

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

PROPOSED SUBMISSION PLAN (FEBRUARY 2014)

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

**LIST OF REPRESENTATIONS BY PERSON/ORGANISATION IN TOPIC & ALPHABETICAL ORDER**

<b>Consultee ID</b>	<b>File No.</b>	<b>Person /Organisation Consultee</b>
<b>Neighbouring Local Authorities, Neighbourhood Forums, Community Partnerships, Parishes and Amenity Societies</b>		
828890	AFC1	Brixham Neighbourhood Forum
844172	AFC2	Collaton Defence League and Collaton St Mary Residents Association
440741	AFC3	Collaton St Mary Residents Association (Mrs A Waite on behalf of)
900169	AFC4	Maidencombe Residents Association
704914	AFC5	Paignton Neighbourhood Forum
438382	AFC6	South Hams District Council
418700	AFC7	Stoke Gabriel Parish Council
830233	AFC8	Stoke Gabriel Parish Plan Group
923362	AFC9	Stoney Park Allotments Association
438373	AFC10	Teignbridge District Council
817474	AFC11	Torquay Neighbourhood Forum

828890

AFC1



# Brixham neighbourhood plan

By email to [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk)  
Torbay Council  
Electric House (2nd Floor)  
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c/o  
15 Waterside Road  
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TQ4 6U

31 July 2015

Dear Pat,

## Proposed Revised Modifications to the submitted New Torbay Local Plan and supporting docs

As agreed at the Forum meeting on 22<sup>nd</sup> July, these are the views of the Brixham Peninsula Neighbourhood Forum on the following proposals published by the Council on 22 June 2015 for response before 9am on 3 August 2015.

The Brixham Peninsula Neighbourhood Forum ("the 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 as a whole. In particular we highlight the aspects of (i.) population growth rate; (ii.) the need for a monitoring or lock- gate mechanism balancing homes and jobs and (iii.) protection of wildlife habitats and important landscapes as areas of agreement which need the greatest consideration.

## Specific areas of support for the Revised Modifications.

1. The Forum is pleased that "White Rock 2" has been removed as a site as per para 5 of our submission dated 22 March 2015.
2. The Forum is pleased that Churston Golf Course has been removed as a site as per paras 6 and 7 of our submission dated 22 March 2015.
3. The Forum is also pleased at the minorly revised strategic delivery plan areas.

## Torbay Housing Supply over the 19 year plan period

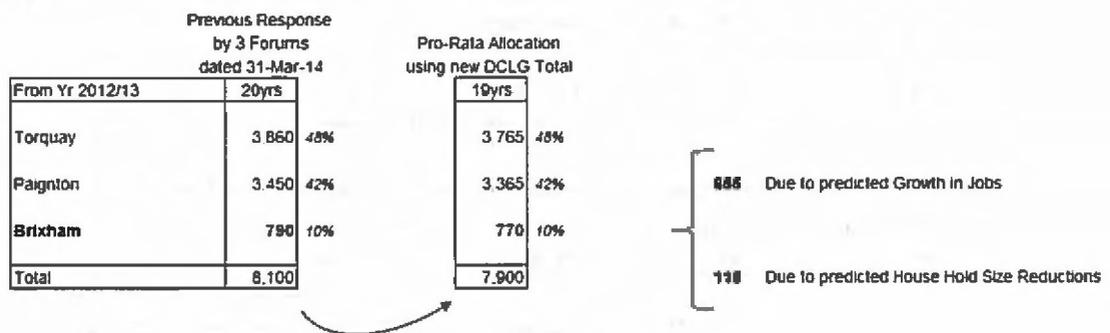
4. One of the most important aspects of the Revised Modified Local Plan is that it provides the correct level of housing. At the Forum meeting to approve this document on 22 July, the Forum was made aware of a document entitled *Technical Paper: Update on Objectively Assessed Need and Job Projections (PH19)* which was published after the formal consultation began; was not referred to in any publicity material unlike all the other documents; and whilst it was hosted on the Council's website members of the Forum did not find it easy nor apparent to find. This notwithstanding given the document appears to be an update of document SD24, the same document appears worthy of proper consideration.
5. HM Government's Department for Communities and Local Government ("DCLG") Household Projections 2012-2037 (published 27 Feb 2015) predict that approximately 7,900 homes will be required over the 19 year period now being used for the Revised Modified New Local Plan. In contrast the Council proposed to bring forward 8,900. This Technical Paper sets out the Council's case for bringing forward the 1,000 extra homes.
6. The Council's case is that it is *planning for success* and that in providing it says "1,700' more homes than it believes are required by DCLG a "buffer to allow for economic growth" is created (see para 1, page 5). The Form notes the difference between 7,900 and 8,900 is 1,000 not 1,700. Accordingly, on the basis some calculation needs to be applied to them, the Forum queries whether the Council has in their interpretation of the DCLG figures arrived at a lower figure of 7,200.
7. Irrespective of whether the Council's interpretation or the Forum's interpretation of the DCLG figures is preferred, the Council's chosen strategy in the Revised Modified New Local Plan is to bring forward significantly more housing capacity at the Torbay authority level than that predicted to be required by DCLG.
8. DCLG's figures are driven in part (15%) by reductions in house hold size and in part by job growth (85%) (4<sup>th</sup> para from bottom, page 4). The Council's figures do not allow for the same reductions in house hold size and so 100% of the Council's figures are driven by job growth (3<sup>rd</sup> para from bottom, page 4). Of the 7,900 figure from DCLG 6,715 is the 85% required for job growth. The Forum submits this 6,715 figure from DCLG is comparable to the Council's figure of 8,900. This difference is 2,185.
9. Using the Council's assumption of 45.5% of the population being economically active and there being 1.5 jobs per household (para 4, page 5) these household figures can be translated into net new job growth figures. DCLG predicts 4,580 jobs and the Council predicts 6,070. **This means the Council is predicting approximately 1,490 more net new jobs than is forecast by DCLG.** In an area the small size of Torbay this is a large difference. It is almost one third more and compares to the 1,900 net new jobs which was the ambition of the Torbay Economic Strategy for the whole of the 2 year period from 2013 to 2015.
10. The Forum considers that in adopting this stance, fairness and good administration requires the Council to advance reasoning which is clear and unambiguous; and not contradictory and unsatisfactory. However, no reasoning at all has been advanced to explain why Torbay's economy should be expected to perform so much better than forecast by DCLG. Although the Technical Paper provides a list of economic drivers and commendable actions the Council is taking to stimulate growth, the Forum was unable to find any assessment of whether these factors were overlooked either in whole or part by the ONS forecasts which drive the DCLG figures and thus why such different conclusions are reached.

11. Further, the Forum notes that on page 178 of the main Local Plan the first row refers to 5 year periods but the second row appears to contain 6 year periods. As a result, this table appears to consider the period 2012 to 2036 to be some 20 years long. This table has not been revised either in the Modifications nor the Revised Modifications. The Forum considers that this element could merit further explanation before concluding it is appropriate to deliver so many more homes than forecast by DCLG.

12. Hence the Forum's position is that in the absence of any better information the DCLG Household Projections 2012-2037 should be relied on *as a starting point* to guide the amount of housing required to be brought forward in Torbay over the 19 year plan period. Accordingly *as a starting point* 7,900 homes will be required (not the 8,900 in the Revised Modified Local Plan).

**Brixham Peninsula's contribution to the Torbay Housing Supply.**

- 13. As set out at paras 52 and 53 of the Paignton Neighbourhood Forum submission, in March 2014 the Brixham Peninsula Neighbourhood Forum previously (reluctantly) accepted a figure of 790 as our area's contribution to the Torbay's housing provision over the next 20 year period.
- 14. The Forum has been working hard to identify sites to meet this level of contribution. In doing so, given it considered it undeliverable, at no time did the Forum rely on Churston Golf Course as a site. However this did mean that the Forum needed to start to consider employment sites for housing. This was noted in the letter dated 22 March 2015 setting out the Forum's response to the Modifications .
- 15. Based on aggregating the submissions of the 3 respective Forums which indicated a capacity of 8,100 as at 31 March 2014, the DCLG housing figure of 7,900 appears achievable. This contrasts to the fact that the Council's figure of 8,900 appears unachievable. It is advocated by the Forum that the 7,900 is allocated around the 3 Forum areas pro-rata to the 8,100 capacity as follows:-



Total Revised downwards to accord with new DCLG predictions which assume a return to inward migration due to job creation and for the first time reductions in household sizes as recognised by document PH19

#### *Household size reductions*

16. As the Council's Technical Paper makes clear (4<sup>th</sup> para from bottom, page 4), house hold size has remained at 2.2 persons per household since 1991. Using our own understanding of our small local Forum area, the Forum believes there is no reason to assume this should change and hence concludes the anticipated household size reductions are unlikely to materialise.

17. The Forum intends to attempt to find capacity for 115 homes to provide for the reductions in household sizes predicted by DCLG. However, it is noted that neither the Council, the Council's independent consultants, nor the Forum believe it likely that these reductions will actually materialise. Accordingly, it is essential that an appropriate monitoring mechanism is put in place to only bring this capacity forward should it prove necessary to do so (see below).

#### *Growth in Jobs*

18. The Forum supports the highly ambitious job targets of the Council. We consider it laudable that the Council's job creation targets are so much greater than those of DCLG. However the Forum also notes the highly challenging economic landscape.

19. The Forum intends to attempt to find capacity for 655 homes to provide for the increases in jobs predicted by predicted by DCLG and believes this compares well to the either 659 or 660 set out by the Council in the Revised Modifications (see *Amended Table 4.3 Source of new homes in RMM4 and RMM5 and Table 5.14 for SDB1 in RMM12*). However, it is noted that given there is such a range of economic predictions it is essential that an appropriate monitoring mechanism is put in place to only bring this capacity forward as it prove necessary to do so (see below).

#### *Environmental Constraints – Habitat Regulations*

20. It has been noted and recognised by the Forum that Brixham Peninsula has a particular need to address Habitat (and Birds) Regulations, meaning that Appropriate Assessments may be called for when determining sites.

21. The Forum stands ready to engage in this process and is already closely co-operating with Natural England and the Council to ensure compliance is achieved.

22. Given the geography and the special importance of the fauna of the Peninsula, in particular GHB and Cirl Buntings our approach will be to put forward compliant sites rather than adopt a "compensation/mitigation" first approach (as per the Council).

23. It may well be that the HRA work undertaken by the Forum as the "competent authority" as per Section 61 of The Conservation of Habitats and Species Regulations 2010 evidences that sufficient sites for 770 homes (an amount of housing which the Forum considers to be well in excess of a 20 year supply) cannot be brought forward. This is an aspect which will be considered through the Neighbourhood Planning process. The Forum understands that the Council has already reached this conclusion or otherwise and has hence advocated a total of 660 for the Brixham Peninsula which appears prudent and precautionary. We highlight this only serves to reinforce the Forum's point at para 12 above.

### **Bringing forward housing sites: the need for a monitoring / balancing / lock-gate mechanism.**

24. In the advance of the first consultation of the Local Plan, the Forum was made aware of the Council's proposals for what the Council termed a "lock-gate" mechanism. The stated purpose of this policy was to ensure tranches of houses were only brought forward in line with the creation of net new jobs (note: this is not the same as new jobs nor a reduction in unemployment). The Forum was impressed by and strongly supported this well thought through and very sound policy.
25. It is understood that during a meeting with PINS, Council officers were informed such a lock-gate mechanism was not possible. Accordingly such a policy did not feature in the Plan. The Forum is concerned by this major omission, same resulting in an unsustainable disconnect between homes and jobs. Whilst at the procedural level the Forum's position is that policy decisions should be made in an open public forum and not smoke filled rooms behind closed doors at meetings where no minutes are available.
26. The Forum is being pro-growth and identifying sufficient sites to meet the potential 770 level. This includes sufficient housing in our area to meet the job growth in net new jobs *and* reductions in household size. The Forum hopes this reassures those concerned that DPDs will not be required for the Brixham area.
27. However, precisely because of this, the Forum is keen to ensure the rate at which this capacity is used up is appropriate. Given the unique geographic characteristics of the Bay, with very little room to expand, the Forum wishes to ensure housing capacity is used to deliver sustainable local jobs within Torbay and not wasted on the mere provision of second homes.
28. The Forum specifically highlights that the Revisions to Policy SS12 proposed by the Paignton Neighbourhood Forum (see particularly page 22 of 53 in their submission) need to be adopted. In the absence of such necessary modifications it is possible that in total compliance with the Revised Modified Local Plan we could get to 2032 and build 8,900 homes without 1 single net new job being created. This bleak possibility arises solely due to the creation of an "upwards only" monitoring mechanism, highlighting that at present Policy SS12 is simply unsound and unreasonable. The changes proposed by the Paignton Neighbourhood Forum fix this problem.

### **Land Protection Designations**

29. The Forum is concerned that despite being flagged up in previous submissions there has been no progress in dealing with community concerns re land protection designations:
  - a. **Coastal Preservation area.**

At the hearing, it was considered by the Inspector that the problems as set out on page 16 of 32 of the Churston, Galmpton and Broadsands Community Partnership response dated 6 April 2014 re Policy C2 could be amicably resolved through discussion between the Forum and the Authority.

However, the Authority's position is that a meeting is only possible to explain its position. This is not what the Inspector anticipated and is not a route to resolve the difference which exists between the Council and the Community.

The Forum supports the submission of the CPRE dated 23<sup>rd</sup> July and believes that the omission of part of Churston Golf Course from the Coastal Preservation Area fundamentally undermines the strength of the policy.

To fix this two routes are foreseen: either the Authority could agree not to object to the Neighbourhood Plan designating this area as Coastal Preservation Area (which appears to have been its position to date) or it could support the Forum's request that this area be included as Coastal Preservation Area in the New Local Plan.

