

TORBAY LOCAL PLAN

A landscape for success

The Plan for Torbay – 2012 to 2032 and beyond

PROPOSED SUBMISSION PLAN (FEBRUARY 2014)

SCHEDULE OF PROPOSED CHANGES TO THE FEBRUARY 2014 SUSTAINABILITY APPRAISAL REPORT

Torbay Council - June 2015

Note

For background information on the additional changes made to the Sustainability Appraisal Report, please see introductory text set out in the Council's Proposed Replacement Main Modifications (RMMs) and Proposed Replacement Additional Modifications (RAMs) documents.

Interpretation of this document

The black text represents changes to the SA in response to the public consultation in April 2014

The red text represents changes to the SA in response to the Examination Inspector's request for clarification, the Inspector's 'Initial Findings', the Inspector's 'Further Findings' and the need for other editorial clarification (November 2014 to February 2015)

The purple text represents changes to the SA made in association with the drafting and development of the Replacement Main Modifications (RMMs) and Replacement Additional Modifications (RAMs) (June 2015) – new text in **bold**

Collectively, the above series of changes represent the current position regarding proposed changes to the February 2014 SA.

Page No.	Section/ Appendix	Paragraph	Policy	Proposed Editorial Changes	Reason for Change
N/A	N/A	N/A	N/A	Sustainability Appraisal Addendum.	To assess possible additional site allocations
N/A	N/A	N/A	N/A	Replace 8,000 -10,000 with 8,900 throughout the document	Housing numbers reduced (from those promoted in the July 2014 Submission Plan) following Natural England comments (March 2015) on impact of potential additional housing site allocations, in the

Page No.	Section/ Appendix	Paragraph	Policy	Proposed Editorial Changes	Reason for Change
					context of the South Hams SAC and the recently designated Marine cSAC Consequential RMM(s) & RAM(s)
N/A	N/A	N/A	N/A	Amend Plan period to 2030 throughout the document	RMM
3	2	2.1.5 (New)	N/A	The Sustainability Appraisal process uses 31 sustainability objectives to assess the likely effects of a policy or proposal within the Local Plan. This Sustainability Appraisal Framework has been subject to consultation and agreement at the scoping stage and reflects the NPPF as well as local circumstances in Torbay. The three aspects of sustainable development (social, economic and environment) have been treated evenly i.e. the weight given to different sustainability objectives is equal. The possibility of attaching different weightings to sustainability objectives would favour one aspect of sustainable development over others, which would be contrary to the NPPF principle of achieving sustainable development (paragraph 7). Consistency in judgement on the significance of impacts of different policies and proposals against sustainability objectives is particularly important to provide a balanced assessment.	Editorial clarification
25	4	4.6.2	N/A	Replace <i>master planning</i> with <i>masterplanning</i>	Typing error
25	4	4.6.4	N/A	Replace <i>Totnes Road, Paignton</i> with <i>Paignton North and West including Collaton St Mary, Paignton.</i> <i>Delete Wall Park</i>	Editorial clarification RMM
25	4	4.6.5.		<i>Delete reference to Wall Park: Wall Park is a redundant, brownfield site</i>	RMM

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				<i>that could, if very sensitively developed, come forward as an 'extension' to Brixham.</i>	
25	4	4.6.6, Table 4.3	N/A	<i>Replace Potential to Accommodate Development with Potential as Future Growth Area.</i>	Editorial clarification
25 – 27	4	Table 4.3	N/A	Replace <i>Area of Search</i> with <i>Future Growth Area</i>	Editorial clarification
25- 27	4	Table 4.3	N/A	Delete title of third column and replace with Potential Future Growth Area	Editorial clarification
35	6	6.1.3	SS1	Delete <i>of</i> from the first line	Typing error
35	6	6.1.3.	SS1	The Growth Strategy will provide a supportive planning framework for job creation of 5000- 5500 new jobs to 2030 and beyond.	RAM
35	6	6.1.5	SS1	Delete <i>of</i> from the second line	Typing error
35	6	6.1.6	ER1 & ER2	Add new bullet point at end of recommendation: <ul style="list-style-type: none"> Strengthen Policy ER2 to make explicit a drainage hierarchy approach which requires all development to limit surface water run-off and prioritises drainage design solutions which do not utilise combined sewers. Where development does discharge to a combined sewer, this includes requiring discharge rates to be limited to that of a greenfield discharge rate. Developments in Torquay that are unable to achieve this will be subject to HRA AA at the project level. 	Natural England comments (March 2015) on impact of potential additional housing site allocations, in the context of the South Hams SAC and the recently designated Marine cSAC Consequential RMM(s) & RAM(s) relating to changes to Policies ER1 & ER2

