – Policy TO3) MM33 now AM98</p> <p><u>Reason supported:</u> As Policy TO3 above.</p>	AM98 Supported
<p><b>Paragraph 6.1.2.27</b> (Explanation – Policy TO3) AM73 now AM99 (as corrected)</p> <p><u>Amend:</u> by adding at the end of the paragraph as modified a further sentence that reads:</p> <p><i><u>"Where the impact involves a protected species of European significance, compensatory measures can only be allowed where the Secretary of State is able to confirm the development is necessary in the 'national interest', which is a much stricter test than 'public benefit'."</u></i></p> <p><u>Reason:</u> the Judgment of the European Court on 15 May 2014 (Case C-521/12, T.C. Briels and Others v Minister van Infrastructuur en Milieu (Netherlands Government) and supported by the United Kingdom Government), confirmed that compensatory measures can only be approved where it is in the national interest – not simply where it derives 'public benefit'. The policy in the Local plan needs to clarify that this is the test that will be applied where impact on protected species and habitats are involved.</p>	AM99 Supported in part
<p><b>Paragraph 6.1.2.28</b> (Explanation – Policy TO3) AM74 now AM100</p> <p><u>Reason supported:</u> Indicates the range of environmental safeguards that will be applied</p>	AM100 Supported
<p><b>Paragraph 6.1.2.29</b> (Explanation – Policy TO3) AM75 now AM101</p> <p><u>Reason supported:</u> Indicates the importance of conservation at Paignton Harbour.</p>	AM101 Supported
<p><b>Aspiration 2: Achieve a better connected, accessible Torbay and essential infrastructure</b> Pages 104-109</p>	
<p><b>Policy TA2</b> (Development access) AM76 now AM102</p> <p><u>Reason supported:</u> Indicates the traffic criteria that will be applied in assessments to be made.</p>	AM102 Supported
<p><b>Policy TA3</b> (Parking requirements) MM34 now AM103</p> <p><u>Reason supported:</u> Indicates that assessment will include provision for commercial vehicles as requested. (see Forum representations of 31 March 2014)</p>	AM103 Supported
<p><b>Aspiration 3: Protect and enhance a superb environment</b> Pages 110-126</p>	



<p><b>Policy C1</b> (Countryside and the rural economy) MM35 now AM104</p> <p><b>Amend:</b> to add a further sentence at the end of the modified policy to read:</p> <p><i>"The impact on other protected species such as Girl Buntings, will also be assessed."</i></p> <p><b>Read:</b> to make the plan more effective, and therefore 'sound' by drawing attention to other known species of particular significance that exist within the Local Plan area.</p>	AM104 Supported in part
<p><b>Paragraph 6.3.1.2</b> (Explanation – Policy C1) AM77 now AM105</p> <p><b>Reason supported:</b> Indicates importance of safeguarding Green Wedges</p>	AM105 Supported
<p><b>Paragraph 6.3.1.4</b> (Explanation – Policy C1) AM78 now AM106</p> <p><b>Reason supported:</b> Indicates the importance of country parks</p>	AM106 Supported
<p><b>Paragraph 6.3.1.6</b> (Explanation – Policy C1) AM79 now AM107</p> <p><b>Reason supported:</b> Indicates the importance of lighting solutions and protected bats.</p>	AM107 Supported
<p><b>Paragraph 6.3.1.8</b> (Explanation – Policy C1) AM80 now AM108</p> <p><b>Amend:</b> add a further sentence at the end of the modified paragraph to read:</p> <p><i>"This consideration will be applied in addition to any consideration arising from any outcome of further HRA detailed assessments necessary."</i></p> <p><b>Reason:</b> to make the plan more effective, therefore 'sound' by making it clear the context of landscape assessment is in addition to any HRA assessment.</p>	AM108 Supported in part
<p><b>Policy C2</b> (The coastal landscape) and <b>Policies Map</b> change MM36 now AM109</p> <p><b>Reason supported:</b> Indicates that seascape is included.</p>	AM109 Supported
<p><b>Paragraph 6.3.1.15</b> (Explanation – Policy C2) AM79 now AM110</p> <p><b>Reason supported:</b> Indicates the particular link with Policy TO3 (Marine economy).</p>	AM110 Supported
<p><b>Policy C3</b> (Coastal change management) MM37 now AM111</p> <p><b>Reason supported:</b> Indicates the importance of safeguarding the integrity of protected sites and coastal assets.</p>	AM111 Supported
<p><b>Paragraph 6.3.1.21</b> (Explanation – Policy C3) AM82 now AM112</p> <p><b>Reason supported:</b> As Policy C3 above.</p>	AM112 Supported
<p><b>Policy C4</b> (Trees, hedgerows and natural landscape features) MM38 now AM113</p> <p><b>Reason supported:</b> Indicates the approach to be taken in protecting assets.</p>	AM113 Supported
<p><b>Paragraph 6.3.1.22</b> (Explanation – Policy C4) AM83 now AM114</p> <p><b>Reason supported:</b> Indicates the importance of existing features and habitats.</p>	AM114 Supported
<p><b>Paragraph 6.3.1.24</b> (Explanation – Policy C4) AM84 now AM115</p> <p><b>Reason supported:</b> As Paragraph 6.3.1.22 above.</p>	AM115 Supported

<p><b>Paragraph 6.3.1.25</b> (Explanation – Policy C4) AM85 now AM116</p> <p><u>Reason supported:</u> As Paragraph 6.3.1.22 above.</p>	<p>AM116 Supported</p>
<p><b>Policy C5</b> (Urban Landscape Protection Areas) AM87 now AM118</p> <p><u>Reason supported:</u> Indicates a cross reference correction to the Policies Map.</p>	<p>AM118 Supported</p>
<p><b>Paragraph 6.3.1.32</b> (Explanation – Policy C5) AM86 now AM117</p> <p><u>Reason supported:</u> Indicates that a more balanced approach will be taken.</p>	<p>AM117 Supported</p>
<p><b>Policy NC1</b> (Biodiversity and geodiversity) MM39 now AM119</p> <p><u>Reason supported:</u> Indicates importance of safeguarding protected species and their habitats.</p>	<p>AM119 Supported</p>
<p><b>Paragraph 6.3.2.1</b> (Explanation – Policy NC1) AM88 now AM120</p> <p><u>Amend:</u> to add a further sentence that reads:</p> <p><i>"Where harm involves protected species of European significance, it must be noted that compensation can only be considered where it can be shown the development proposed is necessary in the 'national interest'."</i></p> <p><u>Reason:</u> Same as AM99 above.</p>	<p>AM120 Supported in part</p>
<p><b>Paragraph 6.3.2.2</b> (Explanation – Policy NC1) MM40 now AM121</p> <p><u>Amend:</u> add sentence between the last two paragraphs of the proposed modification to read:</p> <p><i>"Any SPD produced will be in addition to any Development Plan Document produced in Policy SS1"</i></p> <p><u>Reason:</u> To clarify how the proposed SPD sits with the proposed DPD modification arising out of agreement reached with Natural England and referred to in Policy SS1.</p>	<p>AM121 Supported in part</p>
<p><b>Paragraph 6.3.2.3</b> (Explanation – Policy NC1) MM41 now AM122</p> <p><u>Reason supported:</u> As Policy NC1 above.</p>	<p>AM122 Supported</p>
<p><b>Paragraph 6.3.2.4</b> (Explanation – Policy NC1) AM89 now AM123</p> <p><u>Reason supported:</u> As Policy NC1 above.</p>	<p>AM123 Supported</p>
<p><b>Paragraph 6.3.2.5</b> (Explanation – Policy NC1) MM42 now AM124</p> <p><u>Reason supported:</u> As Policy NC1 above.</p>	<p>AM124 Supported</p>
<p><b>Paragraph 6.3.2.7</b> (Explanation – Policy NC1) AM90 now AM125</p> <p><u>Reason supported:</u> Indicates the importance of sewer outfall on habitats.</p>	<p>AM125 Supported</p>
<p><b>Paragraph 6.3.2.10</b> (Explanation – Policy NC1) AM91 now AM126</p> <p><u>Reason supported:</u> Indicates the criteria that will be supported.</p>	<p>AM126 Supported</p>



<b>Paragraph 6.3.3.17</b> (Explanation – Policy HE2: Listed Buildings) AM92 now AM127	AM127 Supported
<u>Reason supported:</u> Indicates a factual clarification.	
<b>Aspiration 4: Create more sustainable communities and better places</b> (Pages 127-153)	
<b>Paragraph 6.4.1.1</b> (Explanation – Policy H1: Applications for new homes) AM93 now AM128	AM128 Supported
<u>Reason supported:</u> Indicates when a site allocation DPD will be produced.	
<b>Policy H2</b> (Affordable housing) MM43 now AM129	AM129 Not supported
<u>Amend:</u> to delete all published Modifications to the policy.	
<u>Reason:</u> There are sufficient safeguards in the policy as originally submitted that will be effective in ensuring affordable housing will only be a requirement of development proposals that are otherwise viable. Maximizing the opportunity for affordable housing to be achieved remains justified, but there is no compelling evidence that justifies the modification published.	
<b>Paragraph 6.4.1.7</b> (Explanation – Policy H2) MM44 now AM130 (as corrected)	AM130 (as corrected)
<u>Amend:</u> to delete all published Modifications to the policy.	
<u>Reason:</u> As stated in response to Policy H2 above.	
<b>Paragraph 6.4.1.9</b> (Explanation – Policy H2) AM94 now AM131	AM131 Supported
<u>Reason supported:</u> Indicates the design approach required.	
<b>Paragraph 6.4.1.15</b> (Explanation – Policy H2) AM95 now 132	AM132 Supported
<u>Reason supported:</u> Indicates the viability approach that will be used.	
<b>Policy H3</b> (Self build affordable housing and exception sites) AM96 now AM133	AM133 Supported
<u>Reason supported:</u> Indicates more clearly how the policy will operate.	
<b>Paragraph 6.4.1.19</b> (Explanation – Policy H3) AM97 now AM134	AM134 Supported
<u>Reason supported:</u> Indicates factual position on current situation.	
<b>Paragraph 6.4.1.24</b> (Explanation – Policy H3) AM98 now AM135	AM135 Supported
<u>Reason supported:</u> Indicates how the policy will operate.	
<b>Policy H4</b> (Houses in Multiple Occupation - HMOs) MM45 now AM136	AM136 Supported
<u>Reason supported:</u> Indicates words missed out in error of how the policy will operate.	
<b>Paragraph 6.4.1.31</b> (Explanation – Policy H4) AM99 now AM137	AM137 Supported
<u>Reason supported:</u> Indicates cross reference on how the policy will operate.	
<b>Paragraph 6.4.1.43</b> (Explanation – Policy H6: Housing for people in need of care) AM100 now AM138	AM138 Supported
<u>Reason supported:</u> Indicates how the policy will operate.	
<b>Policy DE1</b> (Design) MM46 now AM139	AM139 Supported
<u>Reason supported:</u> Indicates the importance of designing out crime and disorder.	

<b>Paragraph 6.4.2.4</b> (Explanation – Policy DE1) AM101 now AM140 <u>Reason supported:</u> As Policy DE1 above.	AM101 Reason supported
<b>Paragraph 6.4.2.5</b> (Explanation – Policy DE1) AM102 now AM141 <u>Reason supported:</u> Indicates how the policy will operate.	AM102 Reason supported
<b>Policy DE3</b> (Development amenity) AM103 now AM142 <u>Reason supported:</u> Indicates that amenity space must be useable.	AM103 Reason supported
<b>Paragraph 6.4.2.10</b> (Explanation – Policy DE3) AM104 now AM143 <u>Reason supported:</u> Indicates how long the policy will operate.	AM104 Reason supported
<b>Paragraph 6.4.2.14</b> (Table 6.1 Dwelling size and floorspace standards) AM105 now AM144 <u>Reason supported:</u> Indicates how long the policy will operate.	AM105 Reason supported
<b>Paragraph 6.4.2.19</b> (Explanation – Policy DE3) AM106 now AM145 <u>Reason supported:</u> Indicates how long the policy will operate.	AM106 Reason supported
<b>Policy DE5</b> (Domestic extensions) MM47 now AM146 <u>Reason supported:</u> Indicates the importance that will be given to shared sewers.	AM107 Reason supported
<b>Paragraph 6.4.2.30</b> (Explanation – Policy DE5) AM107 now AM147 <u>Reason supported:</u> As Policy DE5 above.	AM107 Reason supported
<b>Paragraph 6.4.3.5</b> (Explanation – Policy SC1: Healthy Bay) AM108 now AM148 <u>Reason supported:</u> Indicates availability of further guidance.	AM108 Reason supported
<b>Paragraph 6.4.3.7</b> (Explanation – Policy SC1: Healthy Bay) AM109 now AM149 <u>Reason supported:</u> Indicates availability of proposed further guidance.	AM109 Reason supported
<b>Policy SC2</b> (Sport, leisure and recreation) MM48 now AM150 <u>Reason supported:</u> Indicates the Policy now accords with NPPF74.	AM110 Reason supported
<b>Paragraph 6.4.3.10</b> (Explanation – Policy SC2: Sport leisure and recreation) AM110 now AM151 <u>Reason supported:</u> Indicates a factual clarification.	AM110 Reason supported
<b>Paragraph 6.4.3.17</b> (Explanation – Policy SC3: Education, skills and local labour) AM111 now AM152 <u>Reason supported:</u> Indicates support for South Devon College.	AM111 Reason supported
<b>Paragraph 6.4.3.21</b> (Explanation – Policy SC3: Education, skills and local labour) AM112 now AM153 <u>Reason supported:</u> Indicates how the policy will also operate via informal means.	AM112 Reason supported
<b>Paragraph 6.4.3.25</b> (Explanation – Policy SC4: Sustainable food production) AM113 now AM154 <u>Reason supported:</u> Indicates the importance of local orchards.	AM113 Reason supported



<b>Aspiration 5: Respond to climate change (Pages 154-170)</b>	
<b>Paragraph 6.5.1.6</b> (Explanation – Policy ES1: Energy) AM114 now AM155  <u>Reason supported:</u> Indicates a factual informative.	AM155 Supported
<b>Policy ER1</b> (Flood Risk) MM49 and MM50 now AM156  <u>Reason supported:</u> Indicates application of the Policy.	AM156 Supported
<b>Paragraph 6.5.2.3</b> (Explanation – Policy ER1) MM50 an MM51 now AM157  <u>Reason supported:</u> As Policy ER1 above.	AM157 Supported
<b>Paragraph 6.5.2.6</b> (Explanation – Policy ER1) AM115 now AM158  <u>Reason supported:</u> Indicates a factual update.	AM158 Supported
<b>Paragraph 6.5.2.12</b> (Explanation – Policy ER1) AM116 now AM159  <u>Reason supported:</u> As Paragraph 6.5.2.6 above.	AM159 Supported
<b>Paragraph 6.5.2.13</b> (Explanation – Policy ER1) MM51 now AM160  <u>Reason supported:</u> Indicates the importance of Policy ER1 and how it will be applied.	AM160 Supported
<b>Paragraph 6.5.2.14</b> (Explanation – Policy ER1) AM117 now AM161  <u>Reason supported:</u> As Paragraph 6.5.2.13	AM161 Supported
<b>Paragraph 6.5.2.17</b> (Explanation – Policy ER1) MM52 now AM162  <u>Reason supported:</u> Indicates how the policy will be applied.	AM162 Supported
<b>Policy ER2</b> (Water management) MM53 now AM163  <u>Amend:</u> add new sentence at the end of the modified policy to read:  <i>"Where the disposal of foul water is involved, proposals must also meet the requirement of Policy W5 dealing with waste water disposal."</i>  <u>Reason:</u> to make the plan more effective, thus 'sound' by drawing attention to the importance of resolving critically important drainage infrastructure problems and constraints known to exist in areas where the combined sewer system of surface and foul water disposal is not adequate.	AM163 Supported in part
<b>Paragraph 6.5.2.18</b> (Explanation – Policy ER2) AM118 now AM164  <u>Reason supported:</u> Indicates why and how the policy will be applied.	AM164 Supported
<b>Paragraph 6.5.2.20</b> (Explanation – Policy ER2) AM119 now AM165  <u>Reason supported:</u> Indicates the scope of the policy.	AM165 Supported
<b>Paragraph 6.5.2.21</b> (Explanation – Policy ER2) MM54 now AM166  <u>Reason supported:</u> Indicates the importance of Policy ER2 and how it will be applied	AM166 Supported



<p><b>Policy W5</b> (Waste water disposal) MM55 now AM167</p> <p><b>Amend:</b> add further sentence after the proposed modification at defined point 3 to read:</p> <p><u>"Where there is reason to believe there is a problem of sewer capacity available to receive the development proposed, applications for approval will be required to provide evidence of surveys undertaken and that demonstrate sufficient capacity exists at the time the application is first made for approval of the development proposed, and will not be left until a later stage of consideration through the application of conditional approval."</u></p> <p><b>Reason:</b> To make the plan effective by making it clear that drainage details will be required when submitting the first application where there is reason to believe problems are likely to arise. This is a critically important requirement given the scale of the problem known to exist in the Bay, and the Supreme Court decision in 2009 requiring the planning system to assess and resolve such problems (see attached covering letter paragraphs 31 to 32 especially)</p>	<p>AM167 Supported in part</p>
<p><b>Paragraph 6.5.3.25</b> (Explanation – Policy W5) AM120 now AM168</p> <p><b>Reason supported:</b> Indicates the correct term is a 'combined' sewer.</p>	<p>AM120 Supported</p>
<p><b>Paragraph 6.5.3.26</b> (Explanation – Policy W5) MM56 now AM169</p> <p><b>Amend:</b> by altering the proposed modification to read:</p> <p><u>"The Council, in partnership with South West Water commissioned the Assessment of Future Sewer Capacity in Torbay ( AECOM 2014) to consider the deliverability of the Torbay Local Plan within Torbay's sewer capacity. This confirms that the Local Plan is deliverable within the strategic sewer network's capacity if the assumptions made in the report prove to be correct, that</u></p> <ul style="list-style-type: none"> <li><u>• use of water by households will reduce significantly;</u></li> <li><u>• climate change and 'urban creep' from loss of soft surfaces does not increase run off into existing sewers;</u></li> <li><u>• a robust means is achieved by the council of extracting existing surface water from combined sewers serving the area</u></li> </ul> <p><u>New development should will be required to have separate foul and storm water drainage systems shown in planning applications when they are submitted for approval in any area where there is a known capacity problem for accommodating further foul water flow. In addition Water Sensitive Urban Design (WSUDs) and Sustainable Urban Drainage (SuDs) is recommended to reduce the impact of climate change and urban creep (hardstandings etc)</u></p> <p><b>Reason:</b> The published modification does not sufficiently reflect the importance of the assumptions made in the Sewer Study, as now evidenced by the objection from South West Water to the site at Yalberton Road referred to in Appendix 4 herewith attached. This information post dates the Local Plan Hearing in November 2014 and is evidences that a significant problem of capacity exists due to the constraint on capacity now reached in the combined sewer network. The Supreme Court Judgement in 2009 made it abundantly clear that where capacity problems exist, it is for the planning system to address them. This includes the Local Plan making stage. The problem being that the assumptions made in the Torbay Sewer Study are not being questioned sufficiently in terms of their robustness and implications if found not to be correct. See paragraph 31 and 32 of the covering letter attached herewith.</p>	<p>AM169 Not Supported</p>
<p><b>Paragraph 6.5.3.27</b> (Explanation – Policy W5) MM57 now AM170</p> <p><b>Reason supported:</b> Indicates the importance of Policy W5 and how it will be applied</p>	<p>AM170 Supported</p>
<p><b>Paragraph 6.5.3.28</b> (Explanation – Policy W5) MM58 now AM171</p> <p><b>Reason supported:</b> Indicates the importance of Policy W5 and how it will be applied</p>	<p>AM171 Supported</p>







<p><b>Reason:</b> to enable key monitoring bench marks of the plan to be seen more easily, thus more effective and thereby 'sound'.</p> <p><b>In addition:</b>  <b>Amend</b> Picture 1.1 on page 2 of Local Plan to show :</p> <p>a) recalibrated "Demo /natural change = baseline need of 8,300";  b) delete "Absolute capacity" line shown;  c) rename: "20 year capacity" to read "Absolute capacity" and leave at 9,200.</p> <p><b>Reason</b> to accord with the DCLG Household projection published on 27 February 2015 and covering letter attached herewith. See paragraphs 1 to 46 especially.</p>	
<b>Appendices A to G (Pages i – xxxix)</b>	
<p><b>Appendix A</b> (Glossary of Terms) AM127 now AM179</p> <p><b>Reason supported:</b> Indicates definitions of Heritage Asset and Historic Environment.</p>	<p>AM127 Supported</p>
<p><b>Appendix C</b> (Schedule of Supporting documents - Aggregates) AM128 now AM180</p> <p><b>Reason supported:</b> Indicates a factual clarification.</p>	<p>AM128 Supported</p>
<p><b>Appendix D</b> (Pool of housing sites) and Policies Map - New MM14</p> <p><b>Amend:</b> delete all sites added by the published modifications and remove all reference to the them from the proposed modifications to the Policies Map.</p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	<p>MM14 Not Supported</p>
<p><b>Appendix E</b> (Regionally Important Geological Site (RIGS) Policies Map - New AM 181</p> <p><b>Amend:</b> to clarify why the change is being made by the Council and to include Yalberton Valley in the RIGS list being amended, using the information pack previously supplied by the Yalberton Valley Community Forum to planning officers of the Council.</p> <p><b>Reason:</b> to make the plan more effective, and thereby 'sound'.</p>	<p>AM181 Supported In part</p>
<p><b>Appendix Car Parking Requirements</b> AM1 now AM182</p> <p><b>Reason supported:</b> Indicates how the standard will be applied.</p>	<p>AM182 Supported</p>
<b>Key Diagram and Policies Map Booklet</b>	
<p><b>Amend:</b> delete all reference and notation showing the two Collaton St Mary areas as Future Growth Areas for housing and related development.</p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p>	<p>Future Growth Areas Not Supported</p>