**b. Countryside Zone.**

The Forum has always considered the area of the 1<sup>st</sup> and 18<sup>th</sup> holes of Churston Golf Course should be Countryside Zone. Given the Council has now accepted this land is unlikely be brought forward for housing and in all events in not necessary the Forum believes this land should now be designated Countryside Zone.

To incorporate this amendment two routes are foreseen: either the Authority could agree not to object to the Neighbourhood Plan designating this area as Countryside Zone (which appears to have been its position to date) or it could support the Forum's request that this area be included as Countryside Zone in the New Local Plan.

Yours sincerely

Jackie Stockman  
Forum Chairman

Adam Billings,  
Forum Vice- Chairman

**Copies to:**

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

844172

AFC2

Mr Robert Young,  
Local Plan Programme Officer,  
Room 5,  
Upton Building,  
Town Hall,  
Castle Circus,  
Torquay,  
TQ1 3DR

31<sup>st</sup> July 2015

Dear Mr Young

**Torbay Council Replacement Modifications to the Submitted Torbay Local Plan**

Please find enclosed a copy of our Submission of today's date to Torbay Council in respect of the above, and otherwise, for the information of Inspector Holland, particularly regarding what we consider to be the important and significant procedural issues arising out of the attached copy Notice, the Inspectors letters of 14<sup>th</sup> and 21<sup>st</sup> May 2015 to Mr Steve Turner, and as raised in our Submission.

  
Collaton St Mary Residents Association/ Collaton Defence League.

PLANNING AND COMPULSORY PURCHASE ACT 2004  
LOCALISM ACT 2011  
Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

**NOTICE OF PUBLICATION OF LOCAL PLAN DOCUMENTS**

**STATEMENT OF REPRESENTATIONS PROCEDURE AND AVAILABILITY OF DOCUMENTATION**

**PROPOSED REPLACEMENT MODIFICATIONS TO THE SUBMISSION TORBAY LOCAL PLAN**

In July 2014 the new Torbay Local Plan was submitted to the Secretary of State for Independent Examination. Hearing Sessions were conducted by the Examination Inspector in November 2014 to debate key policy issues relating to the Plan's soundness. In February 2015, the Council published a series of Proposed Modifications to the Local Plan, together with related Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA) documents.

Following the Inspector's consideration of the Council's response to the representations received on the Proposed Modifications, he has provided further advice to the Local Authority regarding progression of the Examination. As a consequence, the Council has now withdrawn the above previously published Proposed Modifications documents and has replaced them with a new set of changes to the Submission Plan.

Views are therefore now invited specifically on the 'Proposed Replacement Main Modifications', which include changes that relate to the soundness of the Plan. Comments are also invited on other more minor changes to the Plan, set out in the 'Proposed Replacement Additional Modifications' document, and on the associated SA and HRA documents. Please submit representations on these documents separately, as comments on each will be considered in different ways. Representations should be made on the Proposed Replacement Main Modifications, Replacement Additional Modifications and associated SA and HRA documents only (not on the unchanged parts of the Submission Plan).

The above documentation will be published for formal representations over a six week period from 9.00am Monday 22 June to 9.00am Monday 3 August 2015. Reference copies of these documents will be available for inspection on the Council's web site [www.torbay.gov.uk/newlocalplan](http://www.torbay.gov.uk/newlocalplan) and related links, and at Torbay Council's Spatial Planning Office (Electric House, Castle Circus, Torquay TQ1 3DR), Council Libraries and Connections Offices during normal opening hours. Please send your comments by email to [strategic.planning@torbay.gov.uk](mailto:strategic.planning@torbay.gov.uk) or by post to Spatial Planning at the address above, indicating which documents you are commenting on.

Documents can be downloaded from the above web site free of charge. Paper copies may be purchased from Spatial Planning - details of prices are available on request.

All comments should be received no later than 9.00am Monday 3 August 2015, and will be made available for public inspection. Late comments will not be accepted. If you have any queries, please call 01803 208804.

Torbay Council – June 2015

# By hand

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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 Residents Assoc.



31<sup>st</sup> July 2015

Dear Mr Steward

- 1. Proposed Replacement Main Modifications to the submitted Torbay Local Plan with Annex 1 and Annex 2**
- 2. Proposed Replacement Additional Modifications with Annex 1**
- 3. Changes to the Sustainability Appraisal**
- 4. Changes to the Regulation Assessment**

These are the combined views of Collaton Defence League and Collaton St Mary Residents Association acting in combination and in common ("The Combination") on the above proposals published by the Council on the 22nd June 2015 for response before 9am on the 3<sup>rd</sup> August 2015. The views of The Combination, its position in respect of the above –headed matters, and its conclusions reached with regard to the above and generally and specifically are as follows:

**1. In General**

- a. The Combination wishes to place on record that it endorses ,concurs with, and supports the views of and the conclusions reached in respect of the above by Paignton Neighbourhood Forum (and as if the same were herein set forth and repeated at length mutatis mutandis) and as/to be submitted in writing by said Forum to you by 9am 3rd August 2015 and as/to be copied to the Local Plan Inspector by the Programme Officer, particularly in relation to our village of Collaton St. Mary, and especially in relation to what in our opinion would be the grossly negative impact the Local Plan and the so-called Master planning initiative by the Council would have upon Collaton St Mary where even your now proposed reduction of total number of

dwellings during the first five years of the revised Local Plan to 460, in our contention, would be unsustainable to our limited village environment- in effect it would be the equivalent of 3 new housing estates each the approximate size of Bovis's St Mary Mead estate. A further 1022 dwellings proposed for the following five years; 500 for the following five years and 294 for the final five years of the proposed new Plan period (making a total proposed additional dwellings in our Area of 2250) we submit to you would have the effect of creating a completely NEW and SIGNIFICANTLY DIFFERENT Community and Environment here than the one our residents currently enjoy living in and value and which proposed alarming CHANGE you have so far consistently failed to provide any justification for. In our view you are calculatingly trying to present yourselves as listening to our Community's valid concerns by your presently proposed reduction of 376 dwellings from the 800 plus dwellings previously earmarked for our village during the first 5 years of the new Plan period. We consider this to be a cynical ploy on your Authority's part by the setting of the bar intentionally even higher initially in order to pursue such a ploy and thereby still achieve your purpose. This is not to be overlooked. Such an overly excessive number of new dwellings in our Area in such a relatively short period of time given our well known and well documented and publicised objections to such on the grounds of loss of village identity; lack of appropriate infrastructure; environmental and ecology; landscape; traffic; local agriculture the rural economy and food production; questions over delivery; schools places and lack of local amenities and resources to absorb these fundamental proposed changes, and other vitally significant matters and issues makes your fresh Proposals as above as proposed in respect of our Area, in our view, wholly unsupportable, inappropriate, unsuitable, unacceptable, unsustainable, undeliverable and unjustified. Importantly, from an environmental capacity alone, the numbers proposed are just too high to be sustainable. The Planning Inspector, to our knowledge, has very clearly confirmed to you that the Local Plan is not yet "sound" and that further evidence is required about your trying to fit in so many houses especially, essentially that you are looking to fit a quart into a pint pot. The Inspector himself has stated that "the capacity of the area is a critical consideration" as far as he is concerned. He states "To be justified a plan must be based on adequate evidence."

It begs the question, who exactly are all these extra dwellings actually intended for, and who will be able to afford to buy them in the first place--second homers/holiday homers, retirees, housing associations, out- of- area major urban local authorities looking to re-locate their overflows or migrants or problem families (something we have anecdotal evidence for is already going on)? Certainly not many of our current population of the Bay we would respectfully suggest. And what about the consequent negative knock -on effect and expense would such have on our already deprived and overstretched financially and under-resourced Bay Area? An unsustainable artificially housing- induced demographically and age- increasing population experiment can only further grossly exacerbate our existing NHS and elderly and social care and amenities problems and result in unaffordable expense for our Bay area .

- b. The Council has, in our view, consistently throughout failed to provide their justification for and to establish the need for their proposed plans for Collaton St Mary as a future Housing Growth Area in the Local Plan and also its so- called Master planning exercise. We contend that to date it has (whether deliberately or by omission) failed to adequately and properly fully to explain and to communicate, connect and consult with our Community upon such significant development plans for our Area and that they have failed, deliberately or otherwise, to comply with their duty to properly and fairly communicate and consult with our Community in the interests of Localism and Natural Justice and Democracy before submitting, at the eleventh hour, your latest replacement set of Modifications. We believe and would contend this to be a calculated and perverse attempt on your Authority's part to raise money for a cash – strapped Council from a deeply flawed Housing Growth Planning Policy.
- c. 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 our 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 Master planning exercise was and is a cynical, not yet completed, futile and costly attempt to mask this fundamental flaw in the preparation of the Local Plan and consequently this places at issue its "soundness". Particularly important and worthy of note at this particular juncture is the fact that it is our experience that you have not worked with our Community and the Neighbourhood Forums (despite their repeated requests for meetings), nor given sufficient time and no pre-consultation with stakeholders, other interested parties, and the general public about these fresh Modifications nor sufficiently or adequately explained why you have withdrawn your first set of Modifications, the reasons for this precipitous course of action, the justification for this course of action and why you have not discussed it with stakeholders and other interested parties first. To us it smacks of a desperation to save your Local Plan at all costs, panic action, and to the making up of policy on the hoof without proper consultation and contrary to Localism, natural justice and sound and proper administration and local government.

- d. 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 at the same time 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 (mutatis mutandis).

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 have been submitted without meeting the essential need for an Infrastructure Delivery Plan and a comprehensive integral CIL Schedule, the detail in respect of which has been fully expressed to you by Paignton Neighbourhood Forum (without which we would say 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 Nimby’s”.

Paignton Neighbourhood Forum goes some way and in detail to addressing the above issues, which we fully support and endorse. It points out, and makes the case for, the fact that the population in our Bay is decreasing year on year, NOT rising!

- e. 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 to be designated 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.

### 3.Procedural Issues

Lastly but not least, and not to be overlooked, and which may be open to a subsequent challenge, is the whole questions thrown up by procedural issues consequent upon your Authority’s arbitrary eleventh hour decision to replace your previous proposed Modifications and the way you have gone about this:

- i) Many, including ourselves, Paignton Planning Forum, and other interested parties and concerned members of the general public spent an inordinate amount of time and effort in previously responding to your Authority’s request for submissions to be made to your previous Modifications, a totally wasted exercise now in consequence of your questionable arbitrary withdrawal of the previous Modifications without answer, or proper explanation or justification. Little opportunity or advance warning or even adequate post publicity given to those who now have to repeat the process and

given lack of access and the busy holiday time of the year, how many of those who previously responded will know about or be able to repeat the exercise and in the brief time afforded to them for this? Is this good local government and administration by a local authority on behalf of its electorate one might ask?

- ii) In this regard we fully endorse the views and points made to you by Paignton Planning Forum in their submission to you in respect of the above of 20<sup>th</sup> July 2015. We understand that you have stated that “The Local Plan Inspector is worried, given the opposition of Neighbourhood Forums that Neighbourhood Plans will undermine The Local Plan. If the Inspector is not sure that Neighbourhood Plans actually help deliver the Local Plan he may not allow the Local Plan to be adopted”. It is our understanding that the Inspector has given a clear warning that your decision to withdraw the previous Modifications and replace them with new ones may not prove possible. Clearly, to us, your Local Plan and the developing Neighbourhood Plans are substantially NOT in conformity (as is otherwise to be required by the NPPF). The Inspector himself acknowledges that “Moreover the Neighbourhood Forums are still challenging the strategic approach favoured by the Council.” So too do we. He also appears to us to be suggesting that in your latest action you are in effect and consequence jumping the gun...he states “There is already uncertainty regarding whether the proposed neighbourhood plan would deliver the scale of housing sought by the Council. It is appreciated that the Council is seeking to facilitate the Neighbourhood Planning process by listing potential housing sites and by undertaking master planning exercises. Unfortunately the master plans are not at a stage where they can provide certainty about the scale of development that can be used by the Neighbourhood Forums in their planning work” “The potential housing sites identified by the Council for consideration in the Neighbourhood Plans include ones where there may be significant delivery/timing issues. More evidence is therefore required.” The Inspector’s current conclusion is that “the evidence required to justify the Plan IS NOT COMPLETE AND THERE IS CONSIDERABLE UNCERTAINTY ABOUT HOW EFFECTIVE THE Plan would be.” Your latest action (or apparent lack of it) would appear to fly completely in the face of this “advice” and comment from the Inspector, at your peril and the risk to your Plan being found to be not sound-see the

- final paragraph of the Inspector's above letter and the Inspector's comments in his letter of 21<sup>st</sup> May 2015 to your Mr .Steve Turner.
- iii) Worryingly we have noted a disparity between the Inspector's stated position and what is promulgated by you is his position as you appear to us have stated it to be in your NOTICE OF PUBLICATION OF LOCAL PLAN DOCUMENTS, June 2015, in respect of your PROPOSED REPLACEMENT MODIFICATIONS TO THE SUBMISSION TORBAY LOCAL PLAN and we quote " Following the Inspector's consideration of the Council's response to the representations received on the Proposed Modifications, he has provided further advice to the Local Authority regarding progression of the Examination. As a consequence, the Council has now withdrawn the above previously published Proposed Modifications documents and has replaced them with a new set of changes to the submission Plan". Our reading of this, and we would contend, any other person's reading of this, would lend one to believe that it was the Inspector who had advised you to take this course of action and that you were acting upon such advice. This to our knowledge was NOT in fact the case and in support of this contention we would refer you to the Inspector's letter of 14th May2015 to your Mr Steve Turner .Quite the contrary to the received advice you imply in your above Notice he suggests either "The Plan could be withdrawn and re-submitted once the current shortcomings have been addressed" or "Alternatively the examination could be suspended while additional evidence, particularly in relation to environmental considerations, is obtained and assessed. Once this has been done it should be possible for the Council to consider the implications of the Plan, review the Main Modifications, consult on these and then seek re-commencement of the examination." You appear NOT in any way to have followed either of these advices, but instead, absolutely to the contrary, to act unilaterally in the way you have done-with NO garnering of any additional evidence or undertaking any consultation and apparently to have made what appears to us may be a misleading statement in your above Notice (and causing some confusion in the minds of those invited to respond) which no doubt will NOT have escaped the Inspector's attention, we would suggest to you and which may lead to unfortunate unintended consequences for your Authority. Not least the Inspector states in his above –mentioned letter "It would not be acceptable to proceed without consulting on the amendments that Council wishes to make to the published Main Modifications. The

suggested amendments are material and interested parties must be given an opportunity to respond .To not do so would risk a legal challenge.”

