**TORBAY LOCAL PLAN**

A landscape for success:

The Plan for Torbay – 2012 to 2032 and beyond

PROPOSED SUBMISSION PLAN (FEBRUARY 2014)

**TORBAY COUNCIL RESPONSE TO REPRESENTATIONS TO PROPOSED ADDITIONAL MODIFICATIONS TO THE SUBMISSION LOCAL PLAN**

**REPRESENTATIONS BY PERSON/ORGANISATION**

**Torbay Council 22nd April 2015**

| **Representations on Additional Modifications** | | | | | |
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| **ID** | **File No.** | **Person /Organisation Consultee** | **Policy No.** (Object unless otherwise stated) | **Summary of Representation** | **LPA Response** |
| **National organisations** | | | | | |
| 843585 | NO1 | Environment Agency | SDP1/5.2.1.3 | Mention the importance of protecting town centre/harbour sites from wave action. | Make a further Additional Modification at 5.2.1.3 to mention wave action. |
| 494352 | NO2 | Marine Management Organisation |  | No comments |  |
| 400188 | NO3 | Natural England | Concomitant objections to AM17  AM19,  AM29,  AM 30,  AM34  AM64,  AM70  AM76,  AM99,  AM100,  AM104,  AM113,  AM116,  AM119,  AM120, AM121,  AM122,  AM124,  AM 156,  AM 163,  AM 167, AM171,  AM177, | See objections to Main Modifications (SA/HRA  MM1, MM3, MM9, MM10, MM11, MM14)  Insufficient consideration of in-combination effects of additional sites. Concerns about White Rock (biodiversity, agricultural land etc) , St Marys Campsite, Churston Golf Club, Sladnor Park. Concerns about impact of CSOs on marine candidate Special Area of Conservation.  AM29,30, and 34,64,70 should be Main Modifications as they do to the heart of the Local Plan.  AM17-19, AM177 and SA. The AONB should be noted as a significant constraint to development.  AM29-30: Object to using S106 to mitigate impact of recreation on Berry head due to s106 pooling. Should be a CIL item.  AM99: Revise text on IROPI  AM167: Additional sites identified in Torquay may lead to combined sewer outfalls. | Detailed comments on environmental protection etc. Some can be incorporated as further Additional Modifications (see schedule of representations on Additional Modification by Modification number.  However, the net effect of Natural England’s comments is an objection to the Main Modifications to increase housing numbers, due to Torbay’s environmental constraints. See schedule of Main Modifications.  Comments on recreational pressure on Berry Head. The Local Plan undertakes to address this through developer contributions. The issue is whether this is CIL or S106. Both approaches have pitfalls. Most development in Brixham will probably not be CIL chargeable. Consider that it is best to resolve this matter as part of the proposed CIL Charging Schedule/S106 SPD. |
| 425628 | NO4 | Police Architectural Liaison Officer, Devon and Cornwall Police | AM139 | Support references to fear of crime, disorder and ASB | Support welcomed. Add a reference to Sport England’s developer checklist at para 6.4.2.4 (As an addition to AM140). |
| 468952 | NO5 | RSPB | AM124 | Support changes in AM124. NC1 or paragraph 6.3.2.5 should be amended further to note that Torbay Council will facilitate delivery of off-site compensation for cirl buntings. | Agree. Make a further Additional Modification to 6.3.2.5 to note this. |
| 501495 | NO6 | Sport England | AM139 AM150 | Support changes to refer to active design. | Support noted. Add reference to Sport England checklist at para 6.4.2.4 as part of AM140. |
| 400123 | NO7 | Theatres Trust | AM92  TO1 | Object that cultural facilities should be protected in line with para 70 of the NPPF | This does not relate to a Main Modification. Paragraph 6.1.1.20 (AM92) mentions the role of theatres and TO1 encourages the investment in such facilities. . Policy SS10 may also be relevant. However, the Council do not believe that NPPF 70 would justify a policy requiring the retention of theatres. |