## Appendix 1 – Part B

### Proposed Main Modifications (MMs) requiring change

<b>Part 4: Spatial strategy and policies for strategic direction</b> (Pages 24-65)	
<b>4.1 A balanced and sustainable approach to growth</b> Pages 24-33	
<b>Policy SS1</b> (Growth strategy for a prosperous Torbay) MM1 still MM1	MM1
<p><b>Amend:</b> those sentences in the proposed Modifications shown below, to read as follows:</p> <p><i><del>"The Plan also seeks to identify land for the delivery of 500 homes per annum, equating to about 8,000-10,000 8,300 new homes over the Plan period of 2012-2032"</del></i></p> <p><i><del>"In the first 5 years, the Plan will enable delivery of 1,250-1,500 net new jobs, and land for around 2,365 1,775 new homes equal to 450 355 dwellings per year plus 5%"</del></i></p> <p><i><del>"If Neighbourhood Plans do not identify sufficient sites to provide the housing requirements of the Local Plan, the council will bring forward sites through site allocations development plan documents, not supplementary planning documents."</del></i></p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>The last amendment shown above is required in order to be clear that SPD's will not be acceptable as a procedure as it will require the full statutory procedure of DPD's and their associated Public Inquiries should there be grounds for formal objection to the proposals and/or necessary SA and HRA.</p>	Not Sound
<b>Paragraph 4.1.25</b> (Sequence and phasing of development) MM2 still MM2	MM2
<p><b>Amend:</b> by deleting the following sentence:</p> <p><i><del>"In order to avoid a policy vacuum occurring after year 5 of the Plan (i.e. 2017), the Council will start to prepare site allocation documents if neighborhood plans, which meet the necessary regulations and are in general conformity with the Local Plan, have not been submitted to the Local Authority by October 2015."</del></i></p> <p><b>Reason:</b> The proposed Modification is not justified, nor realistic nor consistent with other Modifications proposed. NPPF47 makes no requirement for specific sites to be identified in a Local Plan beyond the first 5 years. For year 6 onwards the Local Plan structure already sets out a specific trajectory for each 5 year period to 2032, together with review dates and criteria that will be used to determine any change necessary. There is no justification for claiming a policy vacuum will arise.</p>	Not Sound



<p><b>Policy SS2</b> (Future growth areas) &amp; Policies Map change MM3 still MM3</p> <p><u>Amend:</u> the published Modification where shown below to read as follows:</p> <ol style="list-style-type: none"> <li>5. Edginswell, Torquay</li> <li>6. Paignton North and West Area <del>including Cellaton St. Mary, Paignton</del> <u>(Great Parks and Yannons)</u></li> <li>7. Brixham Road, Paignton <u>(White Rock)</u></li> <li><del>8. Land South of White Rock, Paignton</del></li> </ol> <p>"A bespoke Greater Horseshoe Bat (GHB) mitigation plan for all development within the following <u>potential</u> Future Growth Areas must be submitted and approved before planning permission will be granted:</p> <p>SDP 3.2 Great Parks</p> <p>SPP 3.3 Totnes Road/<del>Cellaton St. Mary</del> <u>Claylands</u></p> <p>SDP 3.4 Brixham Road/Yalberton</p> <p>SDP3.5 White Rock"</p> <p><u>Reason:</u> The change in homes provision is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<p>MM3</p> <p>Not Consent</p>										
<p><b>4.2 Aspiration 1: Secure economic recovery and success</b> Pages 34-41</p> <p><b>Policy SS5</b> (Employment space) MM5 now AM23</p> <p><u>Amend:</u> the published Modification where shown below to read as follows:</p> <p>"An element of cross subsidisation of employment uses from higher value land uses will be sought, <u>so that net job growth is achieved in accordance with Policy SS1.</u></p> <p><u>Reason:</u> As worded the published modification lacks clarity of purpose and would put net job increase at risk. It is therefore an MM not an AM.</p>	<p>MM5</p> <p>Not Consent</p>										
<p><b>4.5 Aspiration 4: Create more sustainable communities and better places</b> Pages 53-61</p> <p><b>Table 4.3</b> (Source and timing of new homes) MM15</p> <p><u>Amend:</u> paragraph 4.5.6 and replace Table 4.3 as shown below to read:</p> <p>"The distribution of new homes is set out in the Strategic Development Policies (SDT1,SDP1,SDB1). The expected approximate housing land supply over 20 years, and possibly beyond is set out in <u>Table 4.3 below:and</u> Policy SS11 "Housing".</p> <table border="1" data-bbox="427 1579 949 1720"> <thead> <tr> <th>Source</th><th>Approximate numbers</th></tr> </thead> <tbody> <tr> <td>Torquay (SDT1)</td><td>3,955</td></tr> <tr> <td>Paignton (SDP1)</td><td>3,535</td></tr> <tr> <td>Brixham (SDB1)</td><td>810</td></tr> <tr> <td><b>Total</b></td><td><b>8,300</b></td></tr> </tbody> </table> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	Source	Approximate numbers	Torquay (SDT1)	3,955	Paignton (SDP1)	3,535	Brixham (SDB1)	810	<b>Total</b>	<b>8,300</b>	<p>MM15</p> <p>Not Consent</p>
Source	Approximate numbers										
Torquay (SDT1)	3,955										
Paignton (SDP1)	3,535										
Brixham (SDB1)	810										
<b>Total</b>	<b>8,300</b>										



<p><b>Policy SS11 (Housing)</b> MM16 now part MM5 and part AM53</p> <p><u>Amend:</u> by</p> <p>(a) replacement of figure 10,000 in first paragraph with <u>8,300</u>;</p> <p>(b) amend reference Table 4.3/H1 to read Table 4.3 (i.e. delete H1)</p> <p>(c) retitle Table to read "<i>Table 4.3/H4 Source and timing of new homes (rounded to nearest 5 dwellings) necessary to achieve <del>10,000</del> 8,300 dwelling trajectory..</i>"</p> <p>(d) replace all dwelling numbers for each sub policy with those defined in Appendix 6 attached herewith</p> <p>(e) delete the column and all modifications in that column headed "<i>Notes on change (Modification) from Submission Draft</i>"</p> <p>(f) retain the rest of the Modification table as part of Policy SS11</p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	<p>MM5</p> <p>Not Sound</p>
<p><b>Paragraph 4.5.36</b> (Explanation – Policy SS11) New</p> <p><u>Amend:</u> by replacing the dwelling number to read:</p> <p><i>"A cross-boundary review of strategic housing land availability may be needed as part of a longer term assessment of growth options, particularly if there is evidence of significant employment growth, which would take the requirement above <del>10,000</del> <u>8,300</u> homes."</i></p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<p>MM6</p> <p>Not Sound</p>
<p><b>Policy SS12</b> (Five year housing land supply) MM17 now MM7 (as corrected)</p> <p><u>Amend:</u> the published modifications where shown below to read as follows:</p> <p><i>"The Council will maintain a rolling 5 year supply of specific deliverable sites sufficient to meet a housing trajectory of <del>40,000</del> <u>8,300</u> dwellings over the Plan period 2012-32."</i></p> <p><i>"The trajectory is:</i></p> <p><i>450 <del>355</del> dwellings per year for the period <del>2012/13 – 2017/18</del> <u>2012/17</u> (+5% required by the NPPF i.e. <del>473</del> <u>373</u> dwellings per year).</i></p> <p><i>500 <del>440</del> dwellings per year for the period <del>(2018/19 – 2023/24)</del> <u>2017/27</u></i></p> <p><i>525 <del>415</del> dwellings per year (minus the 5% brought forward from later in the Plan period if appropriate)"</i></p> <p><i>"2) identify additional sites through new site allocation development plan documents, <u>not supplementary planning documents</u></i></p> <p><i>3) consider favourably applications for new housing consistent with Policy SS2, H4 and other policies of this Plan."</i></p>	<p>MM7</p> <p>Not Sound</p>



**" Five year Review of the Local Plan**

The Local Plan will be reviewed on a five year basis ~~from adoption~~, and the housing trajectory adjusted if assessed to be necessary to maintain the delivery of sustainable development, ~~or meet housing needs~~. Further details of criteria to be considered at the five year five year review are set out at Section 7.5

An early review of the Local Plan's housing trajectory will be triggered where there is evidence that the provision of housing will not keep pace with the need to provide for economic growth, or where the growth of housing is not being accompanied by net job growth in accordance with the trajectory of Policy SS1"

**Reason:** The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.

See paragraphs 1 to 46 of the covering letter attached herewith for full details.

All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'

**Paragraph 4.5.40** (Explanation – Policy SS12) New incorporating previous MM18 below.

**Amend:** the published modification to be read as amended below by the additions underlined and deletions scored through:

"It is important that the provision of new homes keeps pace with the likely provision of jobs and that a shortage of homes does not impede job creation or deter inward investment. Equally, it is important to ensure that the provision of new homes does not run too far ahead of the net growth in jobs. On this basis, the ongoing relationship between new homes and jobs will be reviewed on a yearly basis. If evidence suggests that a shortage of homes is in danger of curtailing growth, or an imbalance in net job growth is arising, additional land provision will be identified adjusted through a Local Plan review. Examples of evidence that could trigger this review are:

- An increase of more than 250 net new FTE jobs per annum for two consecutive years (based on BRES data ~~from a job base of 59,500 FTE's at 2012)~~.
- An over provision of more than 100 homes in any rolling five year period

The Local Plan enables and expects Neighbourhood Plans to come forward and allocate land to assist meeting housing needs after the first five years – i.e. expected requirements from April 2017. The Local Plan identifies a pool of sites, based on a Strategic Housing Land Availability Assessment, which could provide a suitable selection of sites for development subject to further scrutiny through the neighbourhood planning process (see Appendix D). Neighbourhood Plans are at a draft stage of preparation for the Brixham, Paignton and Torquay areas which will cover 100% of the administrative area of Torbay. It is expected that these three Neighbourhood Plans will, drawing on the pool, allocate sufficient housing land to enable delivery of the growth strategy outlined in Policy SS1 and Table 4.3.

Should Neighbourhood Plans not be adopted (made) by the Council, for example an emerging Neighbourhood Plan is found by the Independent Assessor to not be in general conformity with the strategic policies of the Local Plan and/or does not pass the Examination or Referendum process, then under those circumstances the Council undertakes to produce a Site Allocations DPD not SPD, to allocate land to meet housing needs later in the Plan period. Sufficient land is allocated within the Local Plan to meet housing needs during the first five years, so either Neighbourhood Plans and/or a Site Allocations DPD will allocate sites to contribute to providing clarity over housing supply after April 2017.

- Economic projections showing an increase in FTE jobs of more than 250 FTE per year sustained over a five year period.



<ul style="list-style-type: none"> <li>Population projections or mid year estimates indicate an increase of working age population (aged 18-65) of more than 250 people per year over a five year period.</li> <li>Evidence of market signals (as set out in Planning Practice Guidance) indicating a high level of unmet demand for housing.</li> </ul> <p>Where monitoring indicates a danger of a shortfall <u>or over supply</u> against the five year supply or overall trajectory, action to identify additional sites, <u>or sites to be held in reserve</u>, will commence in the first year of a shortfall <u>or oversupply</u> being identified, to ensure that a rolling five year supply can be maintained, as set out in SS12 <u>and sustainable balance of jobs and homes as set out in Policy SS1.</u></p> <p><del>To deliver the second phase of the Local Plan and avoid a policy vacuum after 2017, the Council will assess the proposed emerging Neighbourhood Plans when submitted to the Council, under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012, to check that Plan proposals endorse and implement the strategy in the Local Plan. If Neighbourhood Plans are not submitted to the Council in a form that it is in general conformity with the Local Plan by October 2015, the Council will commence production of site allocations development plan documents, in order to provide sufficient time to produce and adopt any Site Allocations DPDs that may be required."</del></p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>The last paragraph of the published Modification is shown deleted because it is unjustified to claim there would be a policy vacuum in 2017 for the reason given in response to Modifications proposed to Paragraph 4.1.25 above.</p>	
<b>Part 5: Strategic Delivery Areas – a policy framework for Neighbourhood Plans</b> (Pages 65-89)	
<b>TORQUAY</b> Pages 66-72	
Refer to the views of the Torquay Neighbourhood Plan Forum in respect of:-	
<b>Policy SDT1</b> (Torquay) MM19 now part <b>MM9</b> (as corrected) and part AM57	<b>MM9</b>
<b>PAIGNTON</b> Pages 73-82	
<b>Policy SDP1</b> (Paignton) MM22 now part MM10+Annex2 and AM67 below.	
<p><b>Amend:</b> the last paragraph of the Modification proposed, to read:</p> <p><i>"Paignton will provide a minimum of 30,100 sq m (net) of employment floor space and around 4,375 3,535 new homes over the Plan period. <u>Subject to further assessment of known capacity constraints of protected species and foul water disposal</u>, the expected delivery pace and sequence of delivery are set out in Tables 5.7 and 5.8 below and Policies SDP2-SDP4. See also Policy W5."</i></p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<b>MM10, Annex 2 and SDP1</b>



<p><b>Paragraph 5.2.5</b> (Table 5.8 SDP1 Source of housing within Paignton) MM22 now MM10+Annex2 above</p> <p><b>Amend:</b> by retaining the Table number and heading and thereafter replace Table 5.8 with Appendix 6 attached herewith as the replacement Table 5.8 for Paignton.</p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p> <p>The new site shown in the published Modifications (off Brixham Road south of White Rock) is not a supported site as it would damage the AONB and result in other unsustainable outcomes as confirmed by the Secretary of State when making his previous decision on a "called in" planning application (Appeal Ref: SW/P/5183/220/4). See the attached covering letter for further details at paragraph 39.</p>	<p>As MM10+Annex 2</p> <p>Not Sound</p>
<p><b>Paragraph 5.2.1.9</b> (Table 5.10 SDP2 Paignton Town Centre and Seafront - Key sites for housing) MM22 now MM10+Annex2 above</p> <p><b>Amend:</b> by retaining Table number and heading, and thereafter replace Table 5.10 with Appendix 6 section SDP2 attached herewith as the Table 5.10 for Paignton.</p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	<p>As MM10+Annex 2</p> <p>Not Sound</p>
<p><b>Paragraph 5.2.2.10</b> (Explanation – Policy SDP3) MM24 now AM74</p> <p><b>Amend:</b> the published modification to read:</p> <p><i>"The Local Plan promotes them for mixed use development comprising a significant element of residential development to assist in the short to medium term supply of housing. As a broad guide, around 25% of the former Nortel site (Devonshire Park) and a third-25% <u>not less than 50%</u> of the Yalberton Road (Jackson Land) will be sought for employment uses, and 75% <u>not more than 50%</u> for residential"</i></p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>The Jackson Land is Greenfield and allocated for employment use in the existing 'saved' Local Plan Adopted in 2004. The Employment Land Review prepared by consultants for the Council in support of the new Local Plan made clear that 50% of the Jackson Land should be retained for employment. It lies immediately opposite the Yalberton Industrial Estate and is the site that South West Water has objected to on foul water capacity grounds as evidenced in Appendix 4 herewith attached. The Forum has given support to reallocating not more than 50% to housing development and has placed delivery of the site to later years in view of the significant foul drainage constraint that must be resolved.</p>	<p>As AM74</p> <p>Not Sound</p>



<p><b>Paragraph 5.2.2.11</b> (Table 5.12 SDP3 Paignton North and Western Area Key sites for housing) MM23 and AM57 now MM11+Annex2 and AM75 below</p> <p><b>Amend:</b> by retaining Table number and heading, and thereafter replace Table 5.12 with Appendix 6 section SDP3 attached herewith as Table 5.12 for Paignton.</p> <p><b>Reason:</b> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	<p>MM11+ Annex 2</p> <p>Not Sound</p>
<b>BRIXHAM Pages 83-89</b>	
<p>Refer to the views of the Brixham Neighbourhood Plan Forum in respect of:-</p>	
<p><b>Policy SDB1</b> (Brixham Peninsula) MM25 now MM12 and AM76</p>	<p>MM12+ AM76</p>
<p><b>Paragraph 5.3.6</b> (Table 5.14 SDB1 Source of housing within Brixham Peninsula) AM60 now MM12+Annex 2 and AM80</p>	<p>MM12+ AM80</p>
<b>Part 6: Policies for managing change and development in Torbay</b> (Pages 90-170)	
<b>Aspiration 1: Secure economic recovery and success</b> Pages 90-103	
<p><b>Policy TC3</b> (Retail development) MM30 now MM13</p> <p><b>Reason supported:</b> Meets the request of the Forum for the threshold to be reduced from 1,000 sq m gross to 500 sq m gross (see Forum representations of 31 March 2014)</p>	<p>MM13 Supported</p>
<b>Aspiration 4: Create more sustainable communities and better places</b> (Pages 127-153)	
<p><b>Policy H2</b> (Affordable housing) MM43 now AM129</p> <p><b>Amend:</b> to delete all published Modifications to the policy.</p> <p><b>Reason:</b> There are sufficient safeguards in the policy as originally submitted that will be effective in ensuring affordable housing will only be a requirement of development proposals that are otherwise viable. Maximizing the opportunity for affordable housing to be achieved remains justified, but there is no compelling evidence that justifies the modification published.</p>	<p>AM129 Not Sound</p>
<p><b>Paragraph 6.4.1.7</b> (Explanation – Policy H2) MM44 now AM130 (as corrected)</p> <p><b>Amend:</b> to delete all published Modifications to the policy.</p> <p><b>Reason:</b> As stated in response to Policy H2 above.</p>	<p>AM130 Not Sound</p>
<b>Aspiration 5: Respond to climate change</b> (Pages 154-170)	
<p><b>Paragraph 6.5.3.26</b> (Explanation – Policy W5) MM56 now AM169</p> <p><b>Amend:</b> by altering the proposed modification to read:</p> <p><i>"The Council, in partnership with South West Water commissioned the Assessment of Future Sewer Capacity in Torbay (AECOM 2014) to consider the deliverability of the Torbay Local Plan within Torbay's sewer capacity. This confirms that the Local Plan is deliverable within the strategic sewer network's capacity if the assumptions made in the report prove to be correct, that</i></p> <ul style="list-style-type: none"> <li><i>use of water by households will reduce significantly;</i></li> <li><i>climate change and 'urban creep' from loss of soft surfaces does not increase run off</i></li> </ul>	<p>AM169 Not Sound</p>



into existing sewers:

- a robust means is achieved by the council of extracting existing surface water from combined sewers serving the area

New development should will be required to have separate foul and storm water drainage systems shown in planning applications when they are submitted for approval in any area where there is a known capacity problem for accommodating further foul water flow.  
In addition Water Sensitive Urban Design (WSUDs) and Sustainable Urban Drainage (SuDs) is recommended to reduce the impact of climate change and urban creep (hardstandings etc)

**Reason:** The published modification does not sufficiently reflect the importance of the assumptions made in the Sewer Study, as now evidenced by the objection from South West Water to the site at Yalberton Road referred to in Appendix 4 herewith attached. This information post dates the Local Plan Hearing in November 2014 and is evidence that a significant problem of capacity exists due to the constraint on capacity now reached in the combined sewer network. The Supreme Court Judgement in 2009 made it abundantly clear that where capacity problems exist, it is for the planning system to address them. This includes the Local Plan making stage. The problem being that the assumptions made in the Torbay Sewer Study are not being questioned sufficiently in terms of their robustness and implications if found not to be correct. See paragraph 31 and 32 of the covering letter attached herewith.

## **Part 7: Delivery and monitoring** (Pages 171-178)

### **7.5 Monitoring and review** Pages 176-178

**Paragraph 7.5.18** (Table 7.1 Local Plan Phasing and Review) AM126 now AM178

**Amend:** by replacing the content of Table 7.1 to read

**Table 7.1 Local Plan Phasing and Review**

Plan phase	Years 0-5		Years 6-10		Years 11-15		Years 16-20
Year	2012/13 – 2016/17		2017/18 – 2021/22		2022/23 – 2026/27		2027/28- 2031/32
Torquay	860		1,131		1,013		1,001
Paignton	842		872		864		957
Brixham	173		197		323		117
Expected total Housing numbers	1,875		2,200		2,200		2,075
Cumulative	1,875		4,075		6,275		8,300
Expected total Net FTE job increase numbers	1,250- 1,500		1,250- 1,500		1,250- 1,500		1,250- 1,500
Cumulative	1,250- 1,500		2,500- 3,000		3,750- 4,500		5,000- 6,000

**Reason:** to enable key monitoring bench marks of the plan to be seen more easily, thus more effective and thereby 'sound.

**In addition:**

**Amend** Picture 1.1 on page 2 of Local Plan to show :

- recalibrated "Demo /natural change = baseline need of 8,300";
- delete "Absolute capacity" line shown;
- rename: "20 year capacity" to read "Absolute capacity" and leave at 9,200.

**Reason** to accord with the DCLG Household projection published on 27 February 2015 and covering letter attached herewith. See paragraphs 1 to 46 especially.