- iv) In your above- referred to Notice you have sought to specify and to seek to limit the ambit and extent of the responses invited to your replacement Modifications. We contend that this is NOT acceptable or proper. It is NOT for your Authority to seek to set the rules and the agenda for submissions .Your actions are open to scrutiny .Hence the contents of this letter, which will be copied to the Planning Inspector, who may not be impressed with your apparent manoeuvrings.

Finally, please know this, that it is the position of The Combination, that despite the recently proposed Replacement 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 and to question your actions, and as needs be challenge, with the utmost vigour and rigour and effect.

We remain respectfully,

Yours faithfully

CDL and C St. MRA

Copies to

Local Plan Inspector, via the Programme Officer

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

Collaton.Defence.League@mail.com

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.

## **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 So-called Masterplanning after the Local Plan has been placed on Deposit is no substitute for one.  
Furthermore, the NPPF states that 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 .Demonstrably 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 flooding precludes any major housebuilding projects without serious infrastructure 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 Infrastructur Delivery Plan that can refute this basic obstruction and objection to future development in the area the references in the Local Plan to thee 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.***

**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**

**Collaton.Defence.League@mail.com**

**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.**

## **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

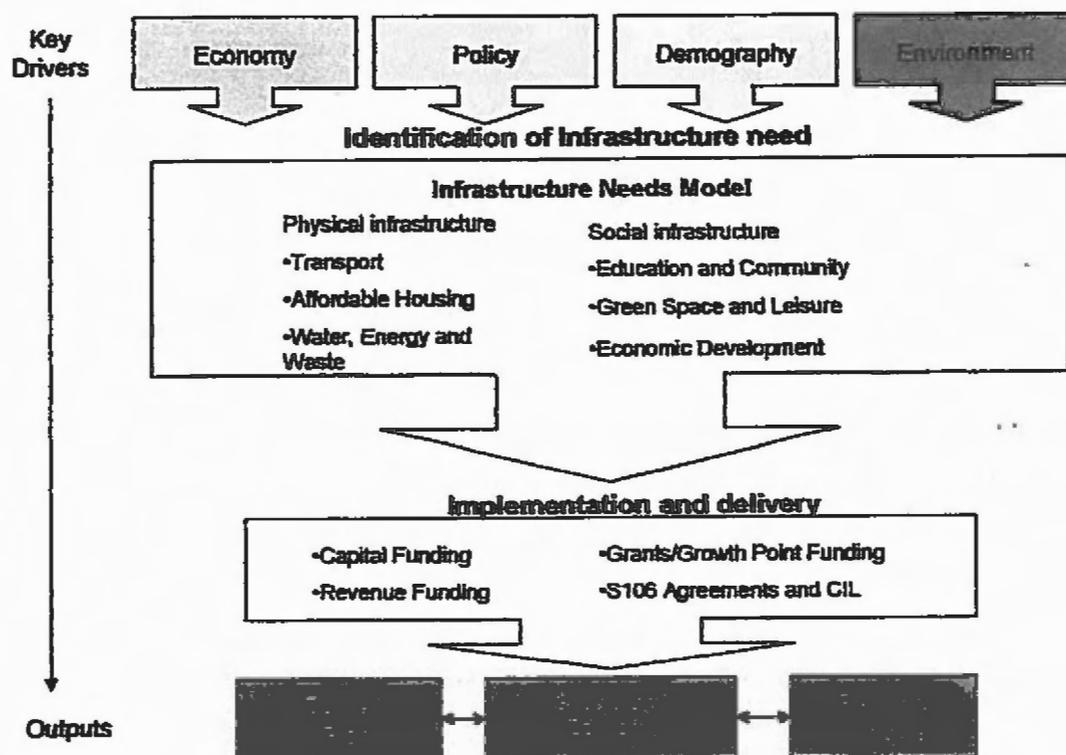
acknowledged profound mains/trunk sewerage difficulties deficit and provision- so as to work up and to cost out with these other parties, providers and bodies and to publish with the Local Plan the policies and decisions actually arising out of these so –called co-operations and discussions alluded to 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 materiel please see

[www.meetingplacecommunications.com/news-events/three-local-plans](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.

# 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
- *Infrastructure and development policy should be planned at the same time to ensure deliverability of both infrastructure and development (177)*
- Local plans must be positively prepared to meet objectively assessed infrastructure requirements (182)

N.P.F.

N.F.

# PROCESS FOR CIL

Infrastructure Planning & Viability Assessment

Preliminary Draft Charging Schedule

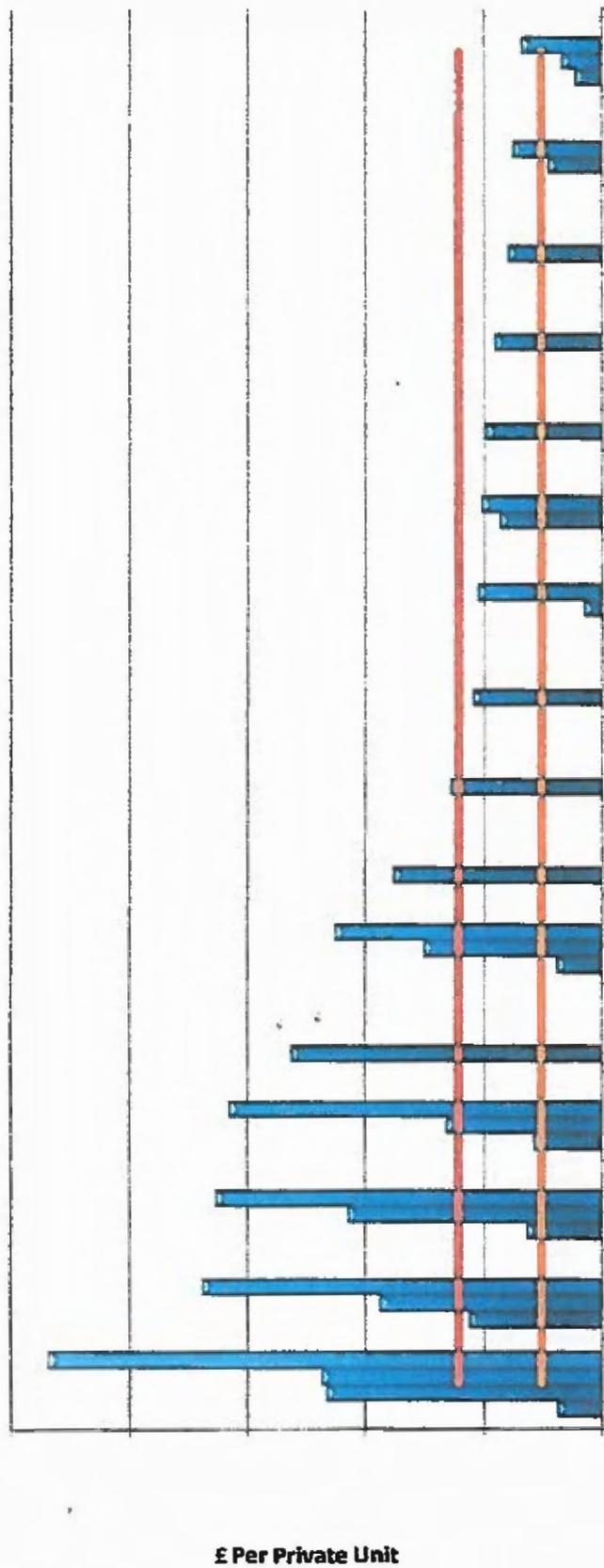
Draft Charging Schedule

Examination

Adoption

# 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**

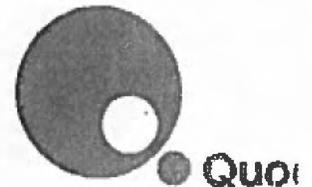
# WHAT INFRASTRUCTURE WILL BE DELIVERED?

- 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)* ||
- *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 } || N#
- Could CIL be a policy of the Local Plan? || N#



# Infrastructure Delivery Plan

**April 2013**

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



**Email: [planningpolicy@sunderland.gov.uk](mailto:planningpolicy@sunderland.gov.uk)**

**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 along side 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.

TORBAY COUNCIL PLANNING	
REC'D	31 JUL 2015
TO	ST

Mrs A. Waite  
27 Beechdown Park  
Totnes Road  
Paignton  
TO4 7PR

28<sup>th</sup> July 2015

Dear Sir,

By way of introduction: I am Mrs Ann Waite, and take the Chair at Collaton St. Mary Residents Association.

We totally agree and support the submissions from Mr David Watts of Paignton Planning Forum to which I belong.

My remarks and questions, bearing on these issues are not concerned with figures, but with the needs these figures represent, as there are so many unknowns that are difficult to address.

How can the number of houses proposed possibly equate with the hypothetical numbers of the occupants or their needs?

- Schools And Recreation Grounds
- Hospitals
- jobs
- Nursing Homes
- Doctors Surgeries
- Supermarkets
- Filling Stations
- Public Transport
- Policing
- Water Supply/Sewage
- Fibre Optic Broadband

All above items must be specified and shown on all plans.

All brownfield sites **must** be used to their optimum first to allow for housing on green field to be adjusted, either up or down.

There is an additional and as yet unsolved problem of houses in the South Hams/Torbay being used as holiday homes, and is causing a scarcity of available properties for local people at affordable prices. Social housing must be included as part of any development.

Collaton St. Mary has many natural and historical assets including that which could easily be lost by any development:

- Horseshoe Bats (Protected Species)
- Badgers
- Historical drinking fountain dating back to the Victorian era, affecting the natural water table and springs, could have an adverse effect on this
- Cirl Bunting (Changes in agricultural practice and development have affected this species very adversely at the northern fringes of its range, and in England, where it once occurred over much of the south of the country, it is now restricted to south Devon. The cirl bunting is the mascot on the signs for the village of Stokeinteignhead. A partnership between Natural England and the RSPB runs the "Cirl Bunting Project", part of a larger project called "Action for Birds". Through the efforts of conservation organisations and landowners, the cirl bunting population has increased from 118 pairs in 1989 to 700 pairs in 2003. However, their range has not expanded) source: wikipedia.
- Buzzards
- Owls (Barn, Tawney, The Little Owl)
- Adders, Grass Snakes
- Rabbits, Hedgehogs
- And other diverse wildlife yet to be documented that could impact on already know wildlife
- Collaton St. Mary could easily lose it's identity as a village with "infill development"
- A full and detailed survey of all wildlife and springs should be a priority before any development

For our records we have copied this letter to the Paignton Planning Forum.

Yours Faithfully



Mrs A. Waite.

70167  
AFCH

## 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

23 July 2015

Dear Mr Gunther,

### **Torbay Local Plan**

#### **Schedule of Proposed Replacement Additional (Minor) Modifications to the Local Plan**

The Maidencombe Residents' Association (MRA) is a properly constituted body representing almost 50 households in Maidencombe. The MRA is pleased that you have revised MM14 in the proposed Schedule of Replacement Main Modifications to the Local Plan to remove the reference to Sladnor Park in Appendix D Table 2.

The MRA is very concerned, however, that a specific reference to Sladnor Park has now been introduced as RAM61 in Section 5.1, Table 2 which, in our opinion does not emphasize sufficiently the drainage, flooding and conservation issues. Furthermore, Sladnor Park is the only site to be 'called out' in Table 2.

We would prefer that any reference to Sladnor Park is deleted but, if you insist that it remains, we ask that it be amended as follows:

"includes Sladnor Park, Maidencombe, subject to resolution of significant issues related to foul drainage, flooding potential, wildlife, and visual impact on the combe."

If it would be helpful, the Committee and Members would be pleased to meet with you to discuss how we can move forward on the Local Plan to meet the needs of both Maidencombe and Torbay overall.

Yours sincerely,

Dr R L Horder  
Secretary, Maidencombe Residents Association

Cc: Cllrs Neil Bent, Anne Brookes, Ray Hill (by email)

# PAIGNTON NEIGHBOURHOOD FORUM

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



c/o 34 Totnes Road  
Paignton  
TQ4 5JZ

20 July 2015

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

Dear Pat

## Submitted Torbay Local Plan – Proposed Replacement Modifications

1. These are the views of the Paignton Neighbourhood Forum on the following proposals published by the Council on 22 June 2015 for response before 9am on 3 August 2015.
  - i) Replacement Main Modifications (RMMs) with Annex 1 and Annex 2
  - ii) Replacement Additional Modifications (RAMs) with Annex 1
  - iii) Changes to the Sustainability Appraisal (SA)
  - iv) Changes to the Regulation Assessment (HRA)
2. They also include comments on the Post Hearing document "*PH19 Technical Paper: Update on Objectively Assessed Need and Job Projections*" that appeared on the Council's website on 2 July 2015. The scope and purpose of the paper are clear, the status in the consultation stage is not clear, as referred to later below.
3. Conclusions reached are presented here as a single submission because they are inter-related and have been assessed collectively as well as separately.
4. Sub-headings and appendices have again been adopted to assist assessment of each component response 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.
5. Overall, the Forum has found the Replacement Modifications will not make the Local Plan 'sound' unless further amendments are made that it is believed would be possible for the Inspector to support without the need to prolong the examination further. To provide a constructive response, full details are set out in this submission with supporting appendices that evidence exactly where, and why, further amendment is considered necessary to achieve the soundness required by NPPF182.