Page No.	Section/ Appendix	Paragraph	Policy	Proposed Editorial Changes	Reason for Change
36	6	N/A	SS2	Replace the subtitle <i>Land around Collaton St Mary, Paignton</i> with <i>Paignton North and West Area including Collaton St Mary, Paignton</i>	Editorial clarification
36	6	6.2.6	SS2	Replace <i>Area of Search</i> with <i>Future Growth Area</i>	Editorial clarification
36 & 37	6	6.2.7 & 6.2.10	SS2	Replace Countryside Zone with Countryside Area	Editorial clarification
37	6	6.2.9.	SS2	Add additional Recommendation: <ul style="list-style-type: none"> Strengthen Policy ER2 to make explicit a drainage hierarchy approach which requires all development to limit surface water run-off and prioritises drainage design solutions which do not utilise combined sewers. Where development does discharge to a combined sewer, this includes requiring discharge rates to be limited to that of a greenfield discharge rate. Developments in Torquay that are unable to achieve this will be subject to HRA AA at the project level. 	Natural England comments (March 2015) on impact of potential additional housing site allocations, in the context of the South Hams SAC and the recently designated Marine cSAC Consequential RMM(s) & RAM(s) relating to changes to Policies ER1 & ER2
37	6	6.2.12 & 6.2.13	SS2	Delete two paragraphs relating to 'Wall Park, Brixham'. This Future Growth Area has been deleted because the site now has planning approval for housing development. Site subject to a bespoke HRA AA	RMM & RAM
38	6	6.4.2	SS4	Amend paragraph as follows: The Policy aims to create 5000- 5500 net full time equivalent additional jobs by 2030 , support local businesses,	Reduction in the jobs range linked to findings of Housing Needs Assessment, and to

Page No.	Section/ Appendix	Paragraph	Policy	Proposed Editorial Changes	Reason for Change
				encourage new businesses to expand and seeks to strengthen the links between local education and training providers and local businesses. This will have a significant positive impact on providing a range of non-seasonal job opportunities. The Policy is likely to contribute to the regeneration and quality and diversity of the tourism industry through a focus on town centre regeneration and strengthen traditional industries such as tourism.	reduction in housing numbers, following Natural England comments (March 2015) on impact of potential additional housing site allocations, in the context of the South Hams SAC and the recently designated Marine cSAC. Shortened Plan period The new mean rate of 275 jobs pa is still within Submission Plan range of 250-300 jobs pa. Consequential RMM(s) & RAM(s)
40	6	6.6.4	SS6	At the end of the paragraph, add the following sentences: Transport proposals have been fully assessed in the LTP3 SEA and HRA ¹ . The ferry service has been subject to a detailed environmental assessment hence mitigation measures have been identified and implemented ² .	Clarification in response to Natural England objection

¹ The LTP3 SEA and HRA are available at <http://www.torbay.gov.uk/transportpolicy/transportplan>

² The Torbay Frequent Ferry Service Environmental Constraints Report

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42	6	6.11.2	SS11	<p>Amend third bullet point recommendation as follows:</p> <ul style="list-style-type: none"> New development should incorporate SUDS in order to reduce water pollution. Addressed under ER1 and strengthened strengthened Policy ER2 to make explicit a drainage hierarchy approach which requires all development to limit surface water run-off and prioritises drainage design solutions which do not utilise combined sewers. Where development does discharge to a combined sewer, this includes requiring discharge rates to be limited to that of a greenfield discharge rate. Developments in Torquay that are unable to achieve this will be subject to HRA AA at the project level. 	<p>Natural England comments (March 2015) on impact of potential additional housing site allocations, in the context of the South Hams SAC and the recently designated Marine cSAC</p> <p>Consequential RMMs & RAMs</p>
44	6	7.1.2	SDT1	Replace 3,800 with 3955	<p>Increase in housing numbers arising from allocation of additional sites can be accommodated as a result of their inclusion in Adopted Masterplan SPD and availability of resources to address site constraints. Increase does not conflict with Natural England (March 2015) on impact of potential additional housing site allocations, in the</p>