<b>Appendices A to G (Pages i – xxxix)</b>	
<b>Appendix D</b> (Pool of housing sites) and Policies Map - New MM14  <u>Amend:</u> delete all sites added by the published modifications and remove all reference to the them from the proposed modifications to the Policies Map.  <u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.  See paragraphs 1 to 46 of the covering letter attached herewith for full details.  All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'	MM14  No Sound
<b>Key Diagram and Policies Map Booklet</b>	
<u>Amend:</u> delete all reference and notation showing the two Collaton St Mary areas as Future Growth Areas for housing and related development.  <u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.	Appendix 1 & Appendix 1 Not Sound

End of Appendix 1 - Part B



## APPENDIX 2

### Comparison of most recent projections

Torbay UA: ED6000027

Year	ONS		DCLG	Oxford Econometrics		
	Net Migration (000's)	Pop		Net Migration (000's)	Pop (000's)	Jobs (000's)
2011*		131,193	59.087	0.0	131.4	57.8
2012		131,500	59.404	0.5	131.7	59.5
2013	0.3	131,800	59.690	0.8	132.2	61.1
2014	0.3	132,200	60.041	0.8	132.8	61.8
2015	0.3	132,700	60.427	0.8	133.3	62.2
2016	0.3	133,200	60.850	0.8	133.8	62.6
2017	0.3	133,700	61.267	0.7	134.2	63.0
2018	0.4	134,200	61.699	0.7	134.7	63.4
2019	0.4	134,800	62.141	0.7	135.1	63.7
2020	0.4	135,400	62.585	0.7	135.4	64.0
2021	0.4	136,000	63.025	0.6	135.8	64.3
2022	0.4	136,600	63.461	0.6	136.1	64.5
2023	0.4	137,300	63.905	0.6	136.4	64.6
2024	0.4	137,900	64.350	0.6	136.7	64.7
2025	0.4	138,500	64.791	0.6	136.9	64.8
2026	0.4	139,100	65.229	0.6	137.1	64.9
2027	0.4	139,600	65.677	0.6	137.4	65.0
2028	0.5	140,200	66.113	0.6	137.5	65.0
2029	0.5	140,800	66.531	0.6	137.7	65.1
2030	0.5	141,400	66.953	0.6	137.8	65.2
2031	0.5	142,000	67.363			
2032	0.5	142,500	67.746			
2033	0.5	143,100	68.134			
2037	0.5	143,600	68.510			
2035	0.5	144,100	68.889			
2036	0.5	144,600	69.269			
2037	0.5	145,100	69.651			

#### Source

\* Census year

ONS - Sub-national population projection (2012 based) issued 29 May 2014

DCLG - Household projection Table 406 (2012 based) issued 27 Feb 2015

Oxford Econometrics - Jobs projection (Jan 2014) issued by Torbay Council 9 Feb 2015

#### Summary

Year	ONS		DCLG	Oxford Econometrics		
	Net Migration (000's) p.a.	Pop		Net Migration (000's) p.a.	Pop (000's)	Jobs (000's)
2012		131,500	59.404	0.5	131.7	59.5
2017	0.3	133,700	61.267	0.7	134.2	63.0
2022	0.4	136,600	63.461	0.6	136.1	64.5
2027	0.4	139,600	65.677	0.6	137.4	65.0
2032	0.5	142,500	67.746			
20 yr Growth		11,000	8.342			5.485

## APPENDIX 3

Trajectory comparison Policy SS1 & SS12 (5yr)

Year	Submitted Plan Dwellings p.a.		Draft Mods Dwellings p.a.			Forum (DCLG based) Dwellings p.a.		
	Lower	Upper	p.a.	+ 5%	p.a. Tot	p.a.	+ 5%	p.a. Tot
2012-13	400	500	450	23	473	355	18	373
2013-14	400	500	450	23	473	355	18	373
2014-15	400	500	450	23	473	355	18	373
2015-16	400	500	450	23	473	355	18	373
2016-17	400	500	450	23	473	355	18	373
2017-18	400	500	450	23	473	440		440
2018-19	400	500	500		500	440		440
2019-20	400	500	500		500	440		440
2020-21	400	500	500		500	440		440
2021-22	400	500	500		500	440		440
2022-23	400	500	500		500	440		440
2023-24	400	500	500		500	440		440
2024-25	400	500	525		525	440		440
2025-26	400	500	525		525	440		440
2026-27	400	500	525		525	440		440
2027-28	400	500	525		525	415		415
2028-29	400	500	525		525	415		415
2029-30	400	500	525		525	415		415
2030-31	400	500	525		525	415		415
2031-32	400	500	525		525	415		415

If job growth from 2016

Year	Submitted Plan Dwellings		Draft Mods Dwellings			Forum (DCLG based) Dwellings		
	Lower	Upper	p.a.	+ 5%	p.a. Tot	p.a.	+ 5%	p.a. Tot
2012-17	2,000	2,500	2,250	113	2,363	1,775	89	1,864
2017-22	2,000	2,500	2,450	23	2,473	2,200	0	2,200
2022-27	2,000	2,500	2,575	0	2,575	2,200	0	2,200
2027-32	2,000	2,500	2,625	0	2,625	2,075	0	2,075
Total	8,000	10,000	9,900	135	10,035	8,250	89	8,339

Inc.excluded sites

Period	Cumulative					
	Submitted		Draft Mods		DCLG #	
Yr 5	2,000	2,500	2,250	2,363	1,775	1,864
Yr 10	4,000	5,000	4,700	4,835	3,975	4,064
Yr 15	6,000	7,500	7,275	7,410	6,175	6,264
Yr 20	8,000	10,000	9,900	10,035	8,250	8,339

# Profile of DCLG HH Projections issued 27 Feb 2015  
(already includes return to job growth/net migration increase)  
(Compares with 8,100 3 x NPs decisions 31 March 2014)



## APPENDIX 4

Objection from South West Water 10 December 2014

### Planning

**From:** Developer Services Planning [DeveloperServicesPlanning@southwestwater.co.uk]  
**Sent:** 10 December 2014 12:38  
**To:** Planning  
**Cc:** Diamond, Matthew  
**Subject:** RE: Planning Consultation P/2014/0983/MOA Land South of Yalberton Road (Yannons Farm), Paignton

I refer to the above application and would advise that South West Water are not satisfied that the public foul drainage network has capacity to support the development without causing downstream property flooding. As such should your Council be mindful to approve the application the following condition needs to be imposed;

#### Foul Drainage

No development shall commence until:

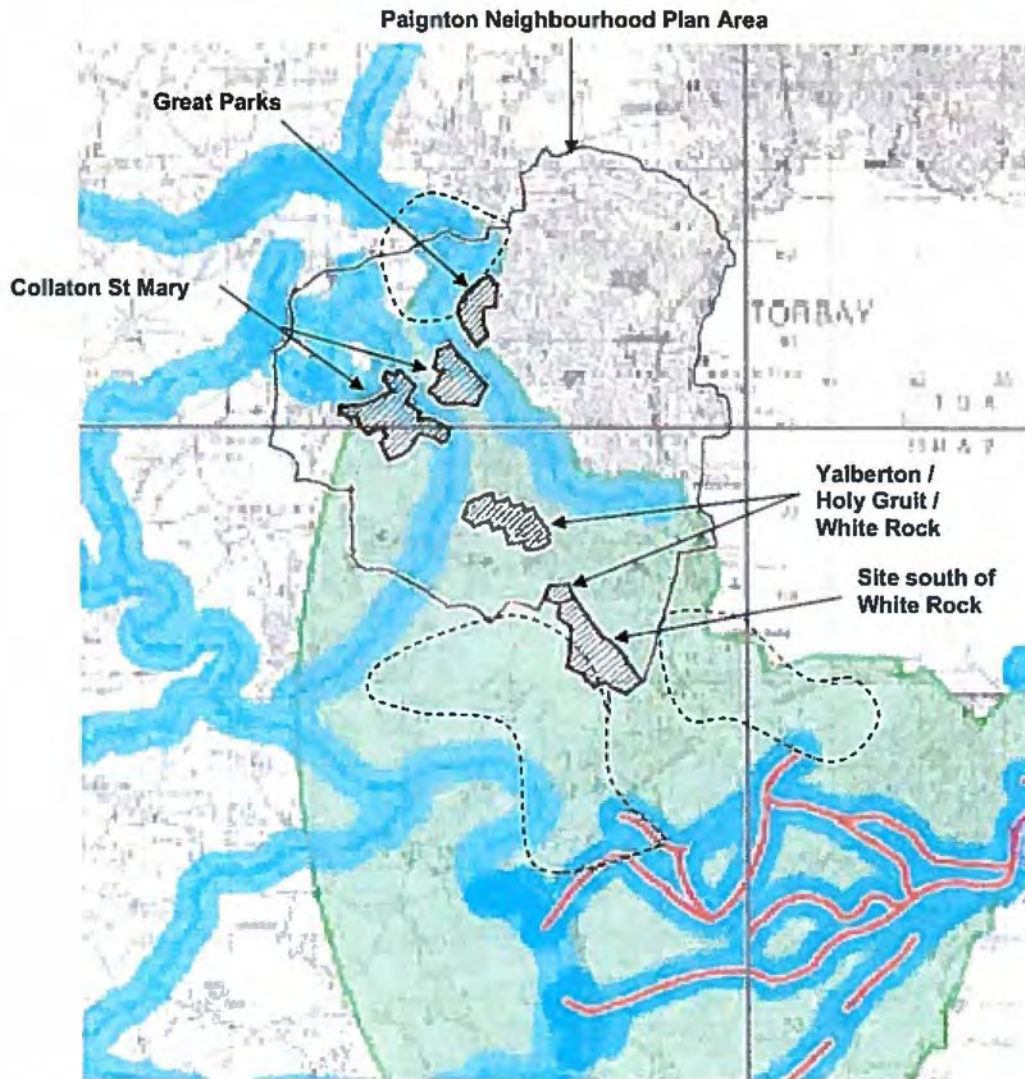
- a) a detailed survey and evaluation of the public foul sewerage network has taken place (at the Owner's expense) to identify improvements necessary to be funded in advance and executed to accommodate the discharge of foul sewage from the Development; and
- b) the Owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary).

No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the Development).

Martyn Dunn  
Development Coordinator  
01392 443702  
South West Water, Peninsula House, Rydon Lane, Exeter, EX2 7HR

## APPENDIX 5

"In-combination" development sites within Paignton and HRA impact



Source:

Map Extract: South Hams Special Area of Conservation – Natural England: June 2010

Key:

Blue – Greater Horseshoe Bat 'Flyways'

Red – Flight paths recorded by radio tracking

Green – Sustenance Zone / Area



Cirl Buntings (Source: Baker Associates SHLAA Report Volume 2 Map 3 Sep 2008)



## APPENDIX 6

### Re-profile of Modifications & Annex 2 Housing Tables

Policy SS1 / Table 4.3 / Policy 11, Policy 12

Part 5 - Strategic Delivery Areas - A policy framework for Neighbourhood Plans

Torquay - Tables 5.2 / 5.4 / 5.6 and 7.1

Paignton - Tables 5.8 / 5.10 / 5.12 and 7.1

Brixham - Tables 5.14 / 5.16 / 5.18 / and 7.1

Policy	Estimated delivery year				Total
	0-5	6-10	11-15	15-20	
	2012-17	2017-22	2022-27	2027-32	
<b>SDT1 - Torquay</b>	860	1,131	1,013	1,001	4,005
<b>SDP1 - Paignton</b>	842	872	864	957	3,535
<b>SDB1 - Brixham</b>	173	197	323	117	810
<b>Total Torbay</b>	<b>1,875</b>	<b>2,200</b>	<b>2,200</b>	<b>2,075</b>	<b>8,350</b>

Policy	Estimated delivery year				Total
	0-5	6-10	11-15	15-20	
	2012-17	2017-22	2022-27	2027-32	
TORQUAY					
SDT1 - Source of housing					
SDT2 - Town Centre & Harbour					
* Torre Marine	75				75
* SHLAA deliverable urban		175	214	55	444
* Other sites 6+		75	74	140	289
* Town Hall Car Park					0
* Temperance Street					0
* Lower Union Lane					0
* Terrace Car Park					0
* Sheddons Hill					0
* Meadfoot Car Park					0
* Brunswick Square					0
SDT2	75	250	288	195	808
SDT3 - Torquay Gateway					
* Scotts Meadow	90	65			155
* Edginswell		140	200	210	550
* SHLAA deliverable urban		19			19
* Other sites 6+	23				23
SDT3	113	224	200	210	747
SDT4 - Babbacombe/St.Marychurch					
* Babbacombe/St.Marychurch	28	127	100		255
* Steps Cross Playing Field					0
* Chilcot Close					0
SDT4	28	127	100	0	255
SHLAA sites elsewhere in SDT1	447	205	100	271	1,023
* Slander Park Maidencombe					0
SHLAA sites elsewhere in SDT1	447	205	100	271	1,023
Windfalls	197	325	325	325	1,172
Total Torquay SDT1	860	1,131	1,013	1,001	4,005

PAIGNTON					
<b>SDP1 - Source of housing</b>					
<b>SDP2 - Town Centre &amp; Seafront</b>					
* Courtland Road	45				45
* Crossways			150		150
* <del>Hyde Rd/Torbay Rd (13242)</del>					0
* <del>Queens Park</del>					0
* SHLAA deliverable urban	22	100			122
* SHLAA constrained urban:			20		20
* SHLAA constrained urban (additions):					
— <del>Victoria Square MSCP</del>					0
— <del>Station Lane Car Park</del>					0
— <del>Paignton Harbour / Car Park</del>					0
— <del>Preston Garden Car Park</del>					0
— <del>Churchward Car Park</del>					0
* Non identified sites 6+ (Seaford Hotel)	23				23
SDP2	68	22	100	170	360
<b>SDP3 - North &amp; Western Area</b>					
* <del>SDP3.1 Preston Down Road</del>					0
* SDP3.2 Great Parks	44	265	100	76	485
* <del>SDP3.3 Totnes Road (Future Growth Area)</del>					0
* SDP3.4 Yannons/Holy Gruit/Devonshire Pk	150		329	361	840
* SDP3.5 White Rock	125	175	50		350
SDP3	319	440	479	437	1,675
SHLAA sites elsewhere in SDP1	334	150	25	90	599
Windfalls	121	260	260	260	901
Total Paignton SDP1	842	872	864	957	3,535

BRIXHAM					
<b>SDB1 - Source of housing</b>					
<b>SDB2 - Town Centre &amp; Waterfront</b>					
* Town Centre & Waterfront		20	45	2	67
* <del>Shoelstone overflow Car Park</del>					0
SDB2	0	20	45	2	67
<b>SDB3 - Urban Fringe &amp; AONB</b>					
* SDB3.1 Urban Fringe & AONB	9				9
* SDB3.2 Berry Head / Sharkham	94	105	29	25	253
* <del>SDB3.2 St Mary's Campsite</del>					0
SDB3	103	105	29	25	262
<del>New proposal south of White Rock</del>					0
SHLAA sites elsewhere within SDB1	4	7	184	25	220
Windfalls	66	65	65	65	261
Total Brixham SDB1	173	197	323	117	810



## Pickhaver, David

---

**From:** D Watts [REDACTED]  
**Sent:** 20 March 2015 10:46  
**To:** Steward, Pat; Pickhaver, David; Planning, Strategic  
**Cc:** Mike Parkes  
**Subject:** Paignton Neighbourhood Forum response to the proposed LP Mods, CIL and LVL  
**Attachments:** 2015-03-20 Forum Submission-Letter+Appendices.doc; 2015-03-20 Forum Submission-Letter+Appendices.pdf

**Importance:** High

Dear Pat and David

I attach the Forum's formal submission on each of the above consultation documents incorporating the final amendments agreed by the Forum at the meeting last night.

I would be grateful to receive electronic acknowledgement of safe receipt.

As you will see above, a copy has been emailed also to the strategic planning email address as requested in the Public Notice.

Also attached is a version in word that I hope is of assistance with the next stage collation of all views received on the consultation.

Please don't hesitate to let me know if any clarification is required.

With best wishes

David Watts  
Chairman, Paignton Neighbourhood Plan Forum  
[REDACTED]

The Forum consists of volunteers from our local community who give their time to help make our town a better place. This email and any attachments are intended for the named recipient(s) only and may contain information that is confidential or privileged. If you have received this email in error, please notify the sender immediately and delete this email.

828890

AFL7



# Brixham neighbourhood plan

By email to [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk)  
Torbay Council  
Electric House (2nd Floor)  
Castle Circus  
Torquay  
TQ1 3DR

c/o  
15 Waterside Road  
Paignton  
Devon  
TQ4 6LJ

22 March 2015

Dear Pat,

- i) **Proposed Modifications to the submitted Torbay Local Plan; and**
- ii) **Proposed Community Infrastructure Levy**

These are the views of the Brixham Peninsula Neighbourhood Forum on the above proposals published by the Council on 9 February 2015 for response by 9am on 23 March 2015.

On both matters, the Brixham Peninsula Neighbourhood Forum has been working in close collaboration with our neighbours the Paignton Neighbourhood Forum. We have considered their representation and are in agreement with what they say.

In addition, we highlight certain key issues related to our plan area below.

i) **Proposed Modifications to the submitted Torbay Local Plan:**

1. The Forum is concerned about the substantial increase in housing sites for our plan area as proposed in the modifications. The previous target of 800 has been replaced with a target of 1,320 – an increase of 65%. Given that the Brixham Peninsula is the site of the SAC for Greater Horseshoe Bats, it is the most environmentally sensitive part of the Bay. As a result is it surprising at best that our target housing numbers have gone up when those of Paignton our neighbours who experience this same constraint to a lesser extent have gone down. There is no explanation provided for this irregularity other than the fact that numbers had to be reduced at Collaton St Mary because detailed work included in the draft Masterplan work found that environmental and infrastructure capacity was a significant constraint. The same applies to an even greater extent in our area.
2. Initial concentration on identifying residential sites has given rise to concern that these will be brought forward to the detriment of employment sites. At several sites, land which is currently being used for employment is now being considered by the Forum for residential. When this is the case for an 800 new homes target it will be by definition very much the



case for a 1,320 new homes target. With this in mind, despite working hard as a Forum to accommodate development in our area we must caution that we simply do not believe it is possible to sustainably accommodate 2700 sq m of new employment space at the same time as accommodating 1320 new homes (which are the two targets in the Local Plan Mods).

3. Separate from the apportionment of housing allocations to our Forum area, we have concerns about the overall target for the Bay as a whole. We note the latest February 2015 Household projections by the Department for Communities and Local Government (DCLG) show a downward revision. This latest information should be the basis for future projections which would indicate fewer houses are required than assumed by the historical plan of the Council and historical correspondence by the Inspector. Accordingly this would indicate fewer Greenfield sites are needed than are set out in the Modifications.

#### **Whiterock**

4. As regards the allocation of the large site at Whiterock the Secretary of State has previously made a determination into the development of this land and concluded:

*"In balancing the environmental and visual impact of the proposal against the economic justification for the development, the Secretary of State attaches substantial weight to preserve the high quality of the Dart Valley AONB, as one of the finest riverine landscapes in the country. He accepts the Inspector's appraisal that the development itself and the very extensive areas of woodland planting envisaged would have a significantly adverse and wholly unacceptable impact on the AONB..." (Appendix 1 – see para 12)*

5. The Forum agrees with the position of the Secretary of State and prefers his view to that of the Council in the Local Plan Mods. Accordingly the Forum believes this site should not be relied on to deliver homes and should be struck out.

#### **Churston Golf Course**

6. As regards the allocation of Churston Golf Course the Forum has concerns the site is totally undeliverable. The recent upholding at appeal of now the 5<sup>th</sup> planning refusal over a 40 year period to relocate the clubhouse and golf holes (APP/X1165/A/13/2205208 on 3 Feb 2015) is demonstrable evidence of the historic undeliverability of the site.
7. Close scrutiny of the Inspector's findings shows that it is highly unlikely that any further application could come forward to relocate the clubhouse and golf holes which would be acceptable in planning terms as regards the impact on protected species, traffic and landscape. Accordingly the Forum believes this site should not be relied on to deliver homes and should be struck out.

#### **St Marys Bay**

8. As regards the allocation of St Marys Bay the Forum notes the February 2015 HRA Site Appraisal Report does not consider the site. As it is assumed to deliver 50 units and is therefore clearly an important site for the Forum it is unclear why. The Forum believes this information being available for public inspection is required before this site can be relied on to deliver homes. This has not happened.

ii) **Proposed Community Infrastructure Levy**

9. The Forum is unclear how the CIL will work for the whole Forum area. The document sets out that 25% of money raised will be passed to the Town Council which is welcome. However, as the Forum includes a wider area than just the Parish boundary the Town Council would need to be able to spend part of this money outside its boundary and in areas to which it has no democratic accountability if the Churston, Galmpton and Broadsands area is to receive any of the funds. It is unclear how it can do this so further discussion is welcome.
10. The preference for the Forum on sustainability grounds has been for the development of more smaller sites as opposed to fewer larger sites. In this context we have paid attention to the fact that the draft appears to be proposing that CIL will be levied on smaller schemes only and not on larger schemes for which reliance will continue to be placed on Section 106 agreements.
11. We understand that the draft charging schedule appears to be proposing that brownfield sites of fewer than 15 dwellings and Greenfield sites of less than 11 dwellings will be charged a CIL Levy at £70 per sq.m., while for larger sites the levy will be zero. If understood correctly, the logic of this appears to be at odds with wanting to encourage the development of brownfield sites before Greenfield as the priority and the Forum would welcome further discussion.
12. As regards the 75% of CIL contributions retained by the LPA, if it is the intention of the Council to use CIL funds collected to enable the release of funds already committed to the Link Road to be allocated to other items, the Forum would welcome further discussion on the projects that this would involve. It would be a worthy Agenda item for the Local Plan / Neighbourhood Plan Reference Group Chaired by the Council which, disappointed to highlight, has not met for more than a year despite requests by the Forum.

Yours sincerely

Adam Billings,  
Forum Vice- Chairman

**Enclosures:**

Appendix 1 - Secretary of State determination on the Whiterock site

**Copies to:**

Elected Mayor Oliver and all Torbay Councillors,  
Local Plan Inspector, via the Programme Officer.



A2



GOVERNMENT OFFICE  
FOR THE SOUTH WEST

Gouldens Solicitors  
22 Tudor Street  
LONDON  
EC4Y 0JJ

Room 517

The Pidgey  
Bristol BS1 2PB

Your Ref:-AT.dp.677097  
Our Ref:-SW/P/5183/220/4

Date: 27 October 1997

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77  
APPLICATION BY SIR ROBERT McALPINE LTD  
OUTLINE PLANNING PERMISSION FOR BUSINESS PARK AND ASSOCIATED  
DEVELOPMENT  
SITE ON LAND AT WHITE ROCK, SOUTH OF WADDETON INDUSTRIAL  
ESTATE, BRIXHAM ROAD, PAIGNTON, DEVON**

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr S J Pratt BA (Hons) MRTPI, who on 25 February to 4 April 1997, held a public local inquiry into your clients' application for outline planning permission for the erection of a Business Park development, comprising the erection of units for employment purposes within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987, together with associated highway and landscaping works and the creation of a balancing pond on land at White Rock, south of Waddeton Industrial Estate, west of Brixham Road, Paignton, Devon.

2. The application was made to Torbay Borough Council and the Secretary of State directed in pursuance of his powers under Section 77 of the Town and Country Planning Act 1990, that it be referred to him for decision instead of being dealt with by the local planning authority.

**INSPECTOR'S RECOMMENDATION AND SUMMARY OF THE DECISION**

3. A copy of the Inspector's report is attached. He recommended in paragraph 12.124 of his report that, in view of the considerations expressed in paragraphs 12.5





GOVERNMENT OFFICE  
FOR THE SOUTH WEST

to 12.117, your clients' application for outline planning permission should be refused. For the reasons given below, the Secretary of State accepts his recommendation and refuses your clients' application.

**MATTERS ARISING**

4. The Secretary of State notes from paragraph 3 of the Inspector's Report that, during the pre-inquiry meeting, your clients confirmed that their application would comprise primarily Class B1 uses with possibly some B2 uses but no Class B8 uses, as set out in the original application. He has, therefore, considered your clients' application on this basis.

5. Following the close of the public inquiry, the Secretary of State received a number of further representations in relation to the proposals and copies of these are attached. For ease of reference, they are recorded in the Schedule attached to this letter at Appendix A. This correspondence was not considered to raise any issue requiring reference back to the parties, either under the Town and Country Planning (Inquiries Procedure) Rules 1992, or under the rules of natural justice before proceeding to his decision in this case. The Secretary of State does not propose to deal in detail with every issue raised in the correspondence but all representations received have been taken into account by the Secretary of State in reaching his decision.