6. As requested, the submission does not stray into other parts of the Local Plan that remain unchanged by the Replacement Modifications proposed. For ease of reference the views of the Forum on the Submitted Plan were first 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 below

#### **Previous Modifications and procedural concerns**

7. It is noted the previous Modifications (of February 2015) have been withdrawn as a direct result of an exchange of letters between the Inspector and the Council on 14-21 May 2015 (numbered PH16-18 on the Council's website). The withdrawal has caused a concern to the Forum. It is no longer clear if, and how, the Inspector remains able to consider the Forum's submission in response to the previous Modifications proposed.
8. This is important because the response made at that time (20 March 2015) was the first opportunity the Forum was able to have to raise concerns on the additional information provided to the Inspector by the Council after the Hearing session in November 2014, and on the conclusions being drawn from it by the Inspector.
9. Comments on these Post Hearing document sets (PH1 to PH8 on the Council's website) have therefore been retained in this submission, with updates where necessary, in order to assist the Council and Inspector.
10. The appearance of Post Hearing document PH19 after commencement of the present consultation is a further concern. It is clearly dated and published after the consultation started. It is difficult to see how it can be claimed the content was taken fully into account by the Council before arriving at the Replacement Modifications proposed.
11. It is noted the Inspector has set a deadline of 17 August 2015 to receive all responses made, but only in respect of the Main Modifications (PH18-para.3). The Forum is concerned that conclusions reached on some of the Replacement Additional Modifications (RAMs) justify these being considered as Main Modifications (RMMs) as they go to the heart of the Plan,
12. This submission is therefore being copied in full and concurrently to the Inspector to help save time.

#### **Relevant tests applied**

13. In coming to conclusions on the Replacement Modifications the Forum has continued to apply only the following considerations:-
  - The tests of soundness required to be met as defined in NPPF182.
  - NPPF154 which states that 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*).

14. The Forum has also taken account of the Inspector's interim findings in Post Hearing documents PH2, PH4, PH16 and PH18. These have been 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);
- the need for a trigger point for site allocation Development Plan Documents (DPDs) if Neighbourhood Plans fail (PH4-para.7);
- the previous Modifications of February 2015 have not demonstrated that 9,945 homes would be deliverable (PH16-para 3);
- the Plan remains not sound and should be withdrawn or the examination suspended until 2016 for additional evidence (PH16-para.13);
- suspending the examination would allow time for masterplans to progress with more certainty, and allow monitoring to give a better indication of the Council's employment growth strategy which "*is important because the strategy in the Plan is to closely link housing and employment*" (PH16-para.14).

#### **The changed approach**

15. The Forum supports the Council's view that further delay on the Local Plan should be avoided if possible. However, this must not be taken to mean the Forum supports avoiding delay as being more important than ensuring there is a sound Local Plan.

16. It is concerning to find the Replacement Modifications seek to resolve the problem of soundness by:

- proposing to include sites stated to have been 'agreed' at the Hearing (PH17-para.13). There were no sites 'agreed' at the Hearing in November 2014, only a list of 'excluded sites' provided to the Inspector by the Council that were not debated. Page 1 of the list states: "*All of them have significant environmental constraints and/or have proven themselves to be difficult to deliver*" (TC4-para.1);
- proposing a total of 8,905 additional homes instead of 8,730 as indicated in the Council's letter to the Inspector of 18 May 2015 (PH17-para.14). This

uplift may appear small but refuels the problem of capacity and deliverability unjustifiably.

- proposing a change in the Plan period. This does not flow from any response made by consultees previously, and has introduced new problems of inconsistencies, justification and effectiveness (TCRMOD-2 page 4/bullet 3).
17. However, the Inspector has confirmed that his agreement to continuing with the examination is without prejudice to his final view pending consideration of the responses made to the Council's change of approach and on the Replacement Modifications proposed (PH18-para.2).
18. Of particular concern is the limited regard the Council has given to the Government's Household Projection to 2037 published on 27 February 2015 by the Department for Communities and Local Government (DCLG). It remains important to note the projections were released after the previous Modifications were published and are materially significant, contrary to the view expressed in PH19 (page3/first bullet point). The projections have been revised to 2021, and extended to 2037. PH19 has acknowledged that they are lower than previously assumed by the Council and the Inspector. The changes are new and relevant evidence not considered by the Hearing or commented on by the Inspector so far. It is the Forum's view that this evidence has not been taken sufficiently into account for the reasons referred to later below.

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

19. In summary, the Forum:
- agrees with the classification of RMMs and RAMs, apart from 4 RAMs (numbers 74, 129, 130 and 178) which are RMMs requiring the Inspector's assessment as they go to the heart of the Plan and how it is already being applied;
  - supports nearly all of the RAMs, if the wording proposed remains unchanged;
  - could support all of the RAMs if 8 more were amended further as shown;
  - does not support 11 of the RMMs, without amendment as shown to make them 'sound'.
20. The conclusion reached on each RMM and RAM is shown in **Appendix 1** herewith attached.
21. For quick reference, a colour code is again shown but in a slightly different way:
- **Red** - those RMMs/ RAMs not sound that need amendment;
  - **Yellow** - those changes necessary to make sound, and reason why;
  - **Green** - those supported as 'sound' if they remain unchanged.
22. In summary, 11 RMMs and 8 RAMs are marked 'red' because they fail to meet the NPPF test of 'soundness' for one or more of the following reasons:
- failure to accord with the evidence;
  - inadequate safeguard of the now very clear risk of a significant and unsustainable homes/jobs imbalance;

- insufficient recognition of the delivery limitation that results from the drainage infrastructure problem identified, and duty to assess this in accordance with the Supreme Court decision referred to later below;
- incomplete assessment of the capacity assumptions made in respect of sites affected by protected species, and other sites now included that are acknowledged to be 'constrained' and in need of further assessment;
- inadequate provision of a flexible, highly responsive, monitoring mechanism the Inspector has agreed is required;
- reducing the Plan's end date from "2032 and beyond" to "2030 and beyond" is not justified, inconsistently applied, and has introduced confusion and significant disparities that has affected the housing trajectory and delivery tables to a material and unjustified degree.

23. 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**

24. The Forum:

- supports the proposed change to a single figure of 5,500 FTE net job growth by 2032 at an average of 275 per. annum. This replaces 5-6,000 at an average of 250-300 p.a. (RMM1-Policy SS1) The Forum continues to support in full the 'step-change' of job provision proposed, which is essentially the same as in the submitted Local Plan;
- supports the move to a single figure approach (of 5,500 / 275 p.a.) as it will make monitoring more manageable, thus more NPPF 'effective' and 'sound'.
- objects to the deletion in SS1 of securing 1,250-1,500 in the first 5 years (RMM1). This is unjustified and inconsistent with the retention of the same quantum in Policy SS4 (RMM3A). If the deletion is confirmed, there must be a corresponding reduction in further homes provision to compensate.

25. The fundamental issue of pace and balance between jobs and homes has from the outset been the Forum's main concern. How and when the growth of jobs will be achieved in sustainable balance with the housing provision remains central to this concern:

- It is clear the Replacement Modifications are still based on a strategy of over-providing the number and rate of additional homes significantly above 'policy off' demographic need, in the belief that it will of itself generate an increase in jobs with homes occupied by working age families. PH19 reaffirms this is the strategy. It remains a fact that no compelling evidence has been presented that supports this theory in the context of Torbay's situation. Without jobs being increased locally, net outward migration will continue, or residents will have to find work much further away contrary to the balance of land use sought by NPPF37. The South Devon Link Road ("South Devon Highway") nearing completion is intended to improve the growth of jobs locally, but it must be recognised could also have the reverse effect if businesses no longer need to locate within Torbay because of improved access, or if net outward commuting results.

- The update in PH19 concludes that the lower household figures now issued by DCLG are only a small difference from those previously assumed (PH19-page3/bullet.1). This fails to recognise that Torbay has suffered a long and consistently over optimistic set of projections for many years as evidenced in **Appendix 2** attached herewith. This evidence was provided to the Hearing via a letter to the Inspector on 24 October 2014. Further downward revisions are highly likely. Nevertheless, it is accepted that decisions on the Plan must be made with the projections as they currently are. For this reason the Forum has given support to the strategy provided that there is also in place a robust and responsive monitoring and review process that can keep the provision of homes and jobs in sustainable balance.
26. Accordingly, in the Forum's previous submission, support was given for basing the Modifications on the combination of DCLG projections alongside the economic evidence presented. Collectively, this shows only 8,300 additional homes are required to 2032 by the 'policy-on' / Full Objectively Assessed Need (FOAN) proposed.
27. This remains the Forum's conclusion from the evidence presented. The evidence provided to the Inspector by the Council, together with the DCLG household projections of February 2015, and PH19 recently issued by the Council, continue to prove this conclusion to be clear and correct:
- 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, and we are already in year 4 of the Plan period. The Inspector wished to ensure the net increase in jobs proposed was soundly evidenced
  - The Council's evidence was provided in PH1 Appendix 3.1a which 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 will continue to exceed births in Torbay, and future growth depends entirely on the assumed rate at which net-inward migration will return. Growth in Torbay 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 as evidenced in **Appendix 3** attached herewith.
  - The Council's Technical Paper SD24 (and recent update in PH19) correctly points out that the population projection to 2032 by ONS is not actually a projection because it 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, it remains the Forum's view that by aligning the latest projections alongside each other, as shown in Appendix 4 attached herewith, and summarised below, the position remains clear.

**Table 1:** Alignment of most recent evidence (Summary of Appendix 3)

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

28. PH19 now seeks to treat the previous economic projection as no more than one of many (PH19-page 3.second bullet point). Whilst true, it remains relevant to note that the PBA work for the Council predates any of the latest ONS and DCLG projections to 2032. The Council very clearly has continued to rely on the Oxford Econometrics projection in the proposed Replacement Modifications. This too at the time (January 2014) did not have the benefit of the ONS and DCLG projections now available. The Job projection being used by the Council in 3.1d continues to assume a more rapid job growth than has so far occurred, but does provide sufficient evidence that a 5,500 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 continue to run the unnecessary risk of challenge.
29. PH19 alludes to a concern that failing to attract and provide for growth of working families will result in an ageing population that will place an unsustainable strain on public services locally (PH19-page.3 third bullet point). It is relevant to note that the Census results to 2011 showed quite the opposite occurred. During the inter-census period (2001-2011), there occurred a large job loss from a major closure. The number of residents over age 75 reduced, contrary to all expectations. The inference being that following the severe loss of more than 5,000 jobs during this period, whole families left Torbay, that included dependant elderly relatives. The change that took place is shown in Appendix 5. The purpose being to evidence that the assumption made in PH19 is speculative rather than predictive, and must be viewed accordingly.
30. Two further matters remain relevant at this point:
  - In the Forum's previous response it was noted that post hearing exchanges between the Council and the Inspector occasionally appeared to confuse the terms of net job growth and new job growth. The two terms are materially 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 net job growth not new job growth. The Forum has noted the proposed Replacement Modifications have taken more account of this, but there is still a need to ensure the various Policy and textual references includes the clarification that the net job growth measure refers to a full time equivalent provision. (FTE). This is clearly stated in some of the policies, but not in others (e.g. RMM1–SS1.para.3).

- There is no base figure in the Local Plan, nor in the proposed Replacement Modifications that will enable effective monitoring and Review of the net FTE job growth being achieved. This is a fundamental requirement that has still not been met. **Appendix 4** herewith attached, refers to the table given to the Inspector by the Council, and the base figure for 2012 for monitoring is 59,500 jobs. Job growth figures also need to be included in the summary shown in Table 7.1 on page 178 (*Local Plan Phasing and Review*), to enable effective monitoring of both jobs and homes. The absence of a baseline figure fails to make the Plan effective, and remains unsound as a result. It is a simple problem to resolve, but appears to be a change the Council is not willing to make.
31. The Forum remains of the view that it would not be 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 continue to be approved, and we are now well over halfway through the first 5 year monitoring period (2012-2017). For the time being, the Forum continues to support the view of the Council and the Inspector that the tide may start to turn when the South Devon Link Road (“South Devon Highway”) opens later this year (2015), thus enabling net growth to show through before the first 5 year Review point in 2017 on the assumption that the new road does not have the reverse effect (see para. 25 above).
32. However, it remains the Forum’s principle concern that the Monitoring and Review process must include that the housing provision will be adjusted downwards if the jobs fail to materialise.
- b) The Social role
33. The Replacement Modifications still do not provide a housing delivery trajectory that is ‘sound’ having examined each of the following in comparison:
- as proposed in the Modifications of Policies SS1, SS11 and SS12;
  - as proposed in the “Expected Delivery” of Housing Tables in RMM Annex 2;
  - as will result from the household projections issued by DCLG (Feb 2015).
34. 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 6** attached herewith.
35. The conclusions reached are:
- there remains a materially significant mismatch between time periods and housing numbers. The problem originates from the Submitted Local Plan, which covers a 24 year delivery period as evidenced in Table 7.1 (LP-page 178). The Table 7.1 headings refer to 5 year periods, but the dates beneath each column heading are 6 year periods. The Replacement Modifications compound the confusion by stating the Plan period for housing delivery is a 20 year provision over a 19 year period, instead of 21 years, and to be

measured in financial years (RMM-Page 4, 3rd bullet point). **Appendix 6** attached herewith includes a comparison of all time periods involved using the assumed municipal financial year period of 1 April to 31 March of the following calendar year. The following conclusions result.