| 843602 | NO8 | Woodland Trust | AM113  AM163  AM166 | AM113: Refer to expansion of woodland  AM163: (Policy ER2). Mention that tress can be beneficial to sustainable drainage. | Amend AM113 to include-e expansion of tree cover.  Amend AM166 (para 6.5.2.21) to refer to the role of trees in sustainable drainage schemes. |
| **Neighbourhood Forums, Community Partnerships, Neighbouring Parishes and Amenity Societies** | | | | | |
| 704914 | AFC1 | **Paignton Neighbourhood Forum** | MM1 etc  AM4  AM9  AM10  AM16  AM17  AM19A  AM19B  AM21  AM23  AM39  AM44  AM74  AM75  AM99  AM104  AM108  AM120  AM121  AM129  AM130  AM163  AM167  AM169  AM176  AM178  AM181  AM Annex 1 (Policies Map) | Objections to overall growth levels (see schedule of Main Modifications). Some comments to main Modifications are related to comments on overall growth rate/capacity e.g. AM17, AM23, AM178,  AM4: Add that 9,200 dwellings is a maximum that can be accommodated within environmental capacity.  AM10 (para 2.2.13): Refer to the 2012 based (2015) household projections  AM16 : Key Diagram also relates to Neighbourhood Plan areas  AM16, AM18A, AM108: Mention the need for further HRA details and testing.  AM21: Refer to para 119 of the NPPF  AM44: Propose a new Country Park at Yalberton Valley  AM74: Object to reduction in requirement for employment at Yalberton- employment should be 50% of the site  AM75: Retain reference to Kings Ash House as a potential housing site.  AM99: Refer to national interest at 6.1.2.27, rather than public benefit  AM129, AM130: Object to change to affordable housing threshold  AM163, AM167, AM169: Strengthen the requirements on developments relating to sewer capacity.  Include Yalberton Valley as a RIGS site. | See responses to objections to Main Modifications.  A number of Additional Modifications can be made to clarify some of the minor matters raised. |
| **Business Sector/Organisations/Social Enterprise Sector** | | | | | |
| 847469 | B1 | South West HARP Planning Consortium (Tetlow King for) | AM129 | See also objection to Main Modifications.  Change to affordable housing threshold should be treated as a Main Modification and accompanied by an increase in overall housing numbers. PPG 2-029 | Note that the change to affordable housing thresholds was in response to change to national Planning Practice Guidance and made following legal advice that the Council should comply with it. |
| **Development Industry - Housing** | | | | | |
| 844154 | HB1 | Home Builders Federation | AM129  ANM135  AM104  AM144  AM155 | See also objection to Main Modifications (objection to MM1 etc on growth levels)  AM129: Affordable housing contributions on sites of 6-10 dwellings in countryside should be taken as deferred contributions in accordance with Commons statement 28 Nov 2015.  AM135: Define self build housing  SPDs should not add burdens to developers.  House sizes will need to be justified by viability assessment of impact  Policy ES1 should be rechecked against housing standards review etc to ensure it conforms to it. | Include definition of self build housing in the glossary.  Revise affordable housing requirement for sites of 6-10 dwellings in the countryside in line with PPG.  Need to test the viability of house sizes is noted.  Viability issues need to be tested through forthcoming SPD/CIL charging schedule. |
| 844315  Consultee  844351  Agent | HB2 | Waddeton Park (PCL Planning for) | MM11 | Include additional land within boundary of SS2.3/SDP3.4 | See response to Main Modifications. |
| 844862 consultee  844863 Agent | HB3 | Abacus (Stride Treglown for) | AM16  AM19 | See also support for designation of land South of White Rock in the Main Modifications (MM3)  Clarify designation of land South of White Rock (referred to within SDB1 and SDB3.2  The designation sits more appropriately within SDB1 | Noted. Clarify Policy designation (as part of SDB1). However note that the site is affected by Main Modifications. |
| **Private Individuals -** | | | | | |
| 903058 | PI1 | Mrs V Deacon | - | General comments re. Paignton/Crossways. | Do not relate to the Modifications. |