**POLICY CONSIDERATIONS**

6. Section 54A of the Town and Country Planning Act 1990 (introduced by section 26 of the Planning and Compensation Act 1991) requires the Secretary of State to determine this application in accordance with the development plan unless material considerations indicate otherwise. In this case, the statutory development plan applicable to the application site comprises the approved Devon County Structure Plan, incorporating the First Alteration (dated 9 July 1987), the Second Alteration (dated 17 July 1989) and the Third Alteration (dated 10 March 1994), the Torbay Local Plan (adopted 23 July 1991) and the Landscape Policy Areas Local Plan (approved in 1985 and reviewed in 1990). In addition, the South Hams Local Plan (adopted in April 1996) covers the areas adjoining the application site, including parts of the "Countryside Fringe" area. The plan to which section 54A applies is the approved or adopted development plan for an area and not any draft plan which may exist.

7. In determining this application, the Secretary of State has also taken into account, as material considerations, the relevant provisions of the Devon County Structure Plan First Review which was placed on deposit on 8 November 1996 and the Torbay Borough Local Plan Consultation Draft which was published on 29 July





**GOVERNMENT OFFICE  
FOR THE SOUTH WEST**

1996. The Examination in Public into the Structure Plan review commenced on 16 September 1997. Contrary to the inference in paragraph 12.23 of the Inspector's report, the local plan has not yet been placed on deposit and this is unlikely to occur in the near future, because of the complications of the Borough Council becoming a Unitary Authority in 1998.

8. The Secretary of State has noted the arguments of the applicants and the Torbay Borough Council that the statutory development plan is out-of-date and that for the purposes of this decision, greater weight should be attached to the provisions of the emerging Structure Plan Review and draft Local Plan. However, he agrees with the Inspector that while the approved and adopted plans predate the issue of recent key national and regional policy guidance, including PPGs 1, 4, 7, 13 and RPG10, their key aims and policies nevertheless remain relevant today. The emerging plans are clearly up-to-date but remain at an early stage and, in the case of the draft Local Plan, with no early prospect of reaching deposit. Therefore, for the reasons set out more fully in paragraph 14 below, the Secretary of State fully supports the Inspector's conclusion that these plans should not carry significant weight for the purposes of this decision.

9. The Secretary of State has taken full account of the relevant guidance in Planning Policy Guidance Note (PPG) 1 "General Policy and Principles", PPG Note 4 "Industrial and Commercial Development and Small Firms", PPG Note 7 "The Countryside - Environmental Quality and Economic and Social Development", PPG Note 9 "Nature Conservation", PPG Note 12 "Development Plans and Regional Planning Guidance", PPG Note 13 "Transport" and to the advice in the Regional Planning Guidance for the South West (RPG10) issued in 1994.

**MAIN ISSUES AND CONSIDERATIONS**

10. As indicated by the Inspector, the central consideration in the determination of this application is whether the economic need for the development outweighs the environmental, landscape and other policy objections. The Secretary of State considers that the matters set out in the call-in letter of 24 July 1996, as re-stated by the Inspector in paragraph 12.3 of his report, provide a useful framework for considering the proposal. These are reproduced below for ease of reference:-

(i) the relationship of the proposals to national, regional, strategic and local planning policy, including the implications for the employment development strategy for Torbay;

(ii) the suitability of the site for the proposed development, including the likely impact on the environment and landscape and on the local highway network;

(iii) the implications of the proposed development on the loss of high quality agricultural land;





GOVERNMENT OFFICE  
FOR THE SOUTH WEST

(iv) the need and justification for the proposed development; and

(v) any necessary planning conditions and agreements which may be appropriate.

11. After very careful consideration of all the available evidence, the Secretary of State agrees with the Inspector's conclusions on each of these main issues and would add the following comments.

12. In balancing the environmental and visual impact of the proposal against the economic justification for the development, the Secretary of State attaches substantial weight to the need to preserve the high quality of the Dart Valley AONB, as one of the finest riverine landscapes in the country. He accepts the Inspector's appraisal that the development itself and the very extensive areas of woodland planting envisaged would have a significantly adverse and wholly unacceptable visual impact on the AONB, the AGLV and the surrounding countryside, despite the longer term screening effects of the landscaping and mitigation measures. In the Secretary of State's view, this harm and the consequent conflict with the landscape protection policies of the statutory development plan and with national policy guidance in PPG7, represents the most compelling of the various objections raised to the proposed development.

13. The Secretary of State considers there are three further factors weighing against the scheme. The first of these relates to transport policy considerations. He supports the Inspector's reservations about the peripheral location of the application site for a development which will be a major generator of travel demand. Because of its inaccessibility by other modes of transport and its position at the south-west extremity of the Ring Road, on the far side of the built-up area, he is concerned that the development would result in a growth rather than a containment of car travel and as such would fail to accord with the objectives of PPG13 and the principles of sustainable development. Furthermore, while he accepts that the package of measures agreed with the highway authority would enable the local highway network to absorb the traffic flows, he shares the Inspector's concern about the impact of the additional traffic generated by the development on the wider road network, and especially on the unimproved sections of the Torbay Ring Road, on which a decision by the Secretary of State is still awaited.

14. Secondly, having regard to the advice in paragraph 47 of PPG1, the Secretary of State is concerned about the implications of the development for the emerging development plan strategy for employment in Torbay. This major proposal is without doubt a central plank of the emerging economic development strategy for Torbay, which is based on the need to broaden the economic base to offset the decline in the tourism and fishing industries and to create a substantial number of new jobs. But, as the Inspector points out, the emerging strategy and proposed level of employment land provision represent a major shift away from the strategy of





GOVERNMENT OFFICE  
FOR THE SOUTH WEST

long-term constraint embodied in the statutory development plan. Both these elements and the current proposal have been the subject of many objections which need to be properly debated through the development plan process. He agrees with the Inspector that to permit this proposal now would effectively pre-determine decisions about the scale and location of future employment provision in Torbay, both at a strategic level and site-specific level, leaving few other options for consideration. He therefore concludes that there is a soundly based objection on the grounds of prematurity which would only be outweighed by the most compelling case on grounds of need.

15. The third factor of concern relates to the loss of high-grade farmland and the acknowledged adverse impact on an existing farmholding. On the information available, the Secretary of State agrees with the Inspector that there is some doubt that the sequential approach advocated in PPG7 has been undertaken sufficiently rigorously. He notes, however, that MAFF's original objection was subsequently withdrawn, in the light of the economic arguments in support of the development and he concludes that this objection should only carry weight if the case on grounds of need is not made out.

16. In considering the need and justification for the proposed development, the Secretary of State has had full regard to the facts that the Torbay area has serious economic problems, that the site lies within an area where Regional Selective Assistance and ERDF Objective 5(b) grants are available, and that it is national and regional policy to encourage employment in such areas. He has no doubt that the proposal would make a welcome contribution towards the creation of much-needed jobs and the diversification of Torbay's economic base and he has given due weight to the strength of support for the project from the local planning authority and several regional development agencies.

17. The Inspector has analysed the economic arguments in support of the scheme in considerable detail in paragraphs 12.77 to 12.106 of his report and on the basis of the evidence before him, the Secretary of State finds no reason to reject his conclusions. This site, at more than 30 ha, is much larger than the recognised minimum critical mass needed for a business park of this kind and it is generally accepted that there are no other sites of this size and quality available in Torbay. However, in the light of the amount of employment land already identified, allocated and capable of being brought forward, the Secretary of State accepts the Inspector's conclusion that there is no compelling case on either qualitative or quantitative grounds for the early release of this major green-field site. In reaching this view, he has noted your clients' confirmation that the availability of grant aid is not essential for the viability of the project and is therefore satisfied that this factor should not weigh heavily in support of the urgent release of this site. Furthermore, given the lack of evidence of any market demand from major inward investors, and the identified shortcomings of the site for this purpose, as compared with better-placed





**GOVERNMENT OFFICE  
FOR THE SOUTH WEST**

locations elsewhere in the region, the Secretary of State remains concerned at the prospect of such an environmentally sensitive site ultimately being developed, despite the best efforts of your clients, with more traditional business and industrial uses, which would simply replace the existing identified sites.

**SUMMARY OF CONCLUSIONS**

18. Having very carefully weighed all the objections to the scheme against the case that has been advanced in terms of need and benefits for the local economy, the Secretary of State is not persuaded that this project represents so vital an element in the solution to Torbay's particular economic needs as to outweigh the harm arising from its visual and environmental impact and the conflict with the principles of the plan-led system.

**FORMAL DECISION**

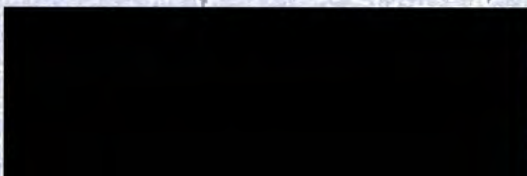
19. For the reasons given above and by the Inspector, the Secretary of State hereby refuses to grant consent for your clients' application.

**RIGHT TO CHALLENGE**

20. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within 6 weeks of the date of this letter.

21. A copy of this letter has been sent to Torbay Borough Council and to all the other parties who appeared at the public local inquiry.

Yours faithfully



**MRS E L PRITCHARD**

Authorised by the Secretary of State for the Environment  
to sign in that behalf





GOVERNMENT OFFICE  
FOR THE SOUTH WEST  
PLANNING

**PLANNING APPEALS UNDER SECTION 78 AND CALLED-IN PLANNING APPLICATIONS UNDER SECTION 77 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

**LISTED BUILDING CONSENT APPEALS UNDER SECTION 20 AND CALLED-IN LISTED BUILDING CONSENT APPLICATIONS UNDER SECTION 12 OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

**RIGHT TO CHALLENGE THE DECISION**

Under the provisions of Section 288 of the Town and Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person who is aggrieved by the decision given in the accompanying letter may seek to have it quashed by an application, made to the High Court.

The grounds upon which such an application may be made to the Court are:

- (i) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or
- (ii) that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

The "relevant requirements" are defined in Section 288 of the Act; they are the requirements of the Act and the Tribunals and Inquiries Act 1971, or any enactment replaced thereby, and the requirements of any orders, regulations or rules made under those Acts or under any of the Act replaced by those Acts. These include:

For appeals decided by the written method, the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987 (SI 1987 No 701);

For appeals and referred applications decided following a local inquiry, the Town and Country Planning (Inquiries Procedure) Rules 1992 (SI 1992 No 2038).

A person who thinks he may have grounds for challenging the decision is advised to seek legal advice before taking any action. It is important to note however, that any application to quash an appeal decision must be made to the High Court within six weeks of the date of the decision letter.

**FOR CASES DECIDED FOLLOWING A LOCAL INQUIRY ONLY**

**RIGHT TO INSPECT DOCUMENTS**

Under the provisions of Rule 17(3) of the Town and Country Planning (Inquiries Procedure) Rules 1992, any person who has received a copy of the Inspector's report may apply to the Secretary of State in writing within 6 weeks of the date of the Secretary of State's decision for an opportunity of inspecting any documents appended to the report. Such documents etc are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days notice should be given, if possible.

**Maidencombe Residents' Association**

**Court House  
Rock House Lane  
Maidencombe  
Torquay  
TQ1 4SU**

Mr A Gunther  
Strategic Planning  
Torbay Council  
Electric House (2nd Floor)  
Castle Circus  
Torquay  
TQ1 3DR

12 March 2015

Dear Mr Gunther,

**Torbay Local Plan  
Schedule of Proposed Main Modifications to the Local Plan**

The Maidencombe Residents' Association (MRA) is a properly constituted body representing almost 50 households in Maidencombe. The MRA wishes to record its strong objection to Modification Reference MM14, which calls for Sladnor Park to be a committed development site for 25 dwellings.

The justification for our objection is as follows:

1. Erection of dwellings will have an adverse impact on a Site of Special Scientific Interest. Sladnor Park is listed as such.
2. There will be at minimum disturbance to, and most probably destruction of habitat for Cirl Bunting, Barn Owl, Slow Worm, and Horseshoe Bat among other species of special interest.
3. The drainage infrastructure for Maidencombe cannot accommodate this development. The additional treated waste water from the effluent of 25 dwellings would accumulate in the area below the Village Green. The hydrodynamics of the combe are such that treated water collects in this area, which already becomes waterlogged from time to time. The outflow runs through a culvert to the bottom of the cliffs. This culvert occasionally overflows, and the likely increase in frequency of overflow will lead to increased, dangerous erosion of the cliffs above the beach. The effluent from any development in Sladnor Park must be routed to the main sewer on Teignmouth Road by Brunel Manor.
4. The topography of the area is such that moist air can be trapped on the slopes resulting in excessively heavy rain. On these occasions, flooding occurs in the lower part of Rock House Lane. Construction of dwellings, associated removal of trees, and surfacing of the access roads and driveways will result in unacceptably high levels of rainwater run-off that will exacerbate this flooding problem. It will also exacerbate erosion of the cliffs as all the outflow from the combe runs through the culvert mentioned above.
5. The increased water load from points 3 and 4 above could raise the level of the water table in Maidencombe. Most of the properties in Maidencombe rely on septic tank



drainage, so if the water table rises this could result in reverse flow from septic tanks and the associated health risks.

6. Both the construction project and the associated waste/storm water load could disturb the hydrodynamics and potentially destabilise the slopes in Maidencombe. There are numerous springs in Maidencombe, and there may even be an aquifer under Sladnor Park. The MRA is concerned about the possible impact on the foundations of a number of historic buildings.
7. There are road safety concerns with the additional volume of entry/exit of traffic on the A379 Teignmouth Road. There are numerous bends in the A379 through Maidencombe, and the exit from Sladnor Park already has poor visibility.
8. This development is at variance with stated Council Policy to preserve the village community of Maidencombe. There are approximately 40 properties in the main hamlet, and the addition of 25 dwellings could overwhelm the community, especially with regards to services such as mains water and broadband, the latter already being unacceptably slow.
9. The MRA is concerned that any construction in Sladnor Park will lead to 'development creep'. An initial development of 25 dwellings could be used to justify further tranches of 25 dwellings so that developers can make a viable return on their investment. Such development would destroy the rural characteristic of Maidencombe that make it an amenity for Torbay.

We ask that you remove Sladnor Park from Appendix D, Table 2.

Please let me know if you have any questions or need further information.

Yours sincerely,

Dr R L Horder  
Secretary

Cc: Cllrs R Hill, P Addis, St Marychurch Ward Partnership



**Devon**

Campaign to Protect Rural England

www.cpredevon.org.uk

843591

AFC9

Spatial Planning  
Torbay Council  
Electric House  
Castle Circus  
Torquay  
TQ1 3DR

From : CPRE Torbay

Reply :

17 Mar 2015

### **Proposed Torbay Plan Modification**

We share the concerns expressed by Paignton NP across many of the issues that have been raised. We believe that further changes to the modifications are necessary to make the Local Plan sound and capable of integration with the 3 Neighbourhood Plans. We do not support housing numbers any greater than 8,300 dwellings. Indeed CPRE Torbay has grave concerns about the extra number of dwellings proposed to be imposed on Torbay and our reasons are briefly set out as follows:

- a. The Churston 1/18 Golf Course site should be removed from the Local Plan as discussed with the planning inspector. This is not available land. The Golf Club has failed in finding a site to move its club house to. See Appeal decision no.APP/X1165/A/13/2205208 3 Feb 2015
- b. Continued low net migration into the bay as confirmed by ONS figures Feb 2015. This confirms lower population growth than previously assumed.
- c. Major environmental constraints have not been fully identified: including South Hams SAC, SSIs, AONB, AGLV and grades 1,2 and 3 agricultural land and rich calcareous grasslands.
- d. Important Bio-diversity including European protected species Greater Horseshoe Bats, Cirl Bunting and 'red book' birds and plants. A full and comprehensive HRA has not been carried out. This is contrary to requirements of Natural England and European Law for protected species. It is not possible to ascertain if there would be a likely significant effect without a completed HRA. Deferring this assessment to a position dependent on mitigation cannot be assessed as deliverable and effective without an HRA.







**Devon**

Campaign to Protect Rural England  
[www.cpredevon.org.uk](http://www.cpredevon.org.uk)

Spatial Planning  
Torbay Council  
Electric House  
Castle Circus  
Torquay  
TQ1 3DR

From : CPRE Torbay

Reply : [REDACTED]

17 Mar 2015

### **Proposed Torbay Plan Modification**

We share the concerns expressed by Paignton NP across many of the issues that have been raised. We believe that further changes to the modifications are necessary to make the Local Plan sound and capable of integration with the 3 Neighbourhood Plans. We do not support housing numbers any greater than 8,300 dwellings. Indeed CPRE Torbay has grave concerns about the extra number of dwellings proposed to be imposed on Torbay and our reasons are briefly set out as follows:

- a. The Churston 1/18 Golf Course site should be removed from the Local Plan as discussed with the planning inspector. This is not available land. The Golf Club has failed in finding a site to move its club house to. See Appeal decision no.APP/X1165/A/13/2205208 3 Feb 2015
- b. Continued low net migration into the bay as confirmed by ONS figures Feb 2015. This confirms lower population growth than previously assumed.
- c. Major environmental constraints have not been fully identified: including South Hams SAC, SSIs, AONB, AGLV and grades 1,2 and 3 agricultural land and rich calcareous grasslands.
- d. Important Bio-diversity including European protected species Greater Horseshoe Bats, Cirl Bunting and 'red book' birds and plants. A full and comprehensive HRA has not been carried out. This is contrary to requirements of Natural England and European Law for protected species. It is not possible to ascertain if there would be a likely significant effect without a completed HRA. Deferring this assessment to a position dependent on mitigation cannot be assessed as deliverable and effective without an HRA.







- e. **Lack of sewer capacity.** Torbay has an antiquated single pipe system which is liable to flood in bad weather. This can lead to overflow of sewers, uncontrolled water run-off and contamination of land or water. There are already serious health and safety factors which until addressed override developers' rights to demand access to the sewerage network.
- f. **Flood risk and potential pollution and waste water disposal to the marine environment and MCZ.**
- g. **No Foul Drainage Assessment has been carried out which gives CPRE considerable concern about protection and erosion of the fragile Environment.**
- h. **Lack of infrastructure.** Road grid lock and chaos particularly during Summer holidays and School or work time runs in particular Brixham Peninsula and Totnes Road through Collaton St.Mary.
- i. **No provision for funding or enlargement of Torbay Hospital which has been on Black Alert winter 2015.** This is not sustainable particularly with an ageing population and busy holiday resort.
- j. **Loss of food security.** We believe this is a highly risky strategy at this present time of world unrest, terrorism, mass movement of refugees and current threats of a new cold war.
- k. **Reduced availability or quality of natural resources including water and agricultural land.**
- l. **Severe loss of quality Tourism due to over development of greenspace, landscape change and visual intrusion.** Visitors come to Torbay to enjoy the natural environment, beaches, walks and open space - not to drive through housing estates. Torbay is reliant on jobs in Tourism attracting visitors to enjoy and explore the natural greenspace and see numerous species of flora and fauna.
- m. **Loss of amenity, loss of privacy, dark skies and tranquillity.**
- n. **The additional housing proposal for Whiterock is totally inappropriate.** The Secretary of State's appeal decision in 27 Oct 1997 (attached) concluded that: the land lies within the AGLV forming part of the high ground around Torbay which helps protect its landscape setting and that of the AONB, the visual impact of the surrounding areas including Galmpton, Cornworthy and Dittisham is a case of prime consideration, the negative impact on the Environment and implications of a development causing loss of high grade agricultural land. Your attention is also drawn to Para 8, Para 10 and Para 12. In summary, we believe that the proposal to build additional housing on Whiterock remains as fundamentally unsound now as the S.o.S. concluded in 1997.







- e. **Lack of sewer capacity.** Torbay has an antiquated single pipe system which is liable to flood in bad weather. This can lead to overflow of sewers, uncontrolled water run-off and contamination of land or water. There are already serious health and safety factors which until addressed override developers' rights to demand access to the sewerage network.
- f. **Flood risk and potential pollution and waste water disposal to the marine environment and MCZ.**
- g. **No Foul Drainage Assessment has been carried out which gives CPRE considerable concern about protection and erosion of the fragile Environment.**
- h. **Lack of infrastructure.** Road grid lock and chaos particularly during Summer holidays and School or work time runs in particular Brixham Peninsula and Totnes Road through Collaton St. Mary.
- i. **No provision for funding or enlargement of Torbay Hospital which has been on Black Alert winter 2015.** This is not sustainable particularly with an ageing population and busy holiday resort.
- j. **Loss of food security.** We believe this is a highly risky strategy at this present time of world unrest, terrorism, mass movement of refugees and current threats of a new cold war.
- k. **Reduced availability or quality of natural resources including water and agricultural land.**
- l. **Severe loss of quality Tourism due to over development of greenspace, landscape change and visual intrusion.** Visitors come to Torbay to enjoy the natural environment, beaches, walks and open space - not to drive through housing estates. Torbay is reliant on jobs in Tourism attracting visitors to enjoy and explore the natural greenspace and see numerous species of flora and fauna.
- m. **Loss of amenity, loss of privacy, dark skies and tranquillity.**
- n. **The additional housing proposal for Whiterock is totally inappropriate.** The Secretary of State's appeal decision in 27 Oct 1997 (attached) concluded that: the land lies within the AGLV forming part of the high ground around Torbay which helps protect its landscape setting and that of the AONB, the visual impact of the surrounding areas including Galmpton, Cornworthy and Dittisham is a case of prime consideration, the negative impact on the Environment and implications of a development causing loss of high grade agricultural land. Your attention is also drawn to Para 8, Para 10 and Para 12. In summary, we believe that the proposal to build additional housing on Whiterock remains as fundamentally unsound now as the S.o.S. concluded in 1997.







# Devon

Campaign to Protect Rural England  
[www.cpredevon.org.uk](http://www.cpredevon.org.uk)

o. No CIL funding for any areas around Torbay except Paignton Primary School and the South Devon Link Road. There is no funding for mitigation to counteract massive developments being imposed on neighbouring areas and erosion of quality of life.

CPRE does support housing but in the right place. We strongly object to the piecemeal development of large sites for many of the reasons listed. Torbay suffers from lack of employment and has a demographically higher ageing population compounded by a climate suitable for retirees. Our members are very unhappy with the type of developments which are presently being built on previous Greenfield sites around Whiterock. A much better design approach is required. In our opinion the houses are soulless, bland and have no 'sense of place'. They could be situated on any outer City area anywhere in the UK. There is no character, inspiration, detail, local stonework or anything that creates a local Torbay or Devon feature. Torbay needs to attract Tourism to the area but will in our opinion be sorely damaged if we lose so much valued and fertile greenspace for mass housing in areas that have severe environmental constraints.