- the trajectory in Modified Policies SS1, SS11 and SS12 and the Modified “expected delivery” trajectory in the Modified housing Tables of RMM Annex 2 and their Part 5 component Strategic Delivery Areas do not match to a significant and unjustifiable extent. As an example, Modified SS12 indicates 2,000 homes in the first 5 years, whereas the Modified Tables indicate an “expected delivery” of 2,247. For years 6-10 (2017/18-2021/22) SS12 indicates 2,300, whereas the Tables indicate 3,057. For the final period of 9 years (2022/23-230/31) SS12 indicates 4,590 whereas the Modified Tables indicate an “expected delivery” of 3,594. The Modifications proposed are not internally consistent and do not provide a ‘sound’ housing trajectory, nor one that is ‘clear’ as confirmed by the Inspector is necessary (see para.14 above).
  - additionally, Modified SS1 indicates that a provision of 8,900 over the revised Plan period equates to an average of 480 homes per annum. Over a 19 year period the average would be 468. Over a 20 year period it would be 445, and over 21 years would be 424. The discrepancy is unexplained.
  - The Modified Policy trajectories and Annex 2 “expected delivery” trajectory would both 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 above inconsistencies render it not possible to operate an ‘effective’ monitoring and Review process at the 5 year Review periods proposed and supported;
  - actual delivery of planning consents in the first 5 year period significantly exceed the requirement shown in the DCLG projections recently issued, and without a net job addition being achieved.
36. 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.
37. Having considered each of these factors, and the need to keep a realistic and sustainable balance between FOAN job and homes growth, it remains the Forum’s conclusion that a ‘sound’ trajectory can only 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 FTE 5,500 net additional growth in jobs as evidenced in paragraphs 26-27 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).

38. The resulting trajectory the Forum has found would achieve the 'soundness' required is shown in Table 2 below (figures rounded to nearest 5). The period shown is to 2031 as now proposed in the Replacement Modifications.

**Table 2: Housing delivery trajectory**

Period	Year	Annually	5 yr Total	Cumulative
Yrs 0-5	2012-17	355	1,775	1,775 <sup>^</sup>
Yrs 6-10	2017-22	435	2,175	3,950
Yrs 11-15	2022-27	440	2,200	6,150
Yrs 16-19*	2027-31*	430*	1,720*	7,870*

*Source: DCLG Table 406 (Torbay UA) (See Appendix 6 & 9 attached herewith)*

*\* 4yr period <sup>^</sup>before addition of NPPF47 5% buffer brought forward from later years*

39. 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.
40. It is also relevant to note that 85% (6,690 rounded) of the DCLG projection for Torbay is driven by the assumed return to growth from net-inward migration. Of the remaining 15% (1,180 rounded) the majority is a provision stated to be required if household size reduces. Over the past 20 years, the household size in Torbay has remained virtually unchanged, thus provides a further buffer of considerable size, even with a lower provision of 7,900 (rounded) compared with 8,900 in the Replacement Modifications.
41. The trajectory in Table 2 would also give more time to address the foul water drainage issue. The Replacement Modifications now recognise there is a problem, but still do not recognise the constraint sufficiently:
- 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). The Replacement Modifications do not address this beyond now requiring more information from developers.

(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). The Modifications now recognise the issue, but not the consequences for assumed development capacity.

(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. This remains the position in the Replacement Modifications proposed.

- The clarification supplied in the Post Hearing information, and changes made in the Replacement Modifications, have not addressed these assumptions sufficiently at the Plan making level. 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 provision of 8,900 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 7**). The application remains undetermined. The Inspector must consider this further evidence of the problem that the Forum has already drawn attention to.
- Additionally, the Environment Agency has more recently declared Torbay to be a "Critical Drainage Area". This has been confirmed in a planning 'Newsflash' from the Council on 26 June 2015, less than a week after the Replacement Modifications were published for consultation.
- At the Hearing in November 2014, 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*).

42. It is very clear a foul water drainage constraint has been identified, but not yet addressed sufficiently 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 making 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.
43. The Modifications similarly have not addressed the environmental capacity constraint that continues to exist as evidenced next below.

c) The Environmental role

44. The starting point the Forum has continued to take 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"*.
45. The Forum supports the improvements made in various parts of the Replacement Modifications, and especially in respect of the capacity constraint resulting from the South Hams Special Area of Conservation (SAC).
46. This is important because there was no opportunity at the Hearing to consider the changes agreed by the Council with Natural England outside of the Hearing, nor was there a subsequent opportunity to examine their implications, simply because relevant documents and details were not 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 were not posted on the Council's website, though it is understood the amendments agreed at that time, and more recently, have now been included in the Replacement Modifications proposed.
47. However, it has taken nearly 18 months of negotiations between the Council and Natural England to reach the current 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 8,900 without harm to protected species and other capacity 'constraints' that have yet to be overcome.
48. In respect of the capacity proposed and Habitats Regulation Assessment (HRA) changes, the Forum's further views are:
- The HRA changes proposed do not settle the question of the capacity available for development in the further locations identified, especially in respect of Collaton St Mary. There continues to be insufficient evidence that demonstrates beyond reasonable doubt that significant harm will not be caused to protected species recognised to be present in the area;
  - 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, even at the reduced total of 430.

- 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 yet been fully resolved. Nor is it accepted that survey work required for HRA purposes could be completed in less than 18 months from now given the requirement that habitat surveys must span at least the period from April until October in any year. The scale of additional development in the area west of Paignton remains considerable when having regard to the 'in-combination' impact on the South Hams SAC in particular, as shown in Appendix 8 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 Replacement Modifications proposed, and will be challenging in the Collaton St Mary area in particular.
- The most recent letter to the Inspector from the Council refers to the Council approving the draft Masterplan for Paignton Town centre as an SPD on 1<sup>st</sup> June 2015. It would be far from correct to assume this provides certainty of capacity and delivery. The Inspector will be aware that import deliverability concerns have been raised in respect of the Masterplan as evidenced in the letter copied to the Inspector on 21 November 2014. These concerns remain.

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

- The Inspector has acknowledged in his latest findings that it has not been possible to evidence that the previous Modification proposal of 9,945 is deliverable (PH16-para 3). It is the Forum's conclusion that the same applies to the Replacement proposal of 8,900.
- The Torbay Landscape Character Assessment (SD92b) submitted by the Council as evidence in support of the Local Plan shows the proposed Future Growth Area at Collaton St Mary, as "Highly Sensitive". Additionally, the location is of Grade 1, 2, and upper 3 agricultural quality. To continue to classify Collaton St Mary as appropriate for the scale development proposed 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

50. For all the above reasons, it remains 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, especially in respect of the DCLG household projections not previously available to the end of the Plan period.

51. The conclusion, as evidenced above, is that the FOAN from 2012 to 2032 continues to be a net growth of 11,000 population / 8,300 homes / 5,500 jobs. By reducing the Plan period to 2030/31 as now proposed by the Council, the corresponding DCLG household FOAN requirement becomes 7,900 (rounded). In this submission the Forum has attempted to be constructive by evidencing how this housing and net jobs trajectory can be met, and **Appendix 1** sets out in detail the exact amendments needed to make the Plan justified, effective and therefore 'sound'.
52. At this point, it is relevant to note that the three Neighbourhood Forums have already agreed there is realistic capacity 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.
53. A pro-rata apportionment of change to the reduced Plan period requirement of 7,900 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 (19 yrs)
Torquay NP	3,860	3,765
Paignton NP	3,450	3,365
Brixham NP	790	770
Total	8,100	7,900

*(All figures rounded)*

54. Such a provision would not require the development of the Greenfield land at Collaton St Mary, nor of the site previously proposed south of White Rock now withdrawn. Nor would it require the addition of other sensitive sites that have been added in by the proposed Replacement 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 41 (bullet point 4) above.
55. By way of example, the schedule at **Appendix 9** attached herewith illustrates how the main Policies and Tables in Part 5 of the Plan could be amended to meet the DCLG requirement, 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.
56. 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 change to 7,900 in more detail for the Strategic Delivery Policies (SDT/SDP/SDB) before the Replacement 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.
57. If the Modifications are not amended further, and were to continue as they are, the Forum concludes the consequences would be:
  - The significant disparities identified in the trajectory are such that to approve them without properly considered amendment would struggle to meet the 'Wednesbury' test of reasonableness;

- Having regard to the Inspectors findings to date, there would only remain the option of the Local Plan having to be withdrawn, leaving the Neighbourhood Plans to continue their path to Adoption without an up to date Local Plan in place, using the shared evidence base that has been jointly adopted.

58. 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.

Yours sincerely

David Watts, Forum Chairman

Enclosures:

- Appendix 1 - Comments on each Local Plan Modification (in 2 parts)
- Appendix 2 - ONS population projections for Torbay and actuality since 2001
- Appendix 3 - The impact of Migration assumptions on Torbay's future growth
- Appendix 4 - DCLG Household projections to 2037 released 27 February 2015 and summary of Oxford Econometric projection of Jobs
- Appendix 5 - Age group changes in Torbay 2001-2011
- Appendix 6 - Comparison of Housing Trajectories
- Appendix 7 - Objection by South West Water to Application P/2014/0983
- Appendix 8 - "In-combination" sites within Paignton and HRA impact
- Appendix 9 - Re-profiled RMM Table 4.3 and 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 Replacement Modifications to Torbay Local Plan**

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

**Part A:** Sets out the Forum summary view on each of the proposed Replacement Main Modifications (**RMMS**) which the Council has asked the Inspector to consider because they go to the heart of the Plan.

**Part B:** Sets out the Forum summary view on each of the Proposed Additional Modifications (**RAMs**) which the Council consider to be "minor" amendments..

In Part A and B, the following information has been included:

- where in the Local Plan structure the Modification would appear;
- response made by the Forum to the previous Modification proposed in February 2015, and withdrawn by the Council;
- conclusions reached by the Forum on each Modification individually, using traffic light colouring for ease of reference:

Red: - not 'sound'

Yellow - exact amendment necessary to make 'sound'

Green - supported as 'sound'

#### **Plan Period**

The Modifications state that Financial Year time periods apply, but give no further explanation (TCRMOD-2 page 4.bullet point 3). This submission has used the Local Government financial year that starts on 1 April annually and ends on 31 March of the following year.

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## Appendix 1 – Part A

### Proposed Replacement Main Modifications (RMM's)

<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) previously MM1 not supported as sound	RMM1
<b>Amend:</b> the Replacement Modification wording shown in full below to read as follows:	Not Sound
<p><b>“Policy SS1 Growth Strategy for a prosperous Torbay</b></p> <p><i>The Local Plan promotes a step change in Torbay’s economic performance. It supports urban regeneration that creates sustainable living, working and leisure environments, supported by high quality infrastructure. This will be achieved within the Bay’s built and natural environmental capacity, ensuring the environment continues to be a driver of economic success and that there is investment in the Bay’s environmental assets.</i></p> <p><i>Development <b>should will be expected to</b> reinforce Torbay’s role as a main urban centre and premier resort. All development <b>should will be required to</b> contribute to safeguarding or enhancing the area’s natural and built environment. [see Reason 1 below]</i></p> <p><i>All development will make full and appropriate use of opportunities for low carbon and renewable energy technologies, consistent with the need to reduce Torbay’s carbon footprint, and provide resilience to climate change.</i></p> <p><i>The Plan supports the creation of <b>at least 5,000 5,500 net additional FTE jobs</b> (equating to an <b>average of around 275 FTE jobs per annum</b>) and delivery of at least 17 hectares of employment land over the next 20 years, with an emphasis on bringing employment space forward as early as possible in the Plan period. [see Reason 2 below] The Plan also seeks to identify land for the delivery of <b>around 480 homes per annum, equating to about 8,900 7,900 new homes over the Plan period of 2012-2030-2031 in accordance with the trajectory indicated in Policy SS12 below.</b> [see Reason 3 below]</i></p> <p><b>Existing Commitments</b></p> <p><i>In the first 5 years (2012-17), the Plan will enable delivery of <b>1,375 net new jobs and land for around 2,000 1,775 new homes equal to 355 dwellings per year plus 5% to accord with NPPF requirements.</b> Most of This growth will come forward on committed sites – with planning permission or allocated - and on urban brownfield sites, including windfall sites These are shown in Appendix D (first table) and will be updated as part of the Council’s annual monitoring activity. [see Reason 4 below].</i></p> <p><b>Identified Sites</b></p> <p><i>In years 6-10 of the Plan, development will come from completion of committed sites and developable sites identified in Neighbourhood Plans. The pool of developable housing sites is included in Appendix D to this Plan. If Neighbourhood Plans do not <b>identify sufficient sites to provide the growth requirement of the Local Plan progress to Adoption,</b> the Council will bring forward sites through site allocations <u>Development Plan Documents.</u> [see Reason 5 below]</i></p> <p><i>If it appears that a <b>shortfall or over provision</b> in five year supply of deliverable sites is likely to arise, the Council will <b>bring forward additional sites adjust the trajectory either upwards or downwards</b> as indicated in Policy SS12 below. [see Reason 6 below]</i></p> <p><b>Strategic Delivery Areas</b></p>	

Strategic Delivery Areas, shown outlined in red on the Key Diagram, are the foci for delivery of growth and change in the Bay over the Plan period. They provide strategic and sustainable locations for new employment space, homes and infrastructure. Future Growth Areas (see Policy SS2) are located within these SDAs. There will be some initial delivery of development in Future Growth Areas, within the first 10 years, if required to meet demand for new employment space and homes. Development in these areas will be set out in detail via masterplanning, concept plans and/or in Neighbourhood Plans. They will deliver a balance of jobs, homes and infrastructure, including green infrastructure. Future Growth Areas are shown for information on the Policies Map. [see Reason 7 below].

The focus areas for delivery of improvements to AONB, countryside, green infrastructure, as well as sport, leisure and recreation, are also illustrated (outlined in green) in the Key Diagram (See Figure 4.1).

Major development proposals, outside the built up area and Future Growth Areas will need to be the subject of environmental assessment. [see Reason 8 below] This will need to take account of the impacts of the proposed development itself and the cumulative impact of development.