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					context of the South Hams SAC and the recently designated Marine cSAC, as policies such as ER1 and ER2 will apply. Consequential RMM(s) & RAM(s)
44	6	7.1.3	SDT1	Replace <i>37,000 m³</i> with <i>37,200 sq m</i>	Typing error
44	7	7.1.5	SDT1	Amend fifth bullet point recommendation as follows: <ul style="list-style-type: none"> Promote the avoidance of development in flood risk areas. Addressed under ER1 and strengthened Policy ER2 to make explicit a drainage hierarchy approach which requires all development to limit surface water run-off and prioritises drainage design solutions which do not utilise combined sewers. Where development does discharge to a combined sewer, this includes requiring discharge rates to be limited to that of a greenfield discharge rate. Developments in Torquay that are unable to achieve this will be subject to HRA AA at the project level. 	Natural England comments (March 2015) on impact of potential additional housing site allocations, in the context of the South Hams SAC and the recently designated Marine cSAC Consequential RMM(s) & RAM(s)
45	7	7.2.4	SDT2	Replace <i>water quality</i> with <i>bathing water quality</i> , after cumulative negative impact.	Clarification in response to the Environment Agency objection
45	7	7.2.4	SDT2	Amend fourth bullet point recommendation as follows:	Natural England

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				<ul style="list-style-type: none"> Developments in Flood Risk Zones 2 and 3 should be the subject of flood risk assessment in accordance with the Torbay Strategic Flood Risk Assessment (SFRA) Level 2. Addressed under ER1 and strengthened Policy ER2 to make explicit a drainage hierarchy approach which requires all development to limit surface water run-off and prioritises drainage design solutions which do not utilise combined sewers. Where development does discharge to a combined sewer, this includes requiring discharge rates to be limited to that of a greenfield discharge rate. Developments in Torquay that are unable to achieve this will be subject to HRA AA at the project level. 	<p>comments (March 2015) on impact of potential additional housing site allocations, in the context of the South Hams SAC and the recently designated Marine cSAC</p> <p>Consequential RMM(s) & RAM(s)</p>
45	7	7.3.1	SDT3	Add positive in the fourth sentence	Editorial clarification
46	7	7.3.6	SDT3	Replace <i>no net loss</i> with <i>net gain</i> in the second bullet point	Editorial clarification
46	7	7.3.6	SDT2	<p>Amend fourth bullet point recommendation as follows:</p> <ul style="list-style-type: none"> Restrict development on areas at risk of flooding and incorporate SUDS into new development. Addressed under ER1 strengthened Policy ER2 to make explicit a drainage hierarchy approach which requires all development to limit surface water run-off and prioritises drainage design solutions 	<p>Natural England comments (March 2015) on impact of potential additional housing site allocations, in the context of the South Hams SAC and the recently designated</p>

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				<p>which do not utilise combined sewers. Where development does discharge to a combined sewer, this includes requiring discharge rates to be limited to that of a greenfield discharge rate. Developments in Torquay that are unable to achieve this will be subject to HRA AA at the project level.</p>	<p>Marine cSAC</p> <p>Consequential RMM(s) & RAM(s)</p>
47	7	7.5.1	SDP1	Add <i>positive</i> in line 6 after the word significant	Editorial clarification
47	7	7.5.2	SDP1	Replace 4,585 with 4290	<p>Housing numbers reduced following Natural England comments (March 2015) on impact of potential additional housing site allocations, in the context of the South Hams SAC and the recently designated Marine cSAC</p> <p>Consequential RMM(s) & RAM(s)</p>
47	7	7.5.4	SDP1	Replace 30,100 m ³ with 30,100 sq m	Typing error
48	7	7.6.6	SDP2	Add the following text after the second sentence development in this area could have negative impact on bathing water quality.	Clarification in response to the Environment Agency objection