*Yours sincerely*

**Carole Box**  
**Chairman CPRE Torbay**





o. No CIL funding for any areas around Torbay except Paignton Primary School and the South Devon Link Road. There is no funding for mitigation to counteract massive developments being imposed on neighbouring areas and erosion of quality of life.

CPRE does support housing but in the right place. We strongly object to the piecemeal development of large sites for many of the reasons listed. Torbay suffers from lack of employment and has a demographically higher ageing population compounded by a climate suitable for retirees. Our members are very unhappy with the type of developments which are presently being built on previous Greenfield sites around Whiterock. A much better design approach is required. In our opinion the houses are soulless, bland and have no 'sense of place'. They could be situated on any outer City area anywhere in the UK. There is no character, inspiration, detail, local stonework or anything that creates a local Torbay or Devon feature. Torbay needs to attract Tourism to the area but will in our opinion be sorely damaged if we lose so much valued and fertile greenspace for mass housing in areas that have severe environmental constraints.



*Yours sincerely*

*Carole Box*  
*Chairman CPRE Torbay*





GOVERNMENT OFFICE  
FOR THE SOUTH WEST

Gouldens Solicitors  
22 Tudor Street  
LONDON  
EC4Y 0JJ

Room 517



Your Ref:-AT.dp.677097  
Our Ref:-SW/P/5183/220/4

Date:-27 October 1997

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77  
APPLICATION BY SIR ROBERT McALPINE LTD  
OUTLINE PLANNING PERMISSION FOR BUSINESS PARK AND ASSOCIATED  
DEVELOPMENT  
SITE ON LAND AT WHITE ROCK, SOUTH OF WADDETON INDUSTRIAL  
ESTATE, BRIXHAM ROAD, PAIGNTON, DEVON**

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr S J Pratt BA (Hons) MRTPI, who on 25 February to 4 April 1997, held a public local inquiry into your clients' application for outline planning permission for the erection of a Business Park development, comprising the erection of units for employment purposes within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987, together with associated highway and landscaping works and the creation of a balancing pond on land at White Rock, south of Waddeton Industrial Estate, west of Brixham Road, Paignton, Devon.

2. The application was made to Torbay Borough Council and the Secretary of State directed in pursuance of his powers under Section 77 of the Town and Country Planning Act 1990, that it be referred to him for decision instead of being dealt with by the local planning authority.

**INSPECTOR'S RECOMMENDATION AND SUMMARY OF THE DECISION**

3. A copy of the Inspector's report is attached. He recommended in paragraph 12.124 of his report that, in view of the considerations expressed in paragraphs 12.5





GOVERNMENT OFFICE  
FOR THE SOUTH WEST

to 12.117, your clients' application for outline planning permission should be refused. For the reasons given below, the Secretary of State accepts his recommendation and refuses your clients' application.

**MATTERS ARISING**

4. The Secretary of State notes from paragraph 3 of the Inspector's Report that, during the pre-inquiry meeting, your clients confirmed that their application would comprise primarily Class B1 uses with possibly some B2 uses but no Class B8 uses, as set out in the original application. He has, therefore, considered your clients' application on this basis.

5. Following the close of the public inquiry, the Secretary of State received a number of further representations in relation to the proposals and copies of these are attached. For ease of reference, they are recorded in the Schedule attached to this letter at Appendix A. This correspondence was not considered to raise any issue requiring reference back to the parties, either under the Town and Country Planning (Inquiries Procedure) Rules 1992, or under the rules of natural justice before proceeding to his decision in this case. The Secretary of State does not propose to deal in detail with every issue raised in the correspondence but all representations received have been taken into account by the Secretary of State in reaching his decision.

**POLICY CONSIDERATIONS**

6. Section 54A of the Town and Country Planning Act 1990 (introduced by section 26 of the Planning and Compensation Act 1991) requires the Secretary of State to determine this application in accordance with the development plan unless material considerations indicate otherwise. In this case, the statutory development plan applicable to the application site comprises the approved Devon County Structure Plan, incorporating the First Alteration (dated 9 July 1987), the Second Alteration (dated 17 July 1989) and the Third Alteration (dated 10 March 1994), the Torbay Local Plan (adopted 23 July 1991) and the Landscape Policy Areas Local Plan (approved in 1985 and reviewed in 1990). In addition, the South Hams Local Plan (adopted in April 1996) covers the areas adjoining the application site, including parts of the "Countryside Fringe" area. The plan to which section 54A applies is the approved or adopted development plan for an area and not any draft plan which may exist.

7. In determining this application, the Secretary of State has also taken into account, as material considerations, the relevant provisions of the Devon County Structure Plan First Review which was placed on deposit on 8 November 1996 and the Torbay Borough Local Plan Consultation Draft which was published on 29 July





**GOVERNMENT OFFICE  
FOR THE SOUTH WEST**

1996. The Examination in Public into the Structure Plan review commenced on 16 September 1997. Contrary to the inference in paragraph 12.23 of the Inspector's report, the local plan has not yet been placed on deposit and this is unlikely to occur in the near future, because of the complications of the Borough Council becoming a Unitary Authority in 1998.

8. The Secretary of State has noted the arguments of the applicants and the Torbay Borough Council that the statutory development plan is out-of-date and that for the purposes of this decision, greater weight should be attached to the provisions of the emerging Structure Plan Review and draft Local Plan. However, he agrees with the Inspector that while the approved and adopted plans predate the issue of recent key national and regional policy guidance, including PPGs 1, 4, 7, 13 and RPG10, their key aims and policies nevertheless remain relevant today. The emerging plans are clearly up-to-date but remain at an early stage and, in the case of the draft Local Plan, with no early prospect of reaching deposit. Therefore, for the reasons set out more fully in paragraph 14 below, the Secretary of State fully supports the Inspector's conclusion that these plans should not carry significant weight for the purposes of this decision.

9. The Secretary of State has taken full account of the relevant guidance in Planning Policy Guidance Note (PPG) 1 "General Policy and Principles", PPG Note 4 "Industrial and Commercial Development and Small Firms", PPG Note 7 "The Countryside - Environmental Quality and Economic and Social Development", PPG Note 9 "Nature Conservation", PPG Note 12 "Development Plans and Regional Planning Guidance", PPG Note 13 "Transport" and to the advice in the Regional Planning Guidance for the South West (RPG10) issued in 1994.

**MAIN ISSUES AND CONSIDERATIONS**

10. As indicated by the Inspector, the central consideration in the determination of this application is whether the economic need for the development outweighs the environmental, landscape and other policy objections. The Secretary of State considers that the matters set out in the call-in letter of 24 July 1996, as re-stated by the Inspector in paragraph 12.3 of his report, provide a useful framework for considering the proposal. These are reproduced below for ease of reference:-

- (i) the relationship of the proposals to national, regional, strategic and local planning policy, including the implications for the employment development strategy for Torbay;
- (ii) the suitability of the site for the proposed development, including the likely impact on the environment and landscape and on the local highway network;
- (iii) the implications of the proposed development on the loss of high quality agricultural land;





GOVERNMENT OFFICE  
FOR THE SOUTH WEST

(iv) the need and justification for the proposed development; and

(v) any necessary planning conditions and agreements which may be appropriate.

11. After very careful consideration of all the available evidence, the Secretary of State agrees with the Inspector's conclusions on each of these main issues and would add the following comments.

12. In balancing the environmental and visual impact of the proposal against the economic justification for the development, the Secretary of State attaches substantial weight to the need to preserve the high quality of the Dart Valley AONB, as one of the finest riverine landscapes in the country. He accepts the Inspector's appraisal that the development itself and the very extensive areas of woodland planting envisaged would have a significantly adverse and wholly unacceptable visual impact on the AONB, the AGLV and the surrounding countryside, despite the longer term screening effects of the landscaping and mitigation measures. In the Secretary of State's view, this harm and the consequent conflict with the landscape protection policies of the statutory development plan and with national policy guidance in PPG7, represents the most compelling of the various objections raised to the proposed development.

13. The Secretary of State considers there are three further factors weighing against the scheme. The first of these relates to transport policy considerations. He supports the Inspector's reservations about the peripheral location of the application site for a development which will be a major generator of travel demand. Because of its inaccessibility by other modes of transport and its position at the south-west extremity of the Ring Road, on the far side of the built-up area, he is concerned that the development would result in a growth rather than a containment of car travel and as such would fail to accord with the objectives of PPG13 and the principles of sustainable development. Furthermore, while he accepts that the package of measures agreed with the highway authority would enable the local highway network to absorb the traffic flows, he shares the Inspector's concern about the impact of the additional traffic generated by the development on the wider road network, and especially on the unimproved sections of the Torbay Ring Road, on which a decision by the Secretary of State is still awaited.

14. Secondly, having regard to the advice in paragraph 47 of PPG1, the Secretary of State is concerned about the implications of the development for the emerging development plan strategy for employment in Torbay. This major proposal is without doubt a central plank of the emerging economic development strategy for Torbay, which is based on the need to broaden the economic base to offset the decline in the tourism and fishing industries and to create a substantial number of new jobs. But, as the Inspector points out, the emerging strategy and proposed level of employment land provision represent a major shift away from the strategy of





GOVERNMENT OFFICE  
FOR THE SOUTH WEST

long-term constraint embodied in the statutory development plan. Both these elements and the current proposal have been the subject of many objections which need to be properly debated through the development plan process. He agrees with the Inspector that to permit this proposal now would effectively pre-determine decisions about the scale and location of future employment provision in Torbay, both at a strategic level and site-specific level, leaving few other options for consideration. He therefore concludes that there is a soundly based objection on the grounds of prematurity which would only be outweighed by the most compelling case on grounds of need.

15. The third factor of concern relates to the loss of high-grade farmland and the acknowledged adverse impact on an existing farmholding. On the information available, the Secretary of State agrees with the Inspector that there is some doubt that the sequential approach advocated in PPG7 has been undertaken sufficiently rigorously. He notes, however, that MAFF's original objection was subsequently withdrawn, in the light of the economic arguments in support of the development and he concludes that this objection should only carry weight if the case on grounds of need is not made out.

16. In considering the need and justification for the proposed development, the Secretary of State has had full regard to the facts that the Torbay area has serious economic problems, that the site lies within an area where Regional Selective Assistance and ERDF Objective 5(b) grants are available, and that it is national and regional policy to encourage employment in such areas. He has no doubt that the proposal would make a welcome contribution towards the creation of much-needed jobs and the diversification of Torbay's economic base and he has given due weight to the strength of support for the project from the local planning authority and several regional development agencies.

17. The Inspector has analysed the economic arguments in support of the scheme in considerable detail in paragraphs 12.77 to 12.106 of his report and on the basis of the evidence before him, the Secretary of State finds no reason to reject his conclusions. This site, at more than 30 ha, is much larger than the recognised minimum critical mass needed for a business park of this kind and it is generally accepted that there are no other sites of this size and quality available in Torbay. However, in the light of the amount of employment land already identified, allocated and capable of being brought forward, the Secretary of State accepts the Inspector's conclusion that there is no compelling case on either qualitative or quantitative grounds for the early release of this major green-field site. In reaching this view, he has noted your clients' confirmation that the availability of grant aid is not essential for the viability of the project and is therefore satisfied that this factor should not weigh heavily in support of the urgent release of this site. Furthermore, given the lack of evidence of any market demand from major inward investors, and the identified shortcomings of the site for this purpose, as compared with better-placed



A2



**GOVERNMENT OFFICE  
FOR THE SOUTH WEST**

locations elsewhere in the region, the Secretary of State remains concerned at the prospect of such an environmentally sensitive site ultimately being developed, despite the best efforts of your clients, with more traditional business and industrial uses, which would simply replace the existing identified sites.

**SUMMARY OF CONCLUSIONS**

18. Having very carefully weighed all the objections to the scheme against the case that has been advanced in terms of need and benefits for the local economy, the Secretary of State is not persuaded that this project represents so vital an element in the solution to Torbay's particular economic needs as to outweigh the harm arising from its visual and environmental impact and the conflict with the principles of the plan-led system.

**FORMAL DECISION**

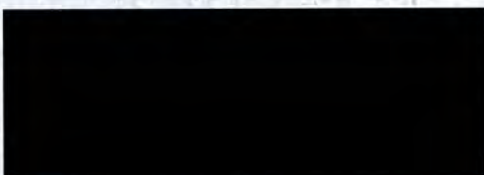
19. For the reasons given above and by the Inspector, the Secretary of State hereby refuses to grant consent for your clients' application.

**RIGHT TO CHALLENGE**

20. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within 6 weeks of the date of this letter.

21. A copy of this letter has been sent to Torbay Borough Council and to all the other parties who appeared at the public local inquiry.

Yours faithfully



**MRS E L PRITCHARD**

Authorised by the Secretary of State for the Environment  
to sign in that behalf





GOVERNMENT OFFICE  
FOR THE SOUTH WEST  
PLANNING

**PLANNING APPEALS UNDER SECTION 78 AND CALLED-IN PLANNING APPLICATIONS UNDER SECTION 77 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

**LISTED BUILDING CONSENT APPEALS UNDER SECTION 20 AND CALLED-IN LISTED BUILDING CONSENT APPLICATIONS UNDER SECTION 12 OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

**RIGHT TO CHALLENGE THE DECISION**

Under the provisions of Section 288 of the Town and Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person who is aggrieved by the decision given in the accompanying letter may seek to have it quashed by an application, made to the High Court.

The grounds upon which such an application may be made to the Court are:

- (i) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or
- (ii) that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

The "relevant requirements" are defined in Section 288 of the Act; they are the requirements of the Act and the Tribunals and Inquiries Act 1971, or any enactment replaced thereby, and the requirements of any orders, regulations or rules made under those Acts or under any of the Act replaced by those Acts. These include:

For appeals decided by the written method, the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987 (SI 1987 No 701);

For appeals and referred applications decided following a local inquiry, the Town and Country Planning (Inquiries Procedure) Rules 1992 (SI 1992 No 2038).

A person who thinks he may have grounds for challenging the decision is advised to seek legal advice before taking any action. It is important to note however, that any application to quash an appeal decision must be made to the High Court within six weeks of the date of the decision letter.

**FOR CASES DECIDED FOLLOWING A LOCAL INQUIRY ONLY**

**RIGHT TO INSPECT DOCUMENTS**

Under the provisions of Rule 17(3) of the Town and Country Planning (Inquiries Procedure) Rules 1992, any person who has received a copy of the Inspector's report may apply to the Secretary of State in writing within 6 weeks of the date of the Secretary of State's decision for an opportunity of inspecting any documents appended to the report. Such documents etc are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days notice should be given, if possible.



Spatial Planning  
Torbay Council  
Electric House  
Castle Circus  
Torquay  
TQ1 3DR

From : **CPRE Torbay**

Reply : [REDACTED]

17 Mar 2015

### **Proposed Torbay Plan Modification**

We share the concerns expressed by Paignton NP across many of the issues that have been raised. We believe that further changes to the modifications are necessary to make the Local Plan sound and capable of integration with the 3 Neighbourhood Plans. We do not support housing numbers any greater than 8,300 dwellings. Indeed CPRE Torbay has grave concerns about the extra number of dwellings proposed to be imposed on Torbay and our reasons are briefly set out as follows:

- a. The Churston 1/18 Golf Course site should be removed from the Local Plan as discussed with the planning inspector. This is not available land. The Golf Club has failed in finding a site to move its club house to. See Appeal decision no.APP/X1165/A/13/2205208 3 Feb 2015
- b. Continued low net migration into the bay as confirmed by ONS figures Feb 2015. This confirms lower population growth than previously assumed.
- c. Major environmental constraints have not been fully identified: including South Hams SAC, SSIs, AONB, AGLV and grades 1,2 and 3 agricultural land and rich calcareous grasslands.
- d. Important Bio-diversity including European protected species Greater Horseshoe Bats, Cirl Bunting and 'red book' birds and plants. A full and comprehensive HRA has not been carried out. This is contrary to requirements of Natural England and European Law for protected species. It is not possible to ascertain if there would be a likely significant effect without a completed HRA. Deferring this assessment to a position dependent on mitigation cannot be assessed as deliverable and effective without an HRA.

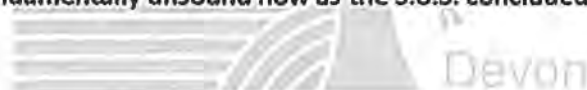




**Devon**

Campaign to Protect Rural England  
[www.cpredevon.org.uk](http://www.cpredevon.org.uk)


- e. Lack of sewer capacity. Torbay has an antiquated single pipe system which is liable to flood in bad weather. This can lead to overflow of sewers, uncontrolled water run-off and contamination of land or water. There are already serious health and safety factors which until addressed override developers' rights to demand access to the sewerage network.
- f. Flood risk and potential pollution and waste water disposal to the marine environment and MCZ.
- g. No Foul Drainage Assessment has been carried out which gives CPRE considerable concern about protection and erosion of the fragile Environment.
- h. Lack of infrastructure. Road grid lock and chaos particularly during Summer holidays and School or work time runs in particular Brixham Peninsula and Totnes Road through Collaton St. Mary.
- i. No provision for funding or enlargement of Torbay Hospital which has been on Black Alert winter 2015. This is not sustainable particularly with an ageing population and busy holiday resort.
- j. Loss of food security. We believe this is a highly risky strategy at this present time of world unrest, terrorism, mass movement of refugees and current threats of a new cold war.
- k. Reduced availability or quality of natural resources including water and agricultural land.
- l. Severe loss of quality Tourism due to over development of greenspace, landscape change and visual intrusion. Visitors come to Torbay to enjoy the natural environment, beaches, walks and open space - not to drive through housing estates. Torbay is reliant on jobs in Tourism attracting visitors to enjoy and explore the natural greenspace and see numerous species of flora and fauna.
- m. Loss of amenity, loss of privacy, dark skies and tranquillity.
- n. The additional housing proposal for Whiterock is totally inappropriate. The Secretary of State's appeal decision in 27 Oct 1997 (attached) concluded that: the land lies within the AGLV forming part of the high ground around Torbay which helps protect its landscape setting and that of the AONB, the visual impact of the surrounding areas including Galmpton, Cornworthy and Dittisham is a case of prime consideration, the negative impact on the Environment and implications of a development causing loss of high grade agricultural land. Your attention is also drawn to Para 8, Para 10 and Para 12. In summary, we believe that the proposal to build additional housing on Whiterock remains as fundamentally unsound now as the S.o.S. concluded in 1997.





o. No CIL funding for any areas around Torbay except Paignton Primary School and the South Devon Link Road. There is no funding for mitigation to counteract massive developments being imposed on neighbouring areas and erosion of quality of life.

CPRE does support housing but in the right place. We strongly object to the piecemeal development of large sites for many of the reasons listed. Torbay suffers from lack of employment and has a demographically higher ageing population compounded by a climate suitable for retirees. Our members are very unhappy with the type of developments which are presently being built on previous Greenfield sites around Whiterock. A much better design approach is required. In our opinion the houses are soulless, bland and have no 'sense of place'. They could be situated on any outer City area anywhere in the UK. There is no character, inspiration, detail, local stonework or anything that creates a local Torbay or Devon feature. Torbay needs to attract Tourism to the area but will in our opinion be sorely damaged if we lose so much valued and fertile greenspace for mass housing in areas that have severe environmental constraints.



*Yours sincerely*

*Carole Box  
Chairman CPRE Torbay*





GOVERNMENT OFFICE  
FOR THE SOUTH WEST

Gouldens Solicitors  
22 Tudor Street  
LONDON  
EC4Y 0JJ

Room 517

Your Ref: AT.dp.677097  
Our Ref: SW/P/5183/220/4

Date: 27 October 1997

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77  
APPLICATION BY SIR ROBERT McALPINE LTD  
OUTLINE PLANNING PERMISSION FOR BUSINESS PARK AND ASSOCIATED  
DEVELOPMENT  
SITE ON LAND AT WHITE ROCK, SOUTH OF WADDETON INDUSTRIAL  
ESTATE, BRIXHAM ROAD, PAIGNTON, DEVON**

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr S J Pratt BA (Hons) MRTPI, who on 25 February to 4 April 1997, held a public local inquiry into your clients' application for outline planning permission for the erection of a Business Park development, comprising the erection of units for employment purposes within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987, together with associated highway and landscaping works and the creation of a balancing pond on land at White Rock, south of Waddeton Industrial Estate, west of Brixham Road, Paignton, Devon.

2. The application was made to Torbay Borough Council and the Secretary of State directed in pursuance of his powers under Section 77 of the Town and Country Planning Act 1990, that it be referred to him for decision instead of being dealt with by the local planning authority.

**INSPECTOR'S RECOMMENDATION AND SUMMARY OF THE DECISION**

3. A copy of the Inspector's report is attached. He recommended in paragraph 12.124 of his report that, in view of the considerations expressed in paragraphs 12.5





GOVERNMENT OFFICE  
FOR THE SOUTH WEST

to 12.117, your clients' application for outline planning permission should be refused. For the reasons given below, the Secretary of State accepts his recommendation and refuses your clients' application.

**MATTERS ARISING**

4. The Secretary of State notes from paragraph 3 of the Inspector's Report that, during the pre-inquiry meeting, your clients confirmed that their application would comprise primarily Class B1 uses with possibly some B2 uses but no Class B8 uses, as set out in the original application. He has, therefore, considered your clients' application on this basis.

5. Following the close of the public inquiry, the Secretary of State received a number of further representations in relation to the proposals and copies of these are attached. For ease of reference, they are recorded in the Schedule attached to this letter at Appendix A. This correspondence was not considered to raise any issue requiring reference back to the parties, either under the Town and Country Planning (Inquiries Procedure) Rules 1992, or under the rules of natural justice before proceeding to his decision in this case. The Secretary of State does not propose to deal in detail with every issue raised in the correspondence but all representations received have been taken into account by the Secretary of State in reaching his decision.

**POLICY CONSIDERATIONS**

6. Section 54A of the Town and Country Planning Act 1990 (introduced by section 26 of the Planning and Compensation Act 1991) requires the Secretary of State to determine this application in accordance with the development plan unless material considerations indicate otherwise. In this case, the statutory development plan applicable to the application site comprises the approved Devon County Structure Plan, incorporating the First Alteration (dated 9 July 1987), the Second Alteration (dated 17 July 1989) and the Third Alteration (dated 10 March 1994), the Torbay Local Plan (adopted 23 July 1991) and the Landscape Policy Areas Local Plan (approved in 1985 and reviewed in 1990). In addition, the South Hams Local Plan (adopted in April 1996) covers the areas adjoining the application site, including parts of the "Countryside Fringe" area. The plan to which section 54A applies is the approved or adopted development plan for an area and not any draft plan which may exist.