The Plan will be reviewed at regular intervals to ensure that the growth strategy remains sustainable and conforms to the requirements of the NPPF, or subsequent Government policy

Communities will have a greater influence in determining how development in their area will look and feel and locate, specifically through the new framework of Neighbourhood Plans. [see Reason 9 below]

**Reasons:** Overall the Replacement Modification contains changes not justified by the evidence submitted, is not realistic in deliverability, contain numerical errors that are materially relevant, and not consistent with other Replacement Modifications proposed.

However, it is the Forums view that the amendments indicated above collectively would overcome these deficiencies and enable the Plan to become NPPF 'sound' for the following reasons:

**Reason 1):** Replacing "should" with "will be expected to" and "will be required to" removes ambiguity and is consistent with the same change accepted by the Council in RAM39.

**Reason 2):** Deleting the figure of "5,000", inserting "at least" before "5,500", and deleting "an average of around" is consistent with the single figure approach proposed for housing in the same Policy and the trajectory by Oxford Econometrics that the Local Plan has expressly adopted. Inserting "FTE" where shown is necessary to ensure that monitoring is unambiguous, effective, and therefore NPPF 'sound'.

**Reason 3):** Deleting "around 480 homes per annum, equating to about 8,900", is necessary because the term "around" is too vague for effective monitoring, the figure of 480 is numerically not correct by a significant degree, and the evidence submitted by the Council confirms that 8,900 is not NPPF deliverable. Inserting "7,900", accords with the DCLG household growth projection which has not been demonstrably assessed by the Council beyond acknowledging that it includes growth the Plan is seeking to achieve and is very clearly a figure that would be used at Section 78 Appeals in the event of the Local Plan not becoming 'sound'.

Deleting "2030" and replacing with "2031" as the delivery period is the only justifiable date that is consistent with the published RMM Schedule (page 4) and text of the Policy itself which both state that the Plan period for housing delivery is 19 years. Failure to correct this error inflates the rolling 5 year requirement and would cause greenfield and constrained sites to be brought forward prematurely without sustainable justification. The Plan period therefore runs from 1<sup>st</sup> April 2012 until 31 March 2031. It then becomes the 19 year delivery

period, as claimed in TCRMOD-2 page 4 bullet point 3..

Inserting the words "in accordance with the trajectory as indicated in Policy SS12 below." removes ambiguity on the homes trajectory proposed by the Replacement Modification which is important because it is not a straight line trajectory. Monitoring will become effective, and therefore 'sound' as sought by the Inspector.

Reason 4): Inserting "1,375 net new jobs and land for" and replacing "2,000" with "1,775" homes and "equal to 355 dwellings per year plus 5% to accord with NPPF requirements" reconnects the link and delivery of 'balance' between jobs and homes provision that has been unjustifiably uncoupled as a result of the proposed Replacement Modification. Deleting the proposed addition "Most of" is justified as the first 5 year provision has already been achieved. Adding these words unjustifiably encourages earlier development of further greenfield and constrained sites to be brought forward prematurely unjustifiably.

Reason 5): Deleting "identify sufficient sites to provide the growth requirement of the Local Plan" and inserting "progress to Adoption" recognises that it is progress of the Neighbourhood Plans that matters to the trigger of any alternative DPD approach by the Council. Neighbourhood Plans are required to be in general conformity with the strategic policies of an Adopted Local Plan in order to satisfy the 'basic conditions' test. No further elaboration in Policy SS1 is necessary or justifiable. Capital letters are also required for the term Development Plan Document as they have formal meaning and preparation processes in planning legislation.

Reason 6): Inserting "or over provision", deleting "bring forward additional sites" and inserting "adjust the trajectory either upwards or downwards" is necessary because the Replacement Modification (and letter PH17-para 17 to the Inspector) refers only to adding to the pace of site delivery. It fails to include that downward revision of the trajectory will also be adopted where justified. This was agreed would be the case by the Council and the Inspector at the Hearing in November 2014. It is important to include this in Policy SS1 because it drives all features of the overall strategy and monitoring of the Plan.

Reason 7): The words "for information" appear in the submitted Plan, but are not referred to in the proposed Replacement Modification. This inconsistency needs to be resolved as the terminology continues to imply the defined 'Future Growth Areas' are for illustration only and remain subject to confirmation via Neighbourhood Plans or site specific DPDs proposed in default of Neighbourhood Plans. See also the response below in respect of Annex 1 regarding the boundary shown for Collaton St Mary.

Reason 8): Deleting "outside the built up area and Future Growth Areas" is necessary because RAM17 now acknowledges that Sustainability Appraisal and Habitat Regulation Assessment have only been undertaken to Local Plan making level. This applies equally within the Future Growth Areas designated, as confirmed by RAM19. The words must be deleted as it would be lawfully incorrect to fetter the ability of the Council as Local Planning Authority or the Secretary of State to require more detailed assessments in due course whether inside or outside of the area.

Reason 9): Inserting "locate" is necessary in this overarching Policy as the subordinate Polices later on clearly intend that Neighbourhood Plans are expected to address this aspect.

See also paragraph 24 to 49 of the covering letter attached herewith for full details.

<p><b>Paragraph 4.1.25</b> (Sequence and phasing of development) previously MM2 not supported as sound</p> <p><b>Amend:</b> by deleting the following sentence:</p> <p><i>"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 March 2016."</i></p> <p><b>Reason:</b> The proposed Replacement Modification is not justified. 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. As there is no justification it is not 'sound' for the text to claim in the Modification that a policy vacuum will arise. The text that would remain is sufficient to show that DPD's will be produced by the Council if Neighbourhood Plans do not materialise.</p>	<p>RMM2</p> <p>Not Sound</p>
<p><b>Policy SS2</b> (Future growth areas) &amp; Policies Map change previously MM3 not supported as sound</p> <p><b>Amend:</b> the proposed Replacement Modification where shown below to read as follows:</p> <p>a) Retain the first paragraph of the Submitted Local Plan Policy that reads;</p> <p><i>"Future Growth Areas are located within Strategic Delivery Areas (See Policy SS1) and are shown on the Policies Map. They show broad locations in which the Council, community and landowners will work together, through neighbourhood planning and / or master planning, to identify in more detail the sites, scale of growth, infrastructure (including green infrastructure) and delivery mechanisms required to help deliver the Local Plan."</i></p> <p>b) Amend the proposed Replacement Modification words to read:</p> <p><i>"Future Growth Areas are proposed in the following locations <u>subject to confirmation in Neighbourhood Plans or Development Plan Documents:</u></i></p> <ol style="list-style-type: none"> <li>1. Edginswell, Torquay</li> <li>2. Paignton North and West Area including Collaton St. Mary, Paignton</li> <li>3. Brixham Road, Paignton</li> </ol> <p>c) Retain the second paragraph of the Submitted Local Plan Policy that reads:</p> <p><i>"Development delivered within each of the Future Growth Areas must be integrated with existing communities, reflect the landscape character of the area as informed by Torbay's Landscape Character Assessment, timed in accordance with provision of essential infrastructure, be informed by ecological surveys and flood risk assessment and should be consistent with the levels of growth set out in Policies SDT1, SDP1 and SDB1, and their related SD policies."</i></p> <p>d) Amend the proposed Replacement Modification words to read as follows:</p> <p><i>".....The mitigation plans must demonstrate how the site will be developed <u>to include how mitigation proposals will be delivered in perpetuity in order to sustain....."</u></i></p> <p><b>Reasons:</b> The RMM does not make clear that the words in a) and c) above will be retained. Their exclusion would not be justified. They provide clarity on the Policy scope purpose and how it will be implemented. Amendment b) is necessary because the draft Masterplan for Collaton St Mary confirmed there is much less capacity for development than assumed in the Submitted Local Plan, and further reduction will be necessary to deal with acknowledged drainage constraints, required habitat protection, and access limitations. Amendment d) is</p>	<p>RMM3</p> <p>Not sound</p>

required to ensure the Churston Appeal decision (APP/X1165/A/13/2205208) is effective in all locations where mitigation works are proposed.

See paragraph 48 of the covering letter attached herewith for full details.

**4.2 Aspiration 1: Secure economic recovery and success Pages 34-41**

**Policy SS4** (The economy and employment) new together with RAM23

**Amend:** the proposed Replacement Modification by

a) replace the figures and date quoted to read:

*"The Local Plan supports the creation of at least ~~5,000-6,000~~ 5,500 net additional jobs by ~~2030~~ 2030/31 with an emphasis on delivering ~~1,250-1,500~~ 1,375 net new jobs in the first 5 years of the Plan period."*

b) confirm that all other words in Policy SS4 will be retained (along with RAM23).

**Reason:** a) To be consistent with Policy SS1 (RMM1) above, and b) for the avoidance of doubt as the description of RMM3A is not expressly clear and deletion of the remainder of the Policy would not be justified..

See paragraphs 24 to 32 of the covering letter attached herewith for full details

RMM3A

Not sound

**4.5 Aspiration 4: Create more sustainable communities and better places Pages 53-61**

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

**Amend:** by replacing Table 4.3 with the following:

**Table 4.3 Source of new homes 2012/31 (rounded to nearest 5 dwellings)**

Period (years) Year	A	B	0-19 2012-31
SDT1 - Torquay)	3,200	565	3,765
SDP1 - Paignton	2,860	505	3,365
SDB1 - Brixham	655	115	770
<b>Torbay Total</b>	<b>6,715</b>	<b>1,185</b>	<b>7,900</b>

A – To accommodate net growth of jobs\*

B – to accommodate household size reduction\*

\* Subject to confirmation from Monitoring & Review

**Reason:** The change in homes provision in the Replacement Modifications is not justified, nor realistic, nor consistent with other Modifications proposed. A provision of 7,900 is the maximum FOAN justifiable to 2031 in light of the latest DCLG household projections which the Replacement Modifications have not taken sufficiently into account.

See paragraph 18 and Appendix 9 of the covering letter attached herewith for full details.

RMM4

Not Sound

<p><b>Policy SS11</b> (Housing) previously MM5 not supported as sound and part AM53 supported</p> <p><b>Amend:</b> by</p> <p>a) replace the figure in the Replacement Modification where shown below:</p> <p><i>"In accordance with Policy SS1, provision will be made for <del>8,900</del> 7,900 new homes over the Plan period or beyond, so long as these can be provided without harm to the economy or environment, including sites protected under European legislation.</i></p> <p>b) replace all housing tables in the Plan with those defined in <b>Appendix 9</b> attached herewith</p> <p>c) replace the housing figure of 8-10,000 with <b>7,900</b> throughout the Submitted Plan.</p> <p><b>Reason:</b> a) and b) to be consistent with Policy SS1 (RMM1) above, and c) to avoid confusion to subsequent implementation and monitoring of the Plan..</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith for full details.</p> <p><b>Footnote:</b> All figures shown amended and in Appendix 9 herewith attached are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	<p>RMM5</p> <p>Not Sound</p>
<p><b>Paragraph 4.5.36</b> (Explanation – Policy SS11) New</p> <p><b>Amend:</b> the proposed Replacement Modification to read:</p> <p><i>"Development in Torbay is nearing the area's total capacity. A cross-boundary review of strategic housing land availability will be undertaken as part of a longer term assessment of growth options, particularly if there is evidence of significant employment growth, which would generate a demand for additional housing. The 2012 based DCLG Household Projections indicate <del>7,550</del> 7900 additional households in Torbay between <del>2012-30</del> 2012-31. These figures are not based upon short term migration trends <u>over the past 12 years</u> but assume that inwards migration will return to <del>pre-2008 levels later</del> in the Plan period. This strongly implies that economic success is built into the household projections. <u>To add for a further provision would be double counting.</u> Therefore it is not expected that there will be a jobs generated housing demand above the Local Plan level for at least the first 15 years of the Plan (i.e. before the late 2020s), and possibly <u>much</u> later"</i></p> <p><b>Reason:</b> The change in homes provision in the Replacement Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith for full details.</p>	<p>RMM6</p> <p>Not Sound</p>
<p><b>Policy SS12</b> (Five year housing land supply) previously MM7 not supported as sound</p> <p><b>Amend:</b> the Replacement Modification, shown in full 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>8,900</del> 7,900 dwellings over the Plan period <del>2012-32</del> 2012-31, including an allowance for windfall sites."</i></p> <p>The trajectory is:</p> <p><del>400</del> 355 dwellings per year for the period 2012/13 - 2016/17 (<b>+5% NPPF requirement</b>).</p> <p><del>460</del> 430 dwellings per year for the period 2017/18 - 2021/22</p> <p><del>510</del> 435 dwellings per year for the period 2022/23 - 2030/31</p> <p><i>New housing will be monitored to ensure that it is matched by the <b>net FTE growth of jobs</b> and provision of infrastructure, particularly infrastructure that would support job creation. Five year supply of housing land will be updated annually as part of the Council's Housing</i></p>	<p>RMM7</p> <p>Not Sound</p>

Land Monitor.

### **Monitoring within the five year period**

Sites comprising the Council's five year supply will be published annually as part of the Authority Monitoring Report.

Housing completions and permissions will be monitored on an annual basis to ensure that a rolling supply of deliverable sites sufficient to meet the five year requirement, and to meet any shortfall within five years, is maintained (see Appendix D).

Where the supply of specific deliverable sites (plus windfall allowance) falls below this figure, **and the trajectory of net FTE growth in jobs has been achieved**, or Neighbourhood Plans do not identify sufficient sites to meet Local Plan requirements **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
- 3). consider favorably applications for new housing, consistent with Policy SS2, H1 and other policies of this Plan.

New housing leading to the 5 year supply figure being exceeded will be permitted where:

- i. the proposal would bring social, regeneration or employment benefits, including through the provision or funding for infrastructure
- ii. the proposals would not lead to serious infrastructure shortfalls, **or imbalance with FTE net job growth**; and
- iii. the proposals is consistent with other policies in the Local Plan.