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50	7	7.8.6	SDP4	Replace <i>no net loss</i> with <i>net gain</i> in the second bullet point	Editorial clarification
51	7	7.9.2	SDB1	<p>Replace 790 with 660</p> <p>Amend text as follows:</p> <p>The Policy states that 660 new dwellings will be delivered in Brixham over the Plan period. This would lead to a significant increase of provide an opportunity to deliver affordable housing and self build housing which would have clear benefits in terms of reducing housing inequality. If development achieves a high environmental standard, it would have the potential to alleviate fuel poverty.</p>	<p>Housing numbers reduced following Natural England comments (March 2015) on impact of potential additional housing site allocations, in the context of the South Hams SAC, and the recently designated Marine cSAC, and the recent Churston Golf Club appeal Decision (APP/X1165/A/13/2205 208)</p> <p>Consequential RMM(s) & RAM(s)</p>
51	7	7.9.3 & 7.9.4	SDB1	<p>Replace 790 with 660</p> <p>Replace 2,700 m³ with 2,700 sq m</p>	<p>(See reason for change above)</p> <p>Typing error</p>
57	8	8.2.8	TO3	<p>Replace the existing text with the following paragraph:</p> <p>The proposed development is located within Torbay Harbours and outside the Marine cSAC (with exception of part of Torquay Harbour extension and small part of Paignton Harbour improvements). They are also within the newly designated Marine Conservation Zone. There are areas of seagrass adjacent to Torquay and Brixham</p>	Clarification in response to Natural England objection

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				Harbours; Seahorses (protected under the Wildlife and Countryside Act) have been observed in the three harbours; Cetaceans (whales, porpoises and dolphins) are European protected species; could be affected by noise emitted during piling. Other protected mammals such as seals are known to be present.	
57	8	8.2.9	TO3	Replace the existing text with the following: Development within Torbay Harbours should not adversely affect existing habitats and species. The MMO, NE and EA should be consulted on any work in the three harbours.	Clarification in response to Natural England objection
68	8	8.12.6	ER1	<p>Insert recommendation:</p> <ul style="list-style-type: none"> Strengthen Policy to refer to SUDs, WSUDs and need to avoid increased discharge to Ilsham CSO. Add reference to need for preparation of Supplementary Planning Document (SPD) to ensure achievement of this objective. 	<p>Natural England comments (April 2014 and March 2015) on impact of potential additional housing site allocations, in the context of the South Hams SAC and the recently designated Marine cSAC</p> <p>Consequential RMM(s) & RAM(s)</p>
69	8	8.12.8	ER2	Delete CSH and BREEAM from the first line	Factual clarification
69	8	8.12.9	ER2	Replace <i>blue space</i> with <i>bathing water quality</i>	Clarification in response to the Environment Agency objection
69	8	8.12.10	ER2	At the end add: Addressed as a response to the SA recommendations	<p>Editorial clarification</p> <p>Natural England</p>

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				<p>Amend recommendation by inserting additional text at end of existing text:</p> <p>New development should incorporate SUDS in order to reduce water pollution. Addressed under ER1 and strengthened Policy ER2 to make explicit a drainage hierarchy approach which requires all development to limit surface water run-off and prioritises drainage design solutions which do not utilise combined sewers. Where development does discharge to a combined sewer, this includes requiring discharge rates to be limited to that of a greenfield discharge rate. Developments in Torquay that are unable to achieve this will be subject to HRA AA at the project level.</p>	<p>comments (March 2015) on impact of potential additional housing site allocations, in the context of the South Hams SAC and the recently designated Marine cSAC</p> <p>Consequential RMM(s) & RAM(s)</p>
75	9	9.2.5	N/A	Delete the word <i>arising</i> from the last sentence.	Typing error
77	9	Table 9.1	TO3	Change the score for objective 5.1 to minor negative -	Clarification in response to Natural England objection
42	Appendix 2	see the Table below	N/A	Add the Marine and Coastal Access Act 2009 to the list of policies (see Page 1 below).	Clarification in response to Natural England objection
174	Appendix 7	Sub-objective 5.1	N/A	Replace <i>Countryside Zone</i> with <i>Countryside Area</i> .	Editorial clarification
180	Appendix 7	N/A	SS2	Remove the Wall Park Future Growth Area's SA matrix and summary	<p>Wall Park site has planning approval for housing development.</p> <p>Consequential RMM(s) & RAM(s)</p>