7. In determining this application, the Secretary of State has also taken into account, as material considerations, the relevant provisions of the Devon County Structure Plan First Review which was placed on deposit on 8 November 1996 and the Torbay Borough Local Plan Consultation Draft which was published on 29 July



**GOVERNMENT OFFICE  
FOR THE SOUTH WEST**

1996. The Examination in Public into the Structure Plan review commenced on 16 September 1997. Contrary to the inference in paragraph 12.23 of the Inspector's report, the local plan has not yet been placed on deposit and this is unlikely to occur in the near future, because of the complications of the Borough Council becoming a Unitary Authority in 1998.

8. The Secretary of State has noted the arguments of the applicants and the Torbay Borough Council that the statutory development plan is out-of-date and that for the purposes of this decision, greater weight should be attached to the provisions of the emerging Structure Plan Review and draft Local Plan. However, he agrees with the Inspector that while the approved and adopted plans predate the issue of recent key national and regional policy guidance, including PPGs 1, 4, 7, 13 and RPG10, their key aims and policies nevertheless remain relevant today. The emerging plans are clearly up-to-date but remain at an early stage and, in the case of the draft Local Plan, with no early prospect of reaching deposit. Therefore, for the reasons set out more fully in paragraph 14 below, the Secretary of State fully supports the Inspector's conclusion that these plans should not carry significant weight for the purposes of this decision.

9. The Secretary of State has taken full account of the relevant guidance in Planning Policy Guidance Note (PPG) 1 "General Policy and Principles", PPG Note 4 "Industrial and Commercial Development and Small Firms", PPG Note 7 "The Countryside - Environmental Quality and Economic and Social Development", PPG Note 9 "Nature Conservation", PPG Note 12 "Development Plans and Regional Planning Guidance", PPG Note 13 "Transport" and to the advice in the Regional Planning Guidance for the South West (RPG10) issued in 1994.

**MAIN ISSUES AND CONSIDERATIONS**

10. As indicated by the Inspector, the central consideration in the determination of this application is whether the economic need for the development outweighs the environmental, landscape and other policy objections. The Secretary of State considers that the matters set out in the call-in letter of 24 July 1996, as re-stated by the Inspector in paragraph 12.3 of his report, provide a useful framework for considering the proposal. These are reproduced below for ease of reference:-

- (i) the relationship of the proposals to national, regional, strategic and local planning policy, including the implications for the employment development strategy for Torbay;
- (ii) the suitability of the site for the proposed development, including the likely impact on the environment and landscape and on the local highway network;
- (iii) the implications of the proposed development on the loss of high quality agricultural land;





GOVERNMENT OFFICE  
FOR THE SOUTH WEST

(iv) the need and justification for the proposed development; and

(v) any necessary planning conditions and agreements which may be appropriate.

11. After very careful consideration of all the available evidence, the Secretary of State agrees with the Inspector's conclusions on each of these main issues and would add the following comments.

12. In balancing the environmental and visual impact of the proposal against the economic justification for the development, the Secretary of State attaches substantial weight to the need to preserve the high quality of the Dart Valley AONB, as one of the finest riverine landscapes in the country. He accepts the Inspector's appraisal that the development itself and the very extensive areas of woodland planting envisaged would have a significantly adverse and wholly unacceptable visual impact on the AONB, the AGLV and the surrounding countryside, despite the longer term screening effects of the landscaping and mitigation measures. In the Secretary of State's view, this harm and the consequent conflict with the landscape protection policies of the statutory development plan and with national policy guidance in PPG7, represents the most compelling of the various objections raised to the proposed development.

13. The Secretary of State considers there are three further factors weighing against the scheme. The first of these relates to transport policy considerations. He supports the Inspector's reservations about the peripheral location of the application site for a development which will be a major generator of travel demand. Because of its inaccessibility by other modes of transport and its position at the south-west extremity of the Ring Road, on the far side of the built-up area, he is concerned that the development would result in a growth rather than a containment of car travel and as such would fail to accord with the objectives of PPG13 and the principles of sustainable development. Furthermore, while he accepts that the package of measures agreed with the highway authority would enable the local highway network to absorb the traffic flows, he shares the Inspector's concern about the impact of the additional traffic generated by the development on the wider road network, and especially on the unimproved sections of the Torbay Ring Road, on which a decision by the Secretary of State is still awaited.

14. Secondly, having regard to the advice in paragraph 47 of PPG1, the Secretary of State is concerned about the implications of the development for the emerging development plan strategy for employment in Torbay. This major proposal is without doubt a central plank of the emerging economic development strategy for Torbay, which is based on the need to broaden the economic base to offset the decline in the tourism and fishing industries and to create a substantial number of new jobs. But, as the Inspector points out, the emerging strategy and proposed level of employment land provision represent a major shift away from the strategy of



GOVERNMENT OFFICE  
FOR THE SOUTH WEST

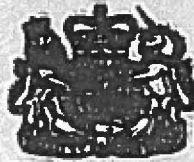
long-term constraint embodied in the statutory development plan. Both these elements and the current proposal have been the subject of many objections which need to be properly debated through the development plan process. He agrees with the Inspector that to permit this proposal now would effectively pre-determine decisions about the scale and location of future employment provision in Torbay, both at a strategic level and site-specific level, leaving few other options for consideration. He therefore concludes that there is a soundly based objection on the grounds of prematurity which would only be outweighed by the most compelling case on grounds of need.

15. The third factor of concern relates to the loss of high-grade farmland and the acknowledged adverse impact on an existing farmholding. On the information available, the Secretary of State agrees with the Inspector that there is some doubt that the sequential approach advocated in PPG7 has been undertaken sufficiently rigorously. He notes, however, that MAFF's original objection was subsequently withdrawn, in the light of the economic arguments in support of the development and he concludes that this objection should only carry weight if the case on grounds of need is not made out.

16. In considering the need and justification for the proposed development, the Secretary of State has had full regard to the facts that the Torbay area has serious economic problems, that the site lies within an area where Regional Selective Assistance and ERDF Objective 5(b) grants are available, and that it is national and regional policy to encourage employment in such areas. He has no doubt that the proposal would make a welcome contribution towards the creation of much-needed jobs and the diversification of Torbay's economic base and he has given due weight to the strength of support for the project from the local planning authority and several regional development agencies.

17. The Inspector has analysed the economic arguments in support of the scheme in considerable detail in paragraphs 12.77 to 12.106 of his report and on the basis of the evidence before him, the Secretary of State finds no reason to reject his conclusions. This site, at more than 30 ha, is much larger than the recognised minimum critical mass needed for a business park of this kind and it is generally accepted that there are no other sites of this size and quality available in Torbay. However, in the light of the amount of employment land already identified, allocated and capable of being brought forward, the Secretary of State accepts the Inspector's conclusion that there is no compelling case on either qualitative or quantitative grounds for the early release of this major green-field site. In reaching this view, he has noted your clients' confirmation that the availability of grant aid is not essential for the viability of the project and is therefore satisfied that this factor should not weigh heavily in support of the urgent release of this site. Furthermore, given the lack of evidence of any market demand from major inward investors, and the identified shortcomings of the site for this purpose, as compared with better-placed





**GOVERNMENT OFFICE  
FOR THE SOUTH WEST**

locations elsewhere in the region, the Secretary of State remains concerned at the prospect of such an environmentally sensitive site ultimately being developed, despite the best efforts of your clients, with more traditional business and industrial uses, which would simply replace the existing identified sites.

**SUMMARY OF CONCLUSIONS**

18. Having very carefully weighed all the objections to the scheme against the case that has been advanced in terms of need and benefits for the local economy, the Secretary of State is not persuaded that this project represents so vital an element in the solution to Torbay's particular economic needs as to outweigh the harm arising from its visual and environmental impact and the conflict with the principles of the plan-led system.

**FORMAL DECISION**

19. For the reasons given above and by the Inspector, the Secretary of State hereby refuses to grant consent for your clients' application.

**RIGHT TO CHALLENGE**

20. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within 6 weeks of the date of this letter.

21. A copy of this letter has been sent to Torbay Borough Council and to all the other parties who appeared at the public local inquiry.

Yours faithfully

A large black rectangular box redacting the signature of Mrs E L Pritchard.

**MRS E L PRITCHARD**

Authorised by the Secretary of State for the Environment  
to sign in that behalf



GOVERNMENT OFFICE  
FOR THE SOUTH WEST

PLANNING

**PLANNING APPEALS UNDER SECTION 78 AND CALLED-IN PLANNING APPLICATIONS UNDER SECTION 77 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

**LISTED BUILDING CONSENT APPEALS UNDER SECTION 20 AND CALLED-IN LISTED BUILDING CONSENT APPLICATIONS UNDER SECTION 12 OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

**RIGHT TO CHALLENGE THE DECISION**

Under the provisions of Section 288 of the Town and Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person who is aggrieved by the decision given in the accompanying letter may seek to have it quashed by an application, made to the High Court.

The grounds upon which such an application may be made to the Court are:

- (i) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or
- (ii) that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

The "relevant requirements" are defined in Section 288 of the Act; they are the requirements of the Act and the Tribunals and Inquiries Act 1971, or any enactment replaced thereby, and the requirements of any orders, regulations or rules made under those Acts or under any of the Act replaced by those Acts. These include:

For appeals decided by the written method, the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987 (SI 1987 No 701);

For appeals and referred applications decided following a local inquiry, the Town and Country Planning (Inquiries Procedure) Rules 1992 (SI 1992 No 2038).

A person who thinks he may have grounds for challenging the decision is advised to seek legal advice before taking any action. It is important to note however, that any application to quash an appeal decision must be made to the High Court within six weeks of the date of the decision letter.

**FOR CASES DECIDED FOLLOWING A LOCAL INQUIRY ONLY**

**RIGHT TO INSPECT DOCUMENTS**

Under the provisions of Rule 17(3) of the Town and Country Planning (Inquiries Procedure) Rules 1992, any person who has received a copy of the Inspector's report may apply to the Secretary of State in writing within 6 weeks of the date of the Secretary of State's decision for an opportunity of inspecting any documents appended to the report. Such documents etc are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days notice should be given, if possible.



844172

AFC10

TORBAY COUNCIL PLANNING	
REC'D	19 MAR 2015
TO Collaton Defence League/ Collaton St Mary's Residents Assoc.	

By hand

Spatial Planning (FOA Pat Steward)  
Torbay Council  
Electric House (2<sup>nd</sup> floor)  
Castle Circus  
Torquay  
TQ1 3DR

Collaton Defence League/  
Collaton St Mary's Residents Assoc.  


20<sup>th</sup> March 2015

Dear Mr Steward

1. **Proposed Modifications to the submitted Torbay Local Plan**
2. **Proposed Community Infrastructure Levy**
3. **Proposed Local Validation List**

These are the combined views of Collaton Defence League and Collaton St Mary's Residents Association acting in combination and in common ("The Combination") on the above proposals published by the Council on the 9<sup>th</sup> February 2015 for response before 9am on the 23<sup>rd</sup> March 2015 and apply both in respect of Main Modifications and Additional Modifications (where appropriate to this letter) that occurred between the Drafts published by the Council on the 8<sup>th</sup> January 2015 and those published for formal consultation on the 9<sup>th</sup> February 2015 including the corrections published only on the Council's website on the 17<sup>th</sup> February 2015. The views of The Combination, its position in respect of the above –headed matters, and its conclusions reached with regard to the above are as follows:

1. **In General**

- a. The Combination wishes to place on record that it is wholly in agreement with and endorses and supports unequivocally the views of and the conclusions reached in respect of the above by Paignton Neighbourhood Forum and as/to be submitted in writing by said Forum to you by 9am 23<sup>rd</sup> March 2015 and as/to be copied to the Local Plan Inspector by the Programme Officer.
- b. We contend that it is apparent and evident that there has been an insufficient and unacceptable lack of an appropriate comprehensive and accommodating initiative on the part of the Council to date to engage with and involve our Community in generating a Local Plan that would and should meet and serve the Community's realistic

needs and aspirations as opposed to just promoting the Council's perceived Housing Growth agenda so as to genuinely and democratically seek to avoid the creation of such a significant disparity between the aims of the Local Plan submitted by the Council and those of the Neighbourhood Plan as currently exists. In our considered opinion and experience the Council's retrospective so-called Masterplanning exercise was and is a cynical, futile and costly attempt to mask this fundamental flaw in the preparation of the Local Plan and consequently places at issue its "soundness".

- c. The Combination would want to support a Local Plan with suitable modifications that will secure a 5 year supply of housing land to protect against speculative Developers and avoid unplanned, unsustainable and unwanted housing development so far as to best protect our finite countryside in Torbay .For the Council to place its full weight behind future development predominantly on brown-field land as a crucial barrier to unsustainable development. The Campaign for the Protection of Rural England is on record as estimating that there is already sufficient existing brown- field land in this Country to provide for more than a million new homes in the UK and in our view Torbay Council in its Local Plan should point the way in its use of our extensive local stock of brown-field land and the recovery of existing housing stock to meet the future housing needs of our Bay whilst protecting the best of our precious countryside and farmland.

**2. In relation to Collaton St Mary and its environs**

- a. This letter is intended to build upon and add force to the contentions made to you by CDL both in its letter to you of the 3<sup>rd</sup> April 2014 with accompanying Representations of even date therewith and its follow up letter to you of the 7<sup>th</sup> April 2014 with accompanying further Representations (copies attached with this letter for ease of reference) all of which The Combination fully endorses and by way of affirmation of same in respect of the above incorporates by way of direct repetition and reference in this letter.
- b. In respect of your proposed Modifications as above we consider that these still fail to address the vital matters and issues of Critical Infrastructure and its deliverability in our area and the essential need for an Infrastructure Delivery Plan and integral CIL Schedule, the detail in respect of which is fully expressed to you by Paignton Neighbourhood Forum in its above- referred to letter to you on point (without which it is like wanting to fly to the Moon but without knowing by what form of vehicle you are going to travel there in, how you are going to meet the



cost of getting there and what you will find if and when you should eventually get there). To add to this and add force to this we enclose a copy of the Quad UCL Infrastructure Seminar, John Rhodes 21<sup>st</sup> June 2013, which sets out a road map recommended to be adopted by Local Councils for the planning and delivering of local infrastructure, and also, by way of an example, an extract from Sunderland City Council's IDP of April 2013, particularly paragraph 3, which makes for interesting reading and in our opinion fully supports our contentions to you on point.

c. In 2010 the Council commissioned an organisation called Enderby Associates (presumably to assist the Council in its preparation of its Local Plan) to produce a Landscape Character Assessment of Torbay.

Especially of relevance to Collaton St Mary, Blagdon Valley and Yalberton areas are pages 65-68 and in respect of Collaton St Mary and Blagdon Valley pages 65-66 from which we quote "The area is particularly sensitive to any new development " et al..... and its recommendation is to "Conserve"- (We trust that you will recall that this Assessment had some significance in the Council's decision to refuse the recent Taylor Wimpey Planning Application for a large scale housing development on land lying to the north of the A385 Totnes Road at Collaton St. Mary , commonly known as the "Car Boot Sale Field. "). Why then, we conjecture, would one not reasonably ask in light of this did the Council, apparently, for whatever reason known only to itself, choose to ignore such a significant Assessment of our area and appear to fly in the face of it and in its Local Plan decide to designate our area and its green fields and spaces as a significant substantial Housing Growth Area?!

To quote the journalist Simon Jenkins of The Spectator in his recently published Saturday Essay (full copy enclosed)----

Rural England is "under assault".....The "culprit" is the Coalition's planning policy, drafted by a "builders' ramp" comprised of Taylor Wimpey and others .Their most successful tactic to date has been the "hijacking of the housing crisis", which they claimed could only be ended "by building in open country". Much nonsense is spoken about this "crisis". We are told that 250,000 new houses are needed each year, but that figure "takes no account of occupancy rates, geography of demand, migration of housing subsidy". The truth is that England's housing occupancy and urban densities are low. The answer to our rising population lies in towns where the jobs and services and we must talk about the beauty of the English countryside and our responsibility to protect it." Praise be for Nimbys".

Paignton Neighbourhood Forum goes some way and in detail to addressing the above issues in its above-referred to letter to you, which we fully support and endorse.

- d. That there is an insufficient, in fact no , explanation given as to why in the Modifications there is a re-designation of the proposed Housing Growth Area as previously referred to in the Local Plan but now as North and West Paignton "including Collaton St. Mary". We would respectfully ask for an explanation as to the reason for this apparent step- change in the re-designation of our area as now being an "included" one.

Finally, please know this, that it is the position of The Combination, that despite the recently proposed Modifications submitted by the Council to the Planning Inspector in respect of its submitted Local Plan, that the Local Plan in its present form and content remains and will be found to be NOT "sound". As such The Combination will continue to contest and to test this with the utmost vigour and rigour.

We remain respectfully,



Copies to

Local Plan Inspector , via the Programme Officer



Copy

By hand

COLLATON DEFENCE LEAGUE

Torbay Local Plan (FAO Pat Steward)  
Strategic Planning Team  
Spatial Planning  
Torbay Council  
Electric House (2<sup>nd</sup> floor)  
Castle Circus  
Torquay  
TQ1 3DR

7th April 2014

Dear Mr Steward

**Torbay Local Plan**

Following our covering letter to you of 3<sup>rd</sup> April 2014, enclosing Representations, please find enclosed further and additional Representations and submissions to be attached thereto and included therewith and to be forwarded to the PINS Inspector together with the same.

Yours Sincerely

Collaton Defence League.

COPY

## **Collaton Defence League**

### **Further Representations on the proposed Torbay Local Plan**

**6<sup>th</sup> April 2014**

Further to, and as an adjunct to, but also to be considered, where relevant, independently from our initial Representations of 3<sup>rd</sup> April 2014 we make the following additional representations:-

1. We contend that the Local Plan in not having as part of it the requisite Infrastructure Delivery Plan per se and of itself automatically fails to comply with the Duty to Cooperate and as such should be rejected upon Examination on this ground alone.

2. Notwithstanding and in addition to this contention we say that such cooperation and consultation that Torbay Council may seek to demonstrate has taken place prior to submission of the Plan will be shown and found to be insufficient and insupportable to satisfy and fully meet and comply with the said Duty.

3. As indicated, a number of Local Plans so far submitted by other Local Planning Authorities have failed upon Examination because of a manifest failure to show a sufficient or in fact any compliance with the said Duty, and which also leads into the need for an LPA to evidence their cooperation and consultation with cross border Authorities (in the present instance applying this analysis in respect of the Torbay Local Plan, to South Hams District Council, Teignbridge District Council and Devon County Council upon important infrastructure and environmental impact issues having a clear cross border impact and effect, both physical and financial) leading to such vital outcomes as Joint Policy Statements to accompany the submitted Local Plan on such important and acknowledged matters as transport, highways, environment, ecology and tourism ;and with other bodies such as the Campaign for the Protection of Rural England and the Environment Agency upon such vital matters for our Locality, in and around Collaton St Mary, Yalberton and Blagdon, as transport, the protection and enhancement of our valuable finite Landscape and ecology and village/rural identity and structure ;and with public and private infrastructure providers such as South West Water, upon such vitally important issues for our Community in the Western Zone as traffic congestion and pollution, existing serious flooding problems and increased flooding risks from any further development and forecast Climate Change effects; and universally



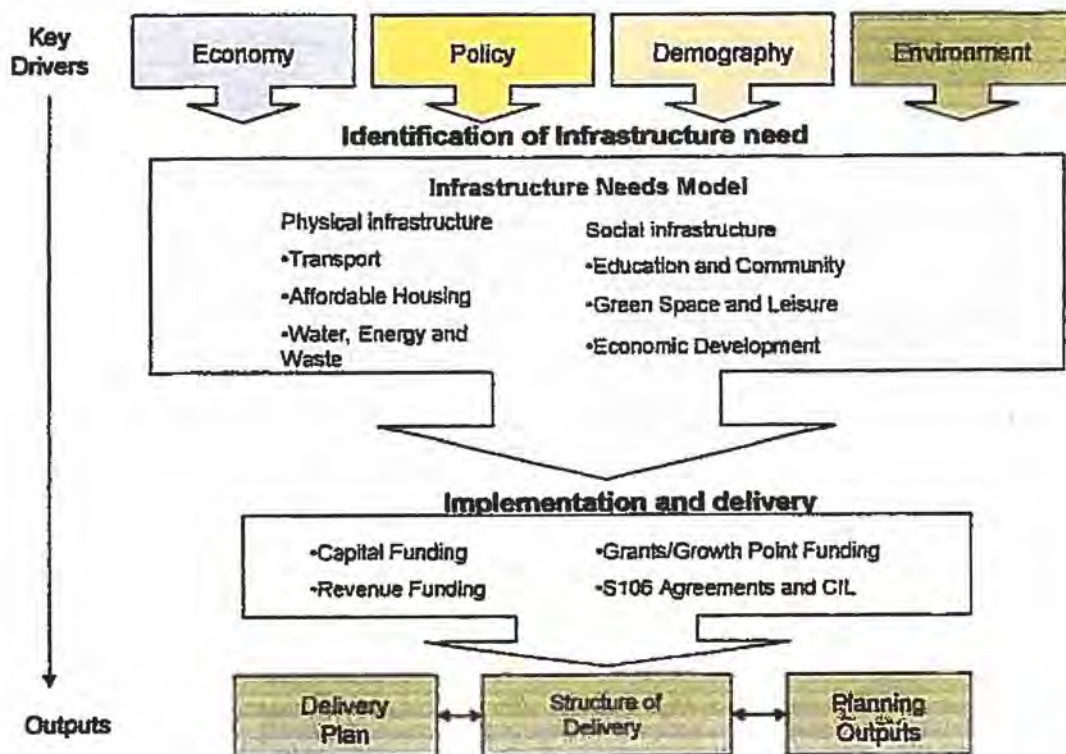
acknowledged profound mains/trunk sewerage difficulties deficit and provision- so as to work up and to cost out with these other parties, providers and bodies and to publish with the Local Plan the policies and decisions actually arising out of these so –called co-operations and discussions alluded to in their Statement of Compliance and Engagement submitted by Torbay Council with their Local Plan to carry forward their Core Strategy for growth expressed in their submitted Local Plan. In support of this contention as source material please see

[www.meetingplacecommunications.com/news-events/three-local-plans;Vale](http://www.meetingplacecommunications.com/news-events/three-local-plans;Vale) of White Horse Consultation Draft March 2013-Local Plan 2029 Part 1Topic Paper1 Duty to Cooperate &Cross border issues; also PAS - Making Strategic Planning Happen.