### **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 by the Council to be necessary to meet objectively assessed needs. Further details of criteria to be considered at 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 of a potential imbalance between jobs and homes."

**Reason:** As RMM1 above, the change in homes provision in the Replacement Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.

See paragraphs 24 to 49 of the covering letter attached herewith for full details.

**Footnote:** 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) previously MM8 not supported as sound

**Amend:** the Replacement Modification, shown in full below, to read as follows

"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 if FTE net job growth is not occurring**, 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 275 net new FTE jobs per annum for two consecutive years (based on BRES/NOMIS data and **job monitoring base of 59,500 FTE's at 2012**).

RMM8

Not  
Sound

- Economic projections showing an increase in FTE jobs of more than 275 FTE per year sustained over a five year period.
- Population projections or mid year estimates indicate an increase of working age population (aged 18–65) of more than 275 people per year over a five year period.
- Evidence of market signals (as set out in Planning Practice Guidance) indicating a high level of unmet demand for housing.

Where monitoring indicates a danger of a shortfall, or over supply, against the five year supply or overall trajectory, action to identify additional sites, or sites to be held in reserve will commence in the first year of a shortfall or oversupply being identified, to ensure that a rolling five year supply can be maintained, as set out in SS12 and a sustainable balance of jobs and homes as set out in Policy SS1.

The Local Plan enables and expects Neighbourhood Plans to come forward and allocate land to assist meeting growth 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 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 from April 2017.

~~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 31 March 2016, 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."~~

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

See paragraphs 24 to 49 of the covering letter attached herewith for full details.

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 Modification proposed to Paragraph 4.1.25 in RMM2 above.

**Part 5: Strategic Delivery Areas – a policy framework for Neighbourhood Plans** (Pages 65-89)  
**TORQUAY** Pages 66-72

Refer to the views of the Torquay Neighbourhood Plan Forum in respect of:-

**Policy SDT1** (Torquay) previously **MM9** and part **AM57**

**RMM9**

<b>PAIGNTON Pages 73-82</b>	
<p><b>Policy SDP1</b> (Paignton) previously MM10+Annex2 not supported as sound and AM67 supported.</p> <p><b>Amend:</b> the last paragraph of the Replacement Modification proposed, to read:</p> <p><i>"Paignton will provide a minimum of 30,100 sq m (net) of employment floor space and around 4,290 3,365 new homes over the Plan period, 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."</i></p> <p><b>Amend:</b> Table 5.8 SDP1, Table 5.10 SDP2, and Table 5.12 SDP3 as shown in Appendix 9 attached herewith</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 that now recognise there remains uncertainty about capacity actually available as more detailed assessment will be required.</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith for full details.</p> <p><b>Footnote:</b> All figures shown amended in Table 5.8, 5.10 and 5.12 are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	RMM10+ Annex 2  Not Sound
<p><b>Policy SDP3</b> (Table 5.12 Paignton North and Western Area) and Annex 1 Policies Map New</p> <p><b>Amend:</b> by removing all reference to both of the Future Growth Areas at Collaton St Mary.</p> <p><b>Reason:</b> To remove the very clear mismatch that now exists in the Plan. Table 5.12, as amended from 836 to 430 in reflection of the draft Masterplan outcome, no longer matches with the Policies Map on sheets 23, 24, 26 and 27. The change in Plan period in the Replacement Modifications also means the area will not be required to meet the provision of 7,900 by 2031.</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith for full details.</p>	RMM11+ Annex 1  Not Sound
<b>BRIXHAM Pages 83-89</b>	
Refer to the views of the Brixham Neighbourhood Plan Forum in respect of:-	
<b>Policy SDB1</b> (Brixham Peninsula) previously MM12 and AM76	RMM12+ RAM76
<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>Policy TC3</b> (Retail development) previously MM13 supported	RMM13  Supported
<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)	
<b>Appendices A to G</b> (Pages i – xxxix)	
<b>Appendix D</b> (Pool of housing sites) and Policies Map – previously MM14 not supported as sound	RMM14  Supported
<b>Reason Supported:</b> The car park sites added to Table 2 clearly state they are all "Subject to retention of sufficient car parking". Having regard to the importance of this to town centre, tourism and business needs, this is justified and therefore 'sound'.	

# RMM ANNEX 1: Policies Map Changes

Key Diagram and Policies Map Booklet	
<p><b>Policies Map</b> (Sheets 23, 24, 26 and 27) Future Growth Area notation at Collaton St Mary</p> <p><b>Amend:</b> by deleting the two Future Growth Areas at Collaton St.Mary as shown in Appendix 8 attached herewith and replace with the "<b>Countryside Area</b>" notation.</p> <p><b>Reason:</b> As RMM11 above</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith for full details.</p>	<p>RMM Annex 1</p> <p>Not Sound</p>

End of Appendix 1 - Part A

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## Appendix 1 – Part B

### Proposed Replacement Additional Modifications (RAM's)

<b>Part 1: Introduction</b> (Pages 1-6)	
<p><b>Throughout all parts</b> (All square metre measurements) previously AM1 supported</p> <p><b>Reason supported:</b> Indicates a necessary factual correction.</p>	RAM1 Supported
<b>1.1 The plan in a nutshell</b> Pages 1-4	
<p><b>Paragraph 1.1.3</b> (Sustainable, realistic ambition) previously AM2 supported</p> <p><b>Reason supported:</b> Indicates the strategy is to accommodate need within environmental and infrastructure limits.</p>	RAM2 Supported
<p><b>Paragraph 1.1.5</b> (Sustainable, realistic ambition) previously AM3 supported</p> <p><b>Reason supported:</b> Indicates the scope of the 5 year major review will include both need and capacity.</p>	RAM3 Supported
<p><b>Paragraph 1.1.8</b> (Environmental Capacity) previously AM4 supported in part</p> <p><b>Amend:</b> Delete the whole sentence:</p> <p><del><i>"The Council has assessed for example that there is land for around 9,200 homes over the next 20 years without breaching environmental limits"</i></del></p> <p><b>Reason:</b> The evidence presented in support of the Local Plan has been unable to demonstrate there is capacity for 9,200 as claimed. As a result, the Replacement Modifications revise the strategy to 8,900 but the Council evidence has acknowledged still includes constrained sites and sites not yet fully assessed for their flood risk and protected habitat capacity. The sentence is therefore not justified, thus not 'sound'. Any figure quoted in this sentence can only be the total finally accepted by the Inspector on the evidence presented and demonstrably assessed. This has not yet occurred.</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith</p>	RAM4 Not sound
<p><b>Paragraph 1.1.15</b> (Monitoring) previously AM5 supported</p> <p><b>Amend:</b> Insert additional wording to the Replacement Modification to read as follows:</p> <p><i>"A basket of measures will be used to determine whether the Local Plan's growth strategy remains supported by evidence of need and capacity. The Council will consider whether additional land is needed: for example where there is "planning failure" (e.g. a lack of land available) there is a case to increase land supply. However where there is market failure (e.g. lack of delivery of new homes), other solutions to allocating more land are likely to be appropriate. <b>Equally, where there is evidence of supply exceeding need, the trajectory of provision required will be revised downwards to ensure the supply of land is used in a balanced manner at a sustainable pace.</b>"</i></p> <p><b>Reason:</b> The Council's letter of 18 May 2015 to the Inspector (PH/16 paragraph 17) implies that only an upward review of supply will be made, not downward where circumstances also justify. This would depart from the agreement reached during the Hearing in November 2014.</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith</p>	RAM5 Not sound
<b>Part 2: Opportunities and challenges</b> (Pages 7-17)	

<b>2.1 The Bay's Unique Selling Points (USP) Pages 7-10</b>	
<p><b>Paragraph 2.1.2</b> (What we mean by USP) previously AM6 supported</p> <p><u>Reason supported:</u> Indicates the historic environment is an asset to the Bay's economic improvement, not an impediment.</p>	RAM6 Supported
<b>2.2 Key issues facing Torbay Pages 10-15</b>	
<p><b>Paragraph 2.2.5</b> (Economic recovery and success) previously AM7 supported</p> <p><u>Reason supported:</u> Indicates that progress made in job provision will be included in the reviews</p>	RAM7 Supported
<p><b>Paragraph 2.2.9</b> (Protect and enhance a superb environment) previously AM8 supported</p> <p><u>Reason supported:</u> Indicates the range of historic environments involved.</p>	RAM8 Supported
<p><b>Paragraph 2.2.11</b> (Protect and enhance a superb environment) previously AM9 supported in part</p> <p><u>Reason supported:</u> The revised text now acknowledges that an existing constraint can continue to apply where a review confirms it remains valid - 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>	RAM9 Supported
<p><b>Paragraph 2.2.13</b> (Create more sustainable communities and better places) previously AM10 supported in part</p> <p><b>Amend:</b> by revising the figures and words shown to read</p> <p><i>"The most recent (2012 based, published February 2015) DCLG Household Projections indicate an increase of <del>7,550</del> 7,900 households in Torbay between 2012-30 2012-2031. Torbay's population growth is driven by (domestic) migration, and the population projections assume an increase in net- inwards migration in the latter part of throughout the Plan period on the assumption that previous trends have reversed."</i></p> <p><b>Reason:</b> The relevant period stated is not correct. The housing delivery period expressly confirmed in the Replacement Modifications runs to 2031, not 2030. The DCLG projection has also been revised downwards since publication of the Interim projections. They also assume 15% of the household growth will come mainly from reduced household size which does not accord with the actuality of the last 10 years. These factors have not been taken sufficiently into account by the Council in adjusting the Plan.</p> <p>See also RMM5, RAM45 and paragraphs 24-49 of the covering letter attached herewith.</p>	RAM10 Not sound
<b>2.3 The 'big ticket' items promoted in this plan Pages 15-17</b>	
<p><b>Paragraph 2.3.1</b> (Economic recovery and success) previously AM11 supported</p> <p><u>Reason supported:</u> Indicates support of historic assets, natural assets, and quality of new home provision being promoted.</p>	RAM11 Supported
<b>Part 3: Vision and ambition (Pages 18-23)</b>	
<p><b>Paragraph 3.1.7</b> (Aspiration 1: Secure economic recovery and success) previously AM12 supported</p> <p><u>Reason supported:</u> Indicates the objective is to ensure there is a balanced provision of housing and employment.</p>	RAM12 Supported
<p><b>Paragraph 3.1.7</b> (Aspiration 3: Protect and enhance a superb natural and built environment)</p>	RAM13

previously AM13 supported  <u>Reason supported:</u> Indicates the assets covered.	Supported
<b>Paragraph 3.1.7</b> (Aspiration 5: Respond to climate change) previously AM14 supported  <u>Reason supported:</u> Indicates the range of issues that must be addressed.	RAM14 Supported
<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>Paragraph 4.1.11</b> (Torbay's capacity for growth and change) previously AM15 supported  <u>Reason supported:</u> Indicates support of the historic environment.	RAM15 Supported
<b>Picture 4.1</b> (Key Diagram) previously AM16 supported in part  <u>Amend:</u> by adding the following words to the Key panel:  <i>"The dash line boundaries shown are indicative only and do not represent the boundary of the Future Growth Areas"</i>  <u>Reason:</u> To ensure the Plan is 'effective' by preventing confusion from arising.	RAM16 Not sound
<b>Policy SS1</b> (Growth strategy for a prosperous Torbay) previously MM1 not sound  <u>See response to RMM1 above in Appendix 1 – Part A:</u>	RMM1  Not sound
<b>Paragraph 4.1.20</b> (Explanation – Policy SS1) previously AM17 supported in part.  <u>Amend:</u> by adding new sentence after the modification proposed to read:  <i>"Where mitigation measures are proposed it will be a requirement to prove that they are deliverable"</i>  <u>Reason:</u> 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.  See paragraph 48 of the covering letter attached herewith for further details.	RAM17  Not sound
<b>Paragraph 4.1.21</b> (Explanation – Policy SS1) previously AM18 supported  <u>Reason supported:</u> Indicates importance of the historic environment.	RAM18 Supported
<b>Paragraph 4.1.25</b> (Sequence and phasing of development) previously MM2 not supported as sound  <u>See response to RMM2 above in Appendix 1 – Part A:</u>	RMM2  Not sound
<b>Policy SS2</b> (Future growth areas) & Policies Map change previously MM3 not supported as sound and AM19A supported in part  <u>See response to RMM3 above in Appendix 1 – Part A:</u>	RMM3  Not sound

<p><b>Paragraph 4.1.32</b> (Explanation – Policy SS2) previously AM19B supported in part</p> <p><u>Reason supported:</u> 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. The revised wording now makes it clear that the capacities referred to in all of the Masterplans are intended to inform Neighbourhood Plan making and are provisional. This makes it clear how the policy will be implemented to ensure that it is effective, thus 'sound'.</p>	<p>RAM19 Supported</p>
<p><b>Policy SS3</b> (Presumption in favour of sustainable development) previously AM20 supported</p> <p><u>Reason supported:</u> Indicates how the requirements of the NPPF will apply.</p>	<p>RAM20 Supported</p>
<p><b>Paragraph 4.1.36</b> (Explanation – Policy SS3) previously AM21 supported in part</p> <p><u>Reason:</u> The revised text now states more clearly the circumstances where the presumption in favour of sustainable development will not apply.</p>	<p>RAM21 Supported in part</p>
<p><b>4.2 Aspiration 1: Secure economic recovery and success</b> Pages 34-41</p>	
<p><b>Policy SS4</b> (The economy and employment) new</p> <p><u>See response to RMM3A above in Appendix 1 – Part A</u></p>	<p>RMM3A Not sound</p>
<p><b>Paragraph 4.2.20</b> (Explanation – Policy SS4) previously AM22 supported</p> <p><u>Reason supported:</u> Indicates support for South Devon College</p>	<p>RAM22 Supported</p>
<p><b>Policy SS5</b> (Employment space) previously AM23 not supported as sound</p> <p><u>Reason:</u> As reworded the replacement modification now has clarity of purpose to support speedy delivery of the employment element of developments.</p>	<p>RAM23 Supported</p>
<p><b>Paragraph 4.2.26</b> (Explanation – Policy SS5) previously AM24 supported</p> <p><u>Reason supported:</u> Indicates how the policy will operate.</p>	<p>RAM24 Supported</p>
<p><b>Paragraph 4.2.27</b> (Explanation – Policy SS5) previously AM25 supported</p> <p><u>Reason supported:</u> Indicates how the policy will operate.</p>	<p>RAM25 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) previously AM26 supported</p> <p><u>Reason supported:</u> Indicates the scope of assessment required.</p>	<p>RAM26 Supported</p>
<p><b>Paragraph 4.3.18</b> (Facilitating sustainable transport) previously AM27 supported</p> <p><u>Reason supported:</u> Indicates the scope of assessment required.</p>	<p>RAM27 Supported</p>
<p><b>Paragraph 4.3.23</b> (Facilitating sustainable transport) previously AM28 supported</p> <p><u>Reason supported:</u> Indicates the scope of assessment required includes HRA regard.</p>	<p>RAM28 Supported</p>
<p><b>Policy SS7</b> (Infrastructure, phasing and delivery of development) previously AM29 supported</p> <p><u>Reason supported:</u> Indicates the critical importance of infrastructure and highway safety requirements.</p>	<p>RAM29 Supported</p>