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206	Appendix 8	Sub-objective 5.1	TO3	Change the score in the third column to minor negative ‘-‘	Clarification in response to Natural England objection
206	Appendix 8	Sub-objective 5.1	TO3	Replace the text in column 4 with the following text: The proposed development is located within Torbay Harbours and outside the Marine cSAC (with exception of part of Torquay Harbour extension and small part of Paignton Harbour improvements). They are also within the newly designated Marine Conservation Zone. There are areas of seagrass adjacent to Torquay and Brixham Harbours; Seahorses (protected under the Wildlife and Countryside Act) have been observed in the three harbours; Cetaceans (whales, porpoises and dolphins) are European protected species; could be affected by noise emitted during piling. Other protected mammals such as seals are known to be present.	Clarification in response to Natural England objection
206	Appendix 8	Sub-objective 5.1	TO3	Replace the existing text in column 5 with the following: Development within Torbay Harbours should not adversely affect existing habitats and species. The MMO, NE and EA should be consulted on any works in the three harbours.	Clarification in response to Natural England objection

Modifications to the Sustainability Appraisal Appendices

Appendix 2 - page 42: Add new text relating to the Marine and Coastal Access Act 2009

Marine and Coastal Access Act 2009		
Overall aim / purpose of the document	Objective / target	Implications for Local Plan and SA
<p>The Act introduces a new system of marine management. This includes a new marine planning system, which makes provision for a statement of the Government's general policies, and the general policies of each of the devolved administrations, for the marine environment, and also for marine plans which will set out in more detail what is to happen in the different parts of the areas to which they relate. The Act includes provision changing the system for licensing the carrying on of activities in the marine environment. It also provides for the designation of conservation zones. It changes the way marine fisheries are managed at a national and a local level and modifies the way licensing, conservation and fisheries rules are enforced. It allows for designation of an Exclusive Economic Zone for the UK, and for the creation of a Welsh Zone in the sea adjacent to Wales. The Act also amends the system for managing migratory and freshwater fish, and enables recreational</p>	<ol style="list-style-type: none"> 1. Establish a new Marine Management Organisation to produce marine plans, administer marine environmental licensing, manage marine fisheries and enforce environmental protection laws. The Marine Management Organisation will be an independent non-Departmental Public Body, and will deliver marine functions for the UK Government as a whole. 2. Introduce a new system of marine planning which will include setting out long-term objectives for the marine area around the UK in a Marine Policy Statement and more detailed marine plans setting spatial policy at a more local level. 3. Introduce a streamlined, transparent and consistent system for licensing marine developments providing, as far as possible, a one-stop shop for each project. The new system will replace existing controls under Part II of the Coast Protection Act 1949 and Part II of the Food and Environment Protection Act 1985. 4. Introduce a flexible new mechanism for the designation of Marine Conservation Zones which together with European Marine Sites will form a representative network of Marine Protected Areas. This will help fulfill the UK's European and International commitments for the establishment of coherent and representative network of Marine Protected Areas. 5. Strengthen the management of marine fisheries, including by replacing Sea Fisheries Committees with new bodies called Inshore Fisheries and Conservation Authorities and enhancing legislation underpinning sea fisheries conservation and shellfish management. 6. Reform and modernise powers for the licensing and management of migratory and freshwater fisheries. 7. Streamline and modernise enforcement powers including the 	<p>The Local Plan and the SA should take into account the aims and objectives of the Act.</p>

access to the English and Welsh coast.	introduction of a common set of powers so that officers enforcing fisheries, nature conservation and licensing legislation will have access to a core set of enforcement powers. 8. Introduce new powers to extend recreational access to the English coast and enable the creation of a continuous access route around the English coast.	
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