There has to be an actual IDP in place in order to make it happen! Mere talking with and writing to other parties is not making policy happen as is an intrinsic requirement of a Local Plan submission!!

See also for this –

[www.swindon.gov.uk/ep.planning/forwardplanning/ep.planning.local](http://www.swindon.gov.uk/ep.planning/forwardplanning/ep.planning.local)- Swindon Local Plan Pre-submission Document in which is contained- "Infrastructure Delivery Plan



1.37The Infrastructure Delivery Plan was published alongside the Proposed Submission draft of the Local Plan in 2009.In effect, together with master

planning work ,it forms an implementation plan for the Local Plan, quantifying ,where possible, the types and cost of service infrastructure and facilities required to support new development and new communities .The Plan required a significant level of dialogue with infrastructure providers ,in both the public and private sectors ,to determine requirements and needs. This dialogue was held through workshops and infrastructure focus groups as well as correspondence. The IDP could not have been developed without close co-operation with infrastructure providers .That collaboration has provided a greater understanding of the cost of delivering development to the specifications required by the evidence base and Strategy.

1.30 The Green Infrastructure Strategy was published in 2009.....It sets out to: prioritise the planning ,development of and investment in green infrastructure in Swindon to 2026; present a shared vision for the strategic green infrastructure network across Swindon and reach into neighbouring areas...In doing so ,it has been essential to collaborate with key stakeholders within and outside of the Borough Council area and to link in with other strategies and plans.....to cover the full range of green infrastructure related issues including biodiversity ,health ,and so on."

We contend that for their own reasons Torbay Council have chosen not to do this to the requisite level or competence to comply with their Duty.

We contend that Torbay Council seeking to have an engagement with the Community and infrastructure providers after, but not before, the submission of the Local Plan and the provision of an IDP, by way of Masterplanning on its own, just does not work and exposes the deficiency and shortfall in their Plan.

4.Finally, and significantly and out of concern for local democracy and transparency, and against secrecy of real motives, we would point out emphatically that while Collaton St.Mary and the Western area is in the Local Plan and its Core Strategy for Growth as the most significant area for this projected Growth during the life of the Plan, subject to the resolution of identified and acknowledged serious and significant, expensive to resolve, infrastructure and services and utilities difficulties and obstructions to development ,unlike with other Community Partnerships in the Paignton Neighbourhood of Torbay ,there has been a paucity of consultation, dissemination of facts and information to and discussion with the populace of Collaton St. Mary and the Western Area at large-no caravan events and travelling roadshows or shop centred presentations and exhibitions for US just a telling silence. We ask has this been a deliberate ploy on the part of the LPA to keep our Neighbourhood Community ignorant of the facts and the real agenda towards our valuable landscape?In this, it is significant to note that in



the Torbay Council's aforesaid Statement of Compliance in its section headed- "Informing and engaging residents and other persons carrying on business in the area"- no mention whatsoever appears in respect of our particular significant and important (to us and the Core Strategy of the Plan which we fundamentally disagree with as it seeks to apply itself to our Community) part of the Area .In point of fact so concerned had we become about this tragic and worrying state of affairs as we witnessed it developing over time that we took it upon ourselves to write to the Deputy Lord Mayor on behalf of our Community requesting that our Community be offered the same courtesy and necessity of communication as the other communities in the Torbay area had received from the Council(as evidenced in the above Statement of Compliance)but received no response and therefore our Community received no such requisite Communication and Consultation prior to the submission of the Plan .Subsequently we are now being offered, after the fact, a "Master planning" drop-in event .This is too little and too late and is an unacceptable state of affairs and again we would contend supports our contention of an apparent breach of their Duty to US under the Localism Act by Torbay Council. We attach with this Representation a copy of our said letter to the Deputy Lord Mayor which was hand delivered by one of our activists to the Connections offices of the Council at Castle Circus Torquay on the 4<sup>th</sup> March 2014.

CDL2014.

COPY

## **Collaton Defence League**

### **Representations on the proposed Torbay Local Plan**

**3<sup>rd</sup> April 2014**

1. We contend that the Local Plan is currently intrinsically unsound as it is deficient in not having as part of it the requisite Infrastructure Delivery Plan. It contains reference to an Infrastructure Delivery Study 2012 ( but now out of date in certain salient respects) as part of its evidence base (Winchester District Council in their Local Plan make many references to their Infrastructure Study 2011 but they still have in place with their Local Plan the requisite Infrastructure Delivery Plan) –the Study should lead to the Plan. There isn't one. Furthermore, where practical, Community Infrastructure Levy (appropriate after March 2014 in place of Section 106 tariffs) should be worked up and tested alongside the Local Plan (NPPF 175) with a CIL Policy document and a Charging Schedule attached to it.
  - a. Infrastructure and Development Policy should be planned at the same time to ensure deliverability of both infrastructure and development (NPPF 177) where appropriate and affordable. A wide ranging definition of infrastructure to support the development of an area. Logically, CIL levels, infrastructure planning and the Local Plan should be one process. One examination rather than two. Local Plans may not be sound unless the financing of infrastructure is robust. Local Plans should set out a positive deliverable vision; plan infrastructure and development together; commit to an Infrastructure Delivery Plan; take proactive responsibility for delivery.  
(Source: Quod - Planning and Delivering Local Infrastructure- UCL Infrastructure Seminar John Rhodes- 21 June 2013)
  - b. The NPPF stresses the need to ensure that sites identified for development must be acceptable sites and the scale of development identified in a Local Plan should not be subject to such a scale of obligations, standards and policy burdens that cumulatively threatens the Plan's ability to be developed viably. The NPPF also requires that Local Plans meet the objectively assessed needs for their area, and are deliverable and realistic. Plans that do not take full account of these requirements are



therefore at risk of failing to be found sound when examined.

"This viability advice recognises that there are significant challenges for planning authorities seeking to make plan policies that both provide for acceptable development and avoid placing unrealistic pressures on the cost and deliverability of development...Plans may be aspirational but be realistic ,and should ensure that the impact of policies when read as a whole should be such that the plan is deliverable....strike a balance between the policy requirements necessary to provide for sustainable development and the realities of economic viability...The NPPF indicates that wherever practical CIL charges should be worked up and tested alongside the Local Plan.At Local Plan level viability is very closely linked to the concept of deliverability. In the case of Housing ,a Local Plan can be said to be deliverable if sufficient sites are viable to deliver the Plan's housing requirements over the Plan period...The primary role of a Local Plan viability assessment is to provide evidence to show that the requirements set out in the NPPF are met. That is that the policy requirements for development set out within the Plan do not threaten the ability of the sites and scale of that development to be developed viably .Demonstratably failing to consider this issue will place the Local Plan at risk of not being found sound on examination.(Source: Viability for Testing Local Plans-Advice for planning practitioners-Local Housing Delivery Group ,Chaired by Sir John Harman June 2012).

Reference the above we would contend that the lack of an Infrastructure Delivery Plan is fundamental to the Local Plan being found to be unsound upon examination.

c)"Local Plans must be supported by an Infrastructure Delivery Plan...Our Core Strategy was prepared and adopted before this was a requirement....We are also required to produce a Draft Regulation 123 List which sets out the types of or specific infrastructure projects we will spend CIL revenues on."(Source: Epsom& Ewell Planning Policy Sub-Committee Report Summary 8 May 2013)

d)"It is essential that there is sufficient infrastructure to support new development...infrastructure in this context means the facilities ,services and installations required to support development .This includes infrastructure related to transport ,drainage ,waste ,education, health, social care ,leisure and

community uses ,emergency services and utilities. "An Infrastructure Delivery Plan is essential to draw out the main infrastructure requirements that will be required to ensure the Local Plan policies are delivered in a timely and sustainable and affordable practical and realistic fashion. It should specify the projects, funding, phasing....."to support this. it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up."(Source : Vale of White Horse Infrastructure Delivery Plan Consultation Draft March 2013)

2.Without a robust and viable Infrastructure Delivery Plan, as the evidence of deliverability of such, the Local Plan's projected 8000-10000 additional homes by 2031 or earlier is not shown to be sustainable .A lower figure of 3000-4000 homes during the same period has of itself a better prospect of being shown to be sustainable if it can be shown to be appropriate affordable and deliverable.

3 The Local Plan states(1.1.6) that West Paignton is identified as a sustainable location for growth .So called West Paignton –in reality the Collaton St .Mary ,Blagdon ,Yalberton and Western Corridor area –is currently part of the Countryside area and designated in the Adopted Local Plan as incorporating Areas of Great Landscape Value. We contend that the unilateral redesignation of these areas in the proposed Local Plan as a Growth Area is undemocratic( contrary to the Localism Act) unjustified, unsustainable and wrong in Law (seeking without lawful authority so to do to change a designated rural/agricultural area to an urban one). Furthermore, it is in any event putting the proverbial cart before the horse when without an Infrastructure Delivery Plan with the Local Plan to establish the viability of delivery of growth in such areas the whole exercise is peremptory, presumptuous and inappropriate.

4.The topography of so-called West Paignton,in reality the areas defined above,with its numerous steep rolling hills leading to a valley bottom ,numerous fields, water meadows



aquifers ,soakaways and watercourses and recent and past history of serious flooding precludes any major housebuilding projects without major infrastructure investigation and works to seek to overcome these serious strictures upon future development in the area .Any exacerbation of the already pre-existing flooding problem and flood risk in the area is wholly unacceptable and contrary to the NPPF principle of sustainable development. Without an Infrastructure Delivery Plan that can refute this basic obstruction and objection to future development in the area the references in the Local Plan to the area as being appropriate and suitable for growth is unsound.

**Conclusion:**

**The proposed Local Plan is not suitable for Adoption without a viable Infrastructure Delivery Plan.**

COPY

By hand

COLLATON DEFENCE LEAGUE

Torbay Local Plan (FAO Pat Steward)  
Strategic Planning Team  
Spatial Planning  
Torbay Council  
Electric House (2<sup>nd</sup> floor)  
Castle Circus  
Torquay  
TQ1 3DR

3<sup>rd</sup> April 2014

Dear Mr Steward

### **Torbay Local Plan**

Please find enclosed the formal Representations of the League on the proposed Local Plan submission.

A Local Plan should plan positively for the development and infrastructure communities need.... Local Plans should be aspirational but realistic..... Plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the National Planning Policy Framework.... Identify land which it is genuinely important to protect from development, for instance because of its landscape and/ or environmental and/ or tourism value....contain a clear strategy for the environmental enhancement of the area (Source: The Campaign to Protect Rural England). Spatial planning must have a delivery plan and be based on evidence.

Your Authority have chosen to entitle your Local Plan "A Landscape for Success" and in our reading of it the content and context of your Plan to have a greater emphasis on Growth rather than Landscape. In our view you seem to see our beautiful and precious finite landscape in Collaton and the Western Zone of our Bay solely as an avenue (Corridor) and vehicle for your unilaterally chosen particular definition of Growth in the Bay, namely overwhelming and unjustified housing growth.

Our stand is that this is intrinsically wrong as a Local Plan has to be realistic, deliverable and sustainable in its overall aims and objectives. Our precious Nationally recognised landscape must not be sacrificed upon the altar of unrealistic growth aims that are not robust or sound and cannot be realistically costed, deliverable or sustainable for the overall Community good in terms of infrastructure restrictions and deficits, environmental impacts from projected climate change, increased traffic congestion and air pollution, flood risk and



**flooding (particularly relevant to the Collaton area) loss of ecology and damage to tourism ( the life blood of our Bay) and not least excluding our unique topography in the Collaton St Mary Western Corridor Yalberton and Blagdon areas which seriously and severely impacts upon all of these other vital issues. For all of these unavoidable reasons we the League cannot support (and do fundamentally object to) your Local Plan in its present form, direction and content and fully endorse and would reiterate in its entirety Paignton Neighbourhood Plan Forum's Representations on your proposed Torbay Local Plan dated 27<sup>th</sup> March 2014 as submitted to you .In addition to this, we go further in order to shed light upon what we consider to be fundamental and unacceptable deficits and THE FLAW in your Local Plan and these we set out in our enclosed Representations intended for serious consideration and action upon by your Authority and the PINS Inspector. Please treat this letter as also forming part of the attached Representations.**

**Yours Sincerely**

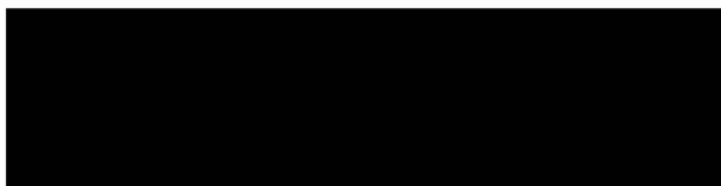
**Collaton Defence League.**

copy

# Infrastructure Delivery Plan

**April 2013**

**Janet Johnson  
Deputy Chief Executive  
Sunderland City Council  
P.O Box 102  
Civic Centre  
Sunderland  
SR2 7DN**





This paper is one of a series of background papers, which supplement and support Sunderland's Core Strategy Preferred Option consultation. The paper will further evolve as we move to the point of submission and examination on the Core Strategy.

## **Contents**

- 1. Introduction**
- 2. What is Infrastructure?**
- 3. Purpose of the Infrastructure Delivery Plan**
- 4. The Context for the Infrastructure Delivery Plan**
- 5. Future Growth in Sunderland**
- 6. Funding Mechanisms**
- 7. Physical and Environmental Infrastructure**
- 8. Social Infrastructure**
- 9. Green Infrastructure**
- 10. Strategic Sites**
- 11. Conclusion**
- 12. Appendix 1 Key Diagram**
- 13. Appendix 2 Stakeholders**
- 14. Appendix 3 Infrastructure Analysis**
- 15. Appendix 4 Strategic Sites**
- 16. Appendix 5 Infrastructure Delivery Plan Schedule**

## **1. Introduction**

**1.1** The Infrastructure Delivery Plan (IDP) identifies the physical, social and green infrastructure needed to support and underpin Sunderland's growth through to 2032. It forms part of the evidence base for the Local Development Framework.

**1.2** The IDP is set in the context of the city's long term vision and growth plans, and describes what infrastructure is needed and how, when and by whom it will be delivered. It is accompanied by an Infrastructure Delivery Schedule (Appendix 5).

## **2. What is 'infrastructure'?**

**2.1** There are 3 broad categories of infrastructure, physical, social, and green infrastructure. Within this context the delivery plan will identify the infrastructure requirements for the following infrastructure areas:

### **Physical & environmental infrastructure:**

- Transport,
- Utilities including - water supply and treatment, sewer treatment, foul and surface water sewerage, flood management, power generation and distribution, telecommunications, waste disposal

### **Social infrastructure:**

- Health, emergency services, education, sports and indoor leisure, community and cultural facilities

### **Green infrastructure:**

- Public & private greenspaces, including play pitches, allotments, cemeteries, amenity greenspaces, woodlands and sustainable drainage systems- to promote health & wellbeing and enhance biodiversity, landscape character and flood risk management

Within this context the Infrastructure Delivery Plan will include:

- Infrastructure needs and costs
- Phasing of infrastructure development
- Funding sources
- Responsibility for delivery
- Infrastructure requirements of any strategic site in the core strategy

## **3. Purpose of the IDP**

**3.1** The Core Strategy seeks to plan for sustainable growth; provide housing land for over 15,000 dwellings up to 2032 and 81 ha of employment land. This is supported by proposals for accessible and sustainable transport; enhanced city centre and local centres and a range of high quality green space across the city.



**3.2** Sunderland's future sustainable growth and development depends on the timely funding and delivery of supporting infrastructure that reflects the scale and type of development and the needs in the locality; without it, new development may be delayed and/ or there could be unacceptable adverse social, economic or environmental impacts on existing infrastructure.

**3.3** A key consideration for the emerging Sunderland City Council Core Strategy will be ensuring the availability of sufficient infrastructure to serve the needs of the existing community and to meet the needs of new development, thus meeting the Council's vision and strategic priorities for the city - 'Sunderland will be a welcoming, internationally recognised city where people have the opportunity to fulfil their aspirations for a healthy, safe and prosperous future; a prosperous city, a health city, a safe city, a learning city and an attractive and inclusive city. Without planning for necessary infrastructure, the visions of the city will not be achieved.

**3.4** The Core Strategy is seen as a means of orchestrating the necessary social, physical and green infrastructure required to ensure sustainable communities are created. New housing, employment or other development alone, do not create sustainable communities; there is a need to provide supporting infrastructure including utilities, transport, schools, health, leisure services and energy. Improving the provision of local infrastructure is essential to the creation of thriving, healthy, sustainable communities.

**3.5** To fulfill that role and to be found 'sound' the evidence supporting the Core Strategy must identify the infrastructure required to deliver the strategy and who will provide it, where and when. The IDP is key to this and will be submitted alongside the Core Strategy for examination.

**3.6** The IDP will also establish the various funding mechanisms available for infrastructure delivery, where known at this stage, including developer contributions which can have a significant role in helping to deliver infrastructure across the City. Funding can will change, particularly in the current economic climate therefore the IDP will continue to be an iterative process.

**3.7** Through the IDP the Council should be able to co-ordinate infrastructure providers and the delivery of infrastructure requirements focusing on 'making better places' in Sunderland. The preparation of this Infrastructure Delivery Plan provides an opportunity to identify smarter ways of working, reduce any duplication and capitalise on the potential for making savings with limited impact on service delivery.

#### **Stakeholder Consultation**

**3.8** Preparing this IDP has involved a range of partners, agencies and service providers from both public and private sectors. These organisations have supplied information on their own plans, which through the Infrastructure Delivery Plan will in turn help shape, their strategic process and investment decisions. Given that the Core Strategy plans until 2032 and stakeholder organisations operate to different time horizons there is a challenge with aligning infrastructure requirements.

copy



# PLANNING AND DELIVERING LOCAL INFRASTRUCTURE

UCL Infrastructure Seminar

John Rhodes - 21 June 2013



# INTRODUCTION

- Policy principles
- Resources, responsibilities and delivery
- A joined up approach?
- Recipe for improvement

# ACHIEVING POSITIVE PLANNING

- Local plans should set out a positive, deliverable vision
- Plan infrastructure and development together
- Commit to an infrastructure delivery plan
- Take proactive responsibility for delivery



# NPPF – A SOLID FOUNDATION

- NPPF puts positive planning through Local Plans at the heart of the planning system
- *Proactively drive and support sustainable economic development to deliver the homes, business and light industrial units, infrastructure and thriving local places that the country needs (para 17)*
- Work with stakeholders to assess the quality, capacity and need for the full range of infrastructure (162) //
- Ensure there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion (177) //

# CIL – A NEW OPPORTUNITY

- CIL was introduced in 2010. It allows local authorities to raise funds from developers undertaking new building projects to fund a wide range of infrastructure that is needed to support the development of the area
- CLG expect the levy to raise an estimated additional £1 billion per annum by 2016
- Local authorities must first adopt a Charging Schedule setting out rates per sqm for net new floorspace
- Section 106 tariffs will not be appropriate after March 2014

// Nf

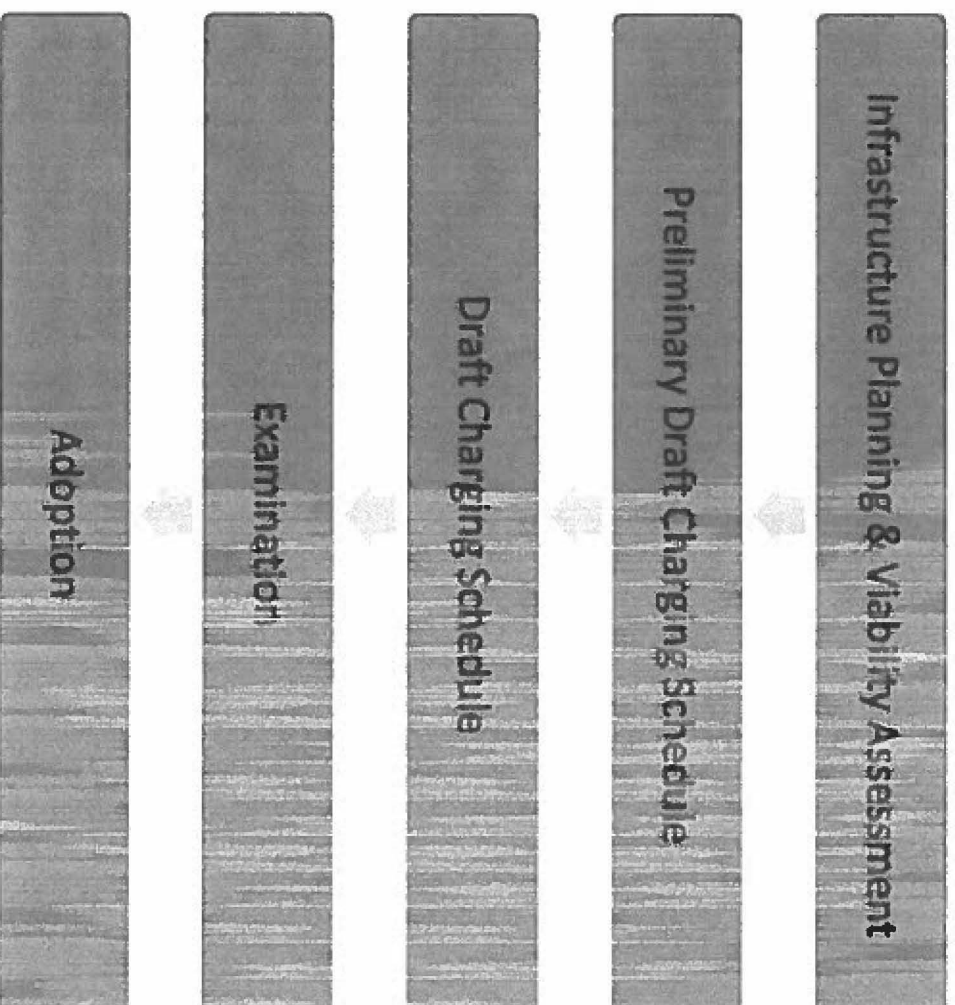




# PREPARING LOCAL PLANS

- The evidence base should include an Infrastructure Study, consistent with the NPPF NPPF
- *Infrastructure and development policy should be planned at the same time to ensure deliverability of both infrastructure and development (177)* N.F.
- Local plans must be positively prepared to meet objectively assessed infrastructure requirements (182)

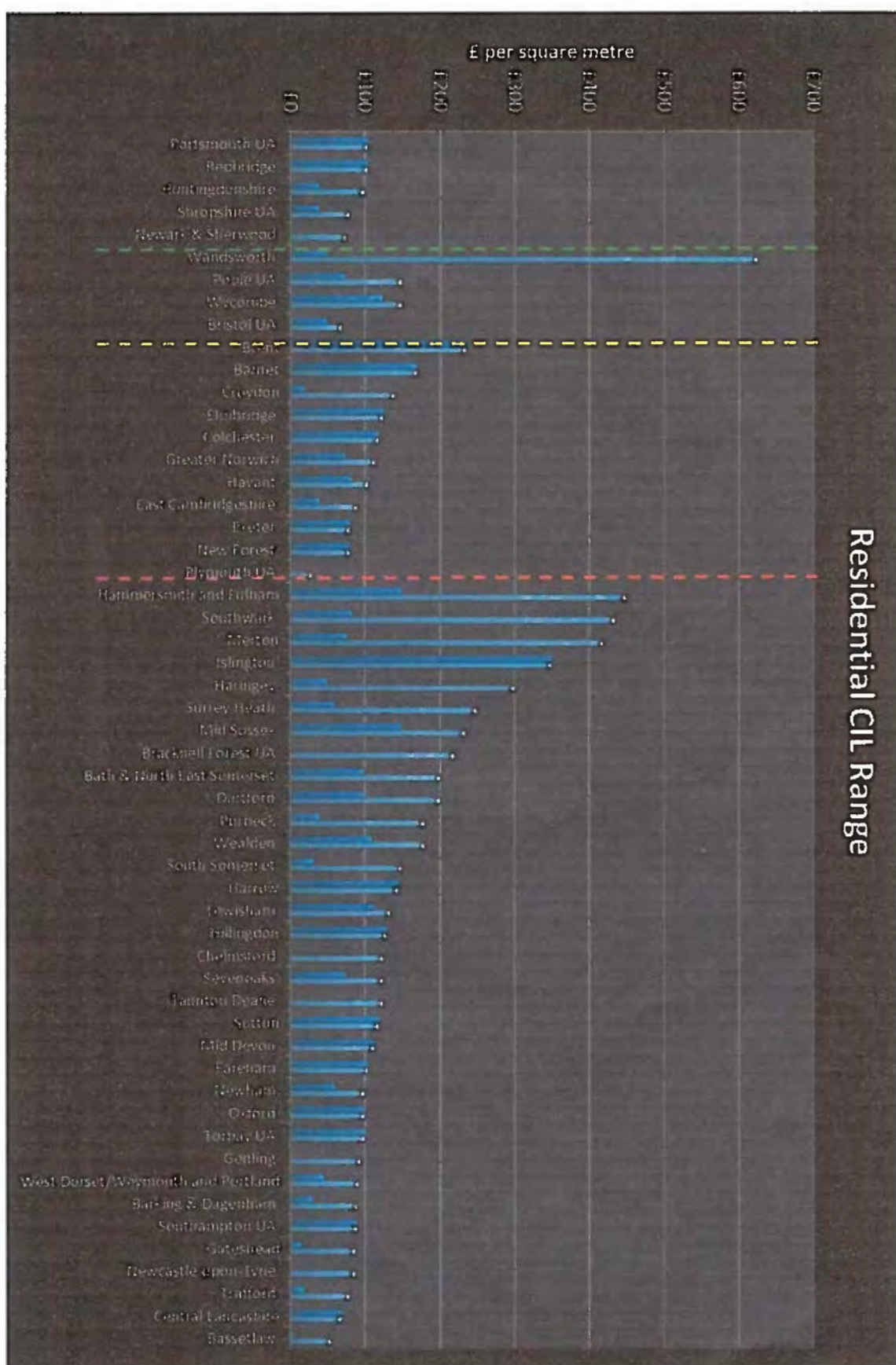
# PROCESS FOR CIL







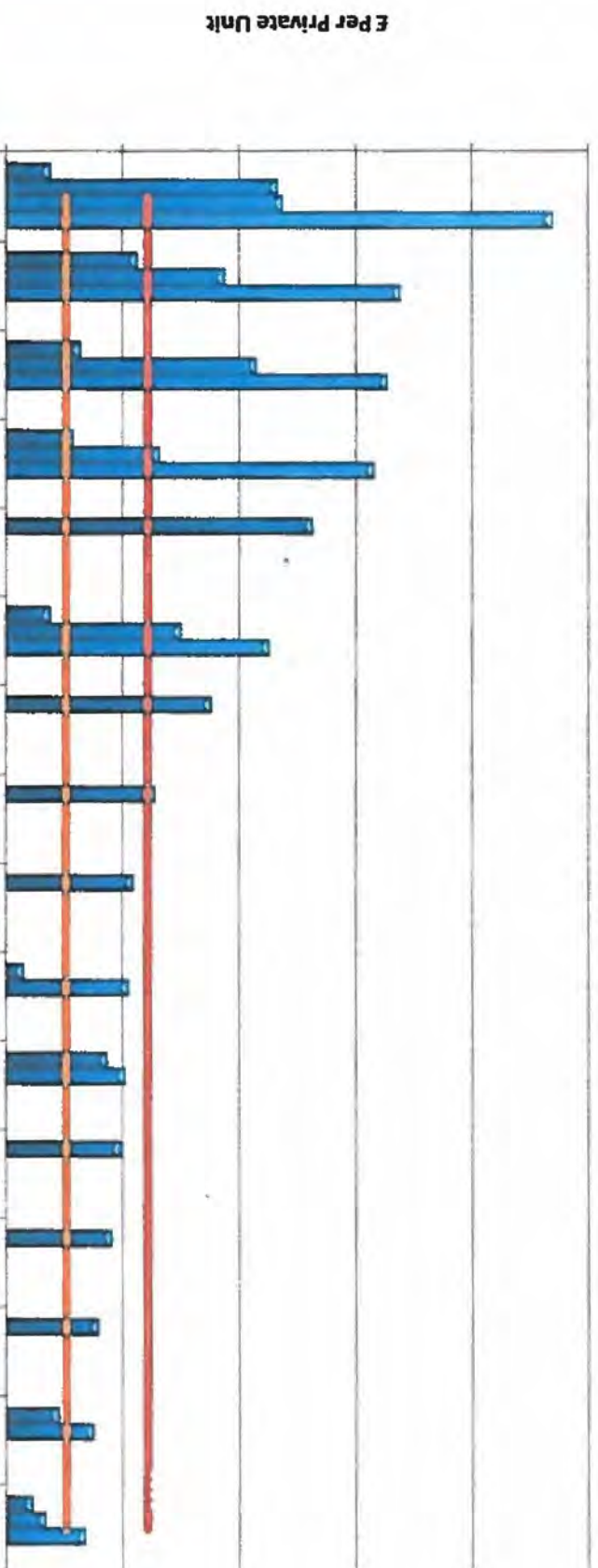
# Residential CIL Range





# CIL V S106 (EXCLUDING AFFORDABLE HOUSING)

S106 -V- CIL



# CIL RISKS AND CIL REFORMS

- High levels of CIL risk viability
- Closer scrutiny required at CIL examinations
- Strategic sites may have particular difficulty
- Reforms require a focus on delivery of key sites
- No right of appeal against CIL charge
- Greater scope for exceptions, but still no appeal



# OBSTACLES TO DELIVERY

- CIL cannot be paid in kind with infrastructure
- Payment in kind now the subject of consultation
- Authorities' list of infrastructure is illustrative
- May be tightened but still discretionary
- CIL is produced separately from the Local Plan
- Integrated working encouraged

# WHAT INFRASTRUCTURE WILL BE DELIVERED?

- A wide ranging definition of infrastructure to support the development of an area
- All authorities can show a substantial funding gap
- Discretion to focus on political priorities
- Ability to change priorities
- No obligation on utility providers to engage
- No obligation to spend or deliver

NB



# PLANNING AND DELIVERY TOGETHER?

- *Where practical, CIL charges should be worked up and tested alongside the Local Plan (175)* || Nr
- *Show and explain how the rates will contribute towards the implementation of the Local Plan (CIL Guidance para 8)*
- *Logically, CIL levels, infrastructure planning and the Local Plan should be one process* || Nr
- *Could CIL be a policy of the Local Plan?* || Nr

# CIL AS PART OF THE LOCAL PLAN

- Local Plans may not be sound unless the financing of infrastructure is robust || NR
- Local Plans could increase the scale of the development to raise funds for necessary infrastructure
- One examination rather than two
- Allow planning appeals against CIL in exceptional circumstances
- Enable authorities to balance CIL, infrastructure and affordable housing || NR



**W**HAT do the Royal Family, Shakespeare and the English countryside have in common? The answer is they are 'things out Britain' most treasured by the British people in polls at the end of the Millennium. To threaten any of them would be unthinkable. After six years chairing the National Trust from which I retired last week — I am left with one gloomy fact: one of these treasures is indeed threatened. The English countryside.

It is not about to disappear, covering as it does some 80 per cent of England's land area, but its fate can be clearly seen by anyone driving up the M1 through the East Midlands. Rolling farmland is replaced by warehouses, bleak housing estates, wind turbines and advertising hoardings in fields. It is the start of the 'tat' that is familiar the world over when planning control collapses.

I am sure politicians such as David Cameron, George Osborne, Ed Miliband and Nick Clegg never rose one morning and declared: 'This is just how I want England to look.' They have probably not noticed. They holiday in 'unspoilt' places at home or abroad, and see England only from train and car windows. To them, the countryside where poor people spend their leisure, living in traffic jams. They have come to see it as a dustbin for energy policy, industry policy, housing policy and transport policy.

The 1947 Town & Country Planning Act linked with the post-war NHS as a work of British genius. The United Kingdom was, like Holland, the most densely populated country in Europe. The whole of the south-east faced suburbanisation, like Utah of New Jersey in the U.S. or Germany's Ruhr valley.

The Act set out clear boundaries between town and country. There should be belts of green around crowded cities. Elsewhere, the country should remain country, not marked with random buildings like the rest of Europe.

It worked. New areas of settlement were planned as such. In the countryside, regulation confined buildings to existing footprints. Even when land the size of Bristol was going under concrete each year, footprints could look out even over parts of crowded Surrey, Cheshire and Yorkshire. I did see landscape that our Victorian forebears would have recognised.

There are still pristine rural views from the North Downs over the Weald, from Alverton over the Wye, and from the Dales over the Vale of York. These spectacles are being drastically altered. The Severn valley from the Cotswolds is dotted with warehouses and tower blocks.

**Y**ORKSHIRE'S once-glorious Calder and Aire valleys, 'lost' between the Peak District and the Yorkshire Dales, are becoming shambles of ill-sited housing estates and pylons.

And then, of course, there is the plan for the HS2 railway line, surely Britain's craziest infrastructure project, which will slash through the Chilterns and pass beneath the terraces at the National Trust's Hardwick Hall, Derbyshire.

The Northumbrian coast is left no more, riddled with lines for wind turbines. Giant turbines are rising round the perimeter of the Lake District and on the

# In a ferocious parting blast, the outgoing chairman of the National Trust accuses an arrogant and philistine political class of ruining some of our loveliest countryside

**SATURDAY  
ESSAY**



by **Simon  
Jenkins**

David Cameron wants his Coalition to be immortalised?

In January 2012, Cameron famously sat in a rustic kitchen and told the BBC's Countryfile that 'I would no more put [the countryside] at risk than I would risk my own family'. There would be no change to green belts and no large housing estates 'plonked down' next to villages.

Planning, said Cameron, would revert to 'local communities', who would have the power to decide where buildings should go.

landowners — including his own father-in-law — to erect turbines across the countryside.

Had Cameron been Thatcher, his antennae would have been alert to the planning drafts passing between lobbyists and Eric Pickles's local government department. Whitehall policy-making was being drafted by groups such as the Home Builders' Federation, the Country Land and Business Association and the British Property Federation.

Old land-use plans were to be

consulted, but if a council did not offer an alternative to the submitted plans by a due date — and half were not — any planning application would be approved if deemed 'sustainable'.

This vague word was soon defined as 'profitable'.

The 2011 planning draft was a builder's charter. Protests from the National Trust, the Campaign for the Protection of Rural England (CPRE) and others secured some changes. Eric Pickles conceded some priority for green belts, and a shift towards using brown-field land (previously used for industrial or commercial purposes).

However, the readiness of Whitehall to overrule local wishes — a key demand of the builders' lobbyists — remained in place, and has been gushing gold ever since. This was not planning,

planning applications lest the rules changed. Civil servants were reputedly told by Osborne's Treasury to be 'deaf to the Nimbys'.

The impact was instant. Every planning appeal bar one within the Cotswolds 'area of outstanding natural beauty' was allowed. Howls of pain came not just from such once-protected gems as Stow-on-the-Wold, Chipping Camden and Tetbury.

There were applications for 2,000 sites outside Lincoln, and 900 under the walls of ancient Warwick. Winchester was put under siege, as was Sandbach in Cheshire, Newmarket and Ashford in Kent.

Twenty-three acres of green belt were to be colonised around Durham — in a county thick with empty properties. Notifications of contested plans adjacent to National Trust property soared to 400 a year.

**U**NDER Labour, there was a peak of roughly 80 per cent of new development being on brownfield sites. This has declined to little more than 50 per cent.

Even as the supermarket boom collapsed, Pickles was directing three-quarters of new retail building to be 'out of town'. The result? Ever-more deserted High Streets and rows of boarded-up shops. British planning had reverted to the Dark Ages.

The countryside's lack of political muscle and influence remains curious — as does Westminster's disregard for it. The old primacy of agriculture has collapsed.

City-dwellers now constitute the majority of voters. They seem careless of important issues such as food security, bird conservation, ash tree die-back and bovine TB, which leads to tens of thousands of cattle being killed a year.

Perhaps that's why the 2012 planning changes seriously worried Downing Street only when Ukip came out against them, and against wind turbine subsidies. It was as if the Tories — traditionally seen as the party of the countryside — had simply given up on its rural roots.

It may be, as the Prince of Wales writes in this week's *Country Life*, that most Britons are now 'four or more generations from anyone who actually worked on the land'. It may just be that money talks.

Owners and developers were making huge profits from standard 300-unit housing lots and could afford to appeal against every rejection.

More surprising was the lack of support from the Left. Much of the original pressure to protect the British landscape had come from groups such as ramblers, cyclists and the National Trust. Ed Miliband uttered no word of protest at the planning changes, and indeed promised to overrule councils that obstructed developers.

Nothing has so blighted this debate as the pretence that rural planning has caused the 'housing crisis'. The idea that a shortage of urban housing can be solved in the green fields of Middle England is absurd. Yet developers — and many politicians — imply that anyone who defends rural Britain is being callous towards the homeless.

It is a total fiction that there is 'no land left' in existing settlements, and that only the countryside will do. British cities are embarrassingly behind the rest of Europe in post-industrial renewal.

An estimated 1.5 million sites allotted to housing lie unused in urban areas. Whitehall figures suggest an estimated one million homes are empty — and this is probably a gross under-estimate.

Nor are these just in the North and Midlands. The property agents Stirling Ackroyd recently declared there was space for 550,000 new houses in crowded London alone.

I have visited every corner of England in my time at the National Trust. Nothing was so depressing as to drive across miles of urban dereliction, boarded up high streets and vandalised housing estates, only to emerge into the countryside and bulldozed fields and huge Bovis, Persimmon and Barratt estates.

Such settlement sprawl means long commutes. It congests roads and demands investment in new shops, schools and hospitals.

We should be increasing urban densities, not reducing them. Most British town centres are still built to a height of three to four storeys. Most European towns are seven to eight storeys. This is unsustainable waste.

Rural Britain does not hold the key to housing policy, only to housing profit for developers. The fierce defence of their

environs by those who live in the countryside can seem selfish. But the job of planning is not to dictate who lives where: it is to guard the public interest.

The public clearly values the rural landscape and wants it protected for its enjoyment. But what is true of the countryside is true of land in general. As Mark Twain said: 'They are not making it any more.'

For the past 50 years, we have relied on a political consensus to guard rural Britain. It was sacrificed only by some overriding national good, such as a new town, motorway or airport. Since the Coalition's deregulation, that has no longer applied. Villages are at the mercy of landowners, much as in Sicily, Greece or Spain.

Ministers claim to have 'empowered' local people to stop this, but in many cases they cannot. If nothing changes, the result will be a rural Britain confined to national parks and National Trust properties.

**M**Y SOLUTION would be to grade the countryside as we do historic buildings. The National Grid last week proposed to bury its pylons where they spoil valued views. Such awareness of the visual quality of the landscape is a shaft of light on a gloomy scene.

'Listing the landscape' would be no great task, as every field is on a Whitehall computer. It would protect for all time the bulk of the countryside, whose scenic qualities Britons clearly want preserved.

It could also free for development tens of thousands of acres of land of no landscape value. This might relieve at least some of the current pressure on green belts. Yes, these areas need some revision, but at present no one trusts any minister to reassign the belts, knowing that the slightest relaxation would just see them vanish.

We must hope that one day Britain can recover from this philistinism, that it can recapture its ability to value rural landscape.

At present, defending the countryside is a lonely business. When I hear Government ministers and lobbyists abusing those defenders as Nimbys, I can only raise a glass and cry: 'God stand up for Nimbys.'



830233

AFC11

- i) **Proposed Modifications to the submitted Torbay Local Plan**
- ii) **Proposed Community Infrastructure Levy;**
- iii) **Proposed Local Validation List.**

Stoke Gabriel Parish Plan Group support in full the response from the Paignton Neighbourhood Forum, i.e. both the letter and appendices.

We are specifically concerned by the proposal to allocate Land South of White Rock (T756b), should this be needed, as this is adjacent to the border of our parish.

Should this green field site be allocated for development there will be a negative impact on Stoke Gabriel.

Of particular concern are :-

The impact on the Yalberton Valley Catchment Area, already severely compromised by developments already granted permission,

The impact on the South Devon AONB and landscape character, as also identified by South Hams District Council in the Duty to Co-operate Statement,

Road/traffic and transport issues particularly as the existing infrastructure is already inadequate. Stoke Gabriel is set to increase by some 70 additional dwellings. Again, SHDC has expressed concerns, too,

SHDC is in the process of preparing its Local Plan. While no specific sites in our parish have been identified as suitable for development at this time, Stoke Gabriel Parish Plan includes a number of paragraphs citing the importance of the landscape and green fields surrounding Stoke Gabriel, and the need for the village to retain a green buffer zone between it and Torbay,

While South Hams and Torbay comprise separate housing market areas as defined in the 2007 ETHMA, the proximity of Stoke Gabriel to Torbay has implications which have not been adequately addressed.

Torbay Council's reasons why this site should not be allocated for development are as set out in doc. TC/4. We support these in full.

Helen Kummer  
For Stoke Gabriel Parish Plan Group

22.3.2015

- i) **Proposed Modifications to the submitted Torbay Local Plan**
- ii) **Proposed Community Infrastructure Levy;**
- iii) **Proposed Local Validation List.**

Stoke Gabriel Parish Plan Group support in full the response from the Paignton Neighbourhood Forum, i.e. both the letter and appendices.

We are specifically concerned by the proposal to allocate Land South of White Rock (T756b), should this be needed, as this is adjacent to the border of our parish.

Should this green field site be allocated for development there will be a negative impact on Stoke Gabriel.

Of particular concern are :-

The impact on the Yalberton Valley Catchment Area, already severely compromised by developments already granted permission,

The impact on the South Devon AONB and landscape character, as also identified by South Hams District Council in the Duty to Co-operate Statement,

Road/traffic and transport issues particularly as the existing infrastructure is already inadequate. Stoke Gabriel is set to increase by some 70 additional dwellings. Again, SHDC has expressed concerns, too,

SHDC is in the process of preparing its Local Plan. While no specific sites in our parish have been identified as suitable for development at this time, Stoke Gabriel Parish Plan includes a number of paragraphs citing the importance of the landscape and green fields surrounding Stoke Gabriel, and the need for the village to retain a green buffer zone between it and Torbay,

While South Hams and Torbay comprise separate housing market areas as defined in the 2007 ETHMA, the proximity of Stoke Gabriel to Torbay has implications which have not been adequately addressed.

Torbay Council's reasons why this site should not be allocated for development are as set out in doc. TC/4. We support these in full.

Helen Kummer  
For Stoke Gabriel Parish Plan Group

22.3.2015



**Pickhaver, David**

---

**From:** Helen Kummer [REDACTED]  
**Sent:** 23 March 2015 00:10  
**To:** Planning, Strategic  
**Subject:** Torbay Local Plan Modifications response  
**Attachments:** PPG Torbay LP mods.docx

For the attention of Pat Steward.

I attach a response to proposed modifications to the Local Plan on behalf of Stoke Gabriel Parish Plan Group.

Yours sincerely,

Helen Kummer

Pickhaver, David

---

**From:** KEVIN BEGLEY [REDACTED]  
**Sent:** 23 March 2015 06:59  
**To:** Planning, Strategic  
**Subject:** Objection For Planing Permission at Steps Cross Watcombe

- I would like to make an objection to your proposed planning application based on the points below
- The lack off local facilities for the youth of the area
- The impact on the community of Watcombe
- More traffic in the area there are 3 schools within 100 yards of the proposed site
- We here at Watcombe Wanderers Football Club have been gradually growing the club since 2008 when we only started with one team we now currently have 3 adult teams and will have 5 youth teams running next season, we are a community based club who look to put as much back into the community of Watcombe as possible by providing the local youth in the area with regular exercise learning them the quality of a good team spirit and giving them something to focus on to keep out of trouble.
- Within our catchment area we really only have two options Steps Cross or King George V playing Fields, we currently use King George V but with the club growing year on year we will soon be out growing this facility and will require more pitches to support the growth of the club.
- 70 More houses 100 more cars 3 schools within 100 yards of proposed application don't really need to say any more
- we were made aware early last year that the local council had a feasibility survey produced on all of the local sports facilities in the Torbay area after reading a copy of the report we discovered the local facilities we currently use at King George V are deemed as unfit to play football on, at this point we got hold of the local council and Devon FA and had a meeting on 16th July 2014 with Ian Williams (Torbay Council) & Chris French (Devon County FA) to discuss this matter. it was proposed to us as King George V had a covenant on the area we would be better backing the council to gain funding to have two level football pitches at steps cross since this meeting we have made many attempts to to have further meetings with the council and Devon FA regarding this matter to no avail.
- Moving the club forward we are looking to secure our own facilities ideally at Steps Cross as this is close to the catchment area who support the club so we can progress the club to the next level of the football ladder level 7.

we currently have 150 members of our club who take regular exercise twice a week we promote family fun days Zumba Classes and get as many of the local community involved in all the activities we promote we need to keep as many green spaces available as possible

look forward to hearing from you

Regards

Kevin Begley  
 Treasurer  
 Watcombe Wanderers FC