<p><b>Paragraph 4.3.27</b> (Explanation – Policy SS7) previously AM30 supported</p> <p><u>Reason supported:</u> Indicates the critical importance of green infrastructure requirements and compliance with Habitat Regulations.</p>	RAM30 Supported
<p><b>Paragraph 4.3.29</b> (Explanation – Policy SS7) previously AM31 supported</p> <p><u>Reason supported:</u> Indicates the critical importance of infrastructure requirements.</p>	RAM31 Supported
<p><b>Paragraph 4.3.34</b> (Explanation – Policy SS7) previously AM32 supported</p> <p><u>Reason supported:</u> Indicates the critical importance of needing to meet mitigation measures required.</p>	RAM32 Supported
<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) previously AM33 supported</p> <p><u>Reason supported:</u> Indicates the relationship to the AONB.</p>	RAM33 Supported
<p><b>Policy SS8</b> (Natural environment) previously AM34 supported</p> <p><u>Reason supported:</u> Indicates the aspects of critical importance that development will be required to observe.</p>	RAM34 Supported
<p><b>Paragraph 4.4.6</b> (Explanation – Policy SS8) previously AM35 supported</p> <p><u>Reason supported:</u> Indicates the scope of sites and elements that will be taken into account.</p>	RAM35 Supported
<p><b>Paragraph 4.4.7</b> (Explanation – Policy SS8) previously AM36 supported</p> <p><u>Reason supported:</u> Indicates the aspects of critical importance that development will be required to observe.</p>	RAM36 Supported
<p><b>Paragraph 4.4.9</b> (Explanation – Policy SS9 Green Infrastructure) previously AM37 supported</p> <p><u>Reason supported:</u> Indicates the interrelationship between the historic and natural environments that exist.</p>	RAM37 Supported
<p><b>Policy 8.1 (Formerly Policy HE1)</b> (Conservation and the historic environment) previously AM38 supported</p> <p><u>Reason supported:</u> Indicates importance of the subject matter.</p>	RAM38 Supported
<p><b>Policy 8.1 (Formerly Policy HE1)</b> (Conservation and the historic environment) previously AM39 supported in part</p> <p><u>Reason supported:</u> Replacement of the word 'should' now removes ambiguity and is 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>	RAM39 Supported
<p><b>Paragraph 6.3.3.1</b> (Explanation – Policy HE1) previously AM40 supported</p> <p><u>Reason supported:</u> Indicates that Conservation Area additions will be considered.</p>	RAM40 Supported
<p><b>Paragraph 6.3.3.11</b> (Explanation – Policy HE1) previously AM41 supported</p> <p><u>Reason supported:</u> Indicates the relationship to the Torbay Heritage Strategy 2011.</p>	RAM41 Supported
<p><b>Policy SS9</b> (Green infrastructure) previously AM42 supported</p>	RAM42

<u>Reason supported:</u> Indicates the position in respect of trees and woodland creation.	Supported
<b>Paragraph 4.4.13</b> (Explanation – Policy SS9) previously AM43 supported <u>Reason supported:</u> Indicates the importance of Green Infrastructure links with Yalberton Valley and other locations.	RAM43 Supported
<b>Paragraph 4.4.15</b> (Explanation – Policy SS9) previously AM44 supported in part <u>Reason supported:</u> Inclusion of Yalberton Valley has been recognised.	RAM44 Supported
<b>4.5 Aspiration 4: Create more sustainable communities and better places</b> Pages 53-61	
<b>Paragraph 4.5.12</b> (Evidence of requirements) previously AM45 supported <u>Reason supported:</u> Indicates factual updates of lower population growth than previously assumed in the Plan.	RAM45 Supported
<b>Paragraph 4.5.13</b> (Evidence of requirements) previously AM46 supported <u>Reason supported:</u> Indicates factual updates of lower population growth than previously assumed in the Plan.	RAM46 Supported
<b>Paragraph 4.5.14</b> (Evidence of requirements) previously AM47 supported <u>Reason supported:</u> Indicates factual updates.	RAM47 Supported
<b>Paragraph 4.5.25</b> (Phasing of new housing development) previously AM48 supported <u>Reason supported:</u> Indicates that Reviews will allow downward change as well as upward.	RAM48 Supported
<b>Paragraph 4.5.26</b> (Phasing of new housing development) previously AM49 supported <u>Reason supported:</u> Indicates that provision listed may go beyond 2032.	RAM49 Supported
<b>Table 4.3</b> (Source and timing of new homes) previously MM4 not supported as sound <u>See response to RMM4 above in Appendix 1 – Part A:</u>	RMM4 Not Sound
<b>Policy SS10</b> (Sustainable communities) previously AM50 supported <u>Reason supported:</u> Indicates that designing out crime and disorder will be a criterion, plus improved wording regarding HMOs.	RAM50 Supported
<b>New paragraph after 4.5.30</b> (Explanation – Policy SS10) previously AM51 supported <u>Reason supported:</u> Indicates that designing out crime and disorder will be a criterion.	RAM51 Supported
<b>Paragraph 4.5.32</b> (Explanation – Policy SS10) previously AM52 supported <u>Reason supported:</u> 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.	RAM52 Supported
<b>Policy SS11</b> (Housing) previously MM5 not supported as sound and part AM53 supported <u>See response to RMM5 above in Appendix 1 – Part A:</u>	RMM5 Not Sound
<b>Policy SS11</b> (Housing) previously AM53 supported	RAM53

<u>Reason supported:</u> Indicates how the cross link with Policy 12 operates.	Supported
<b>Paragraph 4.5.34</b> (Explanation – Policy SS11) previously AM54 supported <u>Reason supported:</u> Indicates the housing provision assumptions more clearly	RAM54 Supported
<b>Paragraph 4.5.36</b> (Explanation – Policy SS11) New <u>See response to RMM6 above in Appendix 1 – Part A:</u>	RMM6 Not Sound
<b>Policy SS12</b> (Five year housing land supply) previously MM7 not supported as sound <u>See response to RMM7 above in Appendix 1 – Part A:</u>	RMM7 Not Sound
<b>Paragraph 4.5.38</b> (Explanation – Policy SS12) previously AM55 supported <u>Reason supported:</u> Indicates the requirement will be as in NPPF47.	RAM55 Supported
<b>Paragraph 4.5.40</b> (Explanation – Policy SS12) previously MM8 not supported as sound <u>See response to RMM8 above in Appendix 1 – Part A:</u>	RMM8 Not Sound
<b>4.6 Aspiration 5: Respond to climate change</b> Pages 62-64	
<b>Paragraph 4.6.12</b> (Explanation – Policy SS13) new Modification <u>Reason supported:</u> Accords with the change in government advice that it is acknowledged cannot be ignored.	RAM56A Supported
<b>Paragraph 4.6.17</b> (Explanation – Policy SS13) previously AM44 supported <u>Reason supported:</u> Indicates that green infrastructure is also important to the economy.	RAM56B Supported
<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) previously MM9 and part AM57	RMM9+14 RAM57
<b>Paragraph 5.1.1</b> (Explanation – Policy SDT1) previously AM58	RAM58
<b>Paragraph 5.1.3</b> (Explanation – Policy SDT1) previously AM59	RAM59
<b>Paragraph 5.1.4</b> (Explanation – Policy SDT1) previously AM60	RAM60
<b>Paragraph 5.1.8</b> (Table 5.2 SDT1 Source of housing in Torquay) previously AM61 and MM9+Annex2.	RMM9+14 +Annexes
<b>Policy SDT2</b> (Torquay Town Centre and Harbour) previously AM62	RAM62
<b>Paragraph 5.1.1.1</b> (Explanation – Policy SDT2) previously AM63	RAM63
<b>Policy SDT3</b> (Torquay Gateway) MM21 previously AM64	RAM64
<b>Paragraph 5.1.2.2</b> (Explanation – Policy SDT3) previously AM65	RAM65
<b>Paragraph 5.1.2.2</b> (Table 5.6 SDT3 Torquay Gateway Key sites for housing) previously AM66 relating to Table 5.5 SDT3 Torquay Gateway Key sites for employment.	RAM66
<b>PAIGNTON</b> Pages 73-82	
<b>Policy SDP1</b> (Paignton) previously MM10+Annex2 not supported as sound and AM67 supported <u>See response to RMM10 above in Appendix 1 – Part A:</u>	RMM10+ Annex 2 Not Sound
<b>Policy SDP1</b> (Paignton) previously AM67 supported	RAM67

<p><u>Reason supported:</u> Indicates requirement to safeguard protected species.</p>	Supported
<p><b>Paragraph 5.2.2</b> (Explanation – Policy SDP1) previously AM68 supported</p> <p><u>Reason supported:</u> Indicates the importance of existing historic and environmental identity.</p>	RAM68 Supported
<p><b>Paragraph 5.2.5</b> (Explanation – Policy SDP1) previously AM69 supported</p> <p><u>Reason supported:</u> Indicates requirement to safeguard protected species.</p>	RAM69 Supported
<p><b>Paragraph 5.2.1.3</b> (Explanation – Policy SDP2) new</p> <p><u>Reason supported:</u> Clarifies that wave action is included.</p>	RAM69A Supported
<p><b>Policy SDP3</b> (Paignton North and Western Area) previously AM70 supported</p> <p><u>Reason supported:</u> Indicates requirement to safeguard protected species.</p>	RAM70 Supported
<p><b>Paragraph 5.2.2.1</b> (Explanation – Policy SDP3) previously AM71 supported</p> <p><u>Reason supported:</u> Indicates continued commitment to Great Parks</p>	RAM71 Supported
<p><b>Paragraph 5.2.2.5</b> (Explanation – Policy SDP3) previously AM72 supported</p> <p><u>Reason supported:</u> Indicates the approach intended towards habitat enhancement.</p>	RAM72 Supported
<p><b>Paragraph 5.2.2.7</b> (Explanation – Policy SDP3) previously AM73 supported</p> <p><u>Reason supported:</u> Indicates the approach intended towards flood risk prevention.</p>	RAM73 Supported
<p><b>Paragraph 5.2.2.10</b> (Explanation – Policy SDP3) previously AM74 not supported as sound</p> <p><b>Amend:</b> the proposed Replacement Modification to read:</p> <p><i>“...These sites should provide a significant amount of employment floor space although mixed use residential schemes will be supported where they provide enabling development, and help to meet housing needs. 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 25% not less than 50% of Yalberton Road (Jackson Land) will be sought for employment uses, and 75% not more than 50% for residential. ...Strategic landscaping...(As existing to end of paragraph, then add): Early delivery of employment will be required, subject to other Local Plan considerations. “</i></p> <p><b>Reason:</b> The change in homes provision in the Replacement 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 7 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>See paragraphs 24 to 49, and paragraph 41 especially, of the covering letter attached herewith for further details.</p>	RAM74 Not Sound  (should be an RMM)

<b>Paragraph 5.2.2.11</b> (Table 5.12 SDP3 Paignton North and Western Area Key sites for housing) previously MM11+Annex2 not supported as sound and AM75 supported in part  <b>See response to RMM11 above in Appendix 1 – Part A:</b>	RMM11+ Annex 2 Not Sound
<b>Paragraph 5.2.2.11</b> (Table 5.12 SDP3 Paignton North and Western Area Key sites for housing) previously AM75 supported in part  <b>Reason supported:</b> Amended text insert to Table 5.12 now supports importance of early use of brownfield land, reduced capacity at Collaton St.Mary and potential use of Kings Ash House.	RAM75 Supported
<b>BRIXHAM Pages 83-89</b>	
Refer to the views of the Brixham Neighbourhood Plan Forum in respect of:-	
<b>Policy SDB1</b> (Brixham Peninsula) previously MM12 and AM76	RMM12+ RAM76
<b>Paragraph 5.3.1</b> (Explanation – Policy SDB1 ) previously AM77	RAM77
<b>Paragraph 5.3.2</b> (Explanation – Policy SDB1) previously AM78	RAM78
<b>Paragraph 5.3.4</b> (Explanation – Policy SDB1) previously AM79	RAM79
<b>Paragraph 5.3.6</b> (Table 5.14 SDB1 Source of housing within Brixham Peninsula) previously MM12+Annex 2 and AM80	MM12+ RAM80
<b>Policy SDB3</b> (Brixham Urban Fringe and Area of Outstanding Natural Beauty) previously AM81	RAM81
<b>Paragraph 5.3.2.1</b> (Explanation – Policy SDB3) previously AM82	RAM82
<b>Paragraph 5.3.2.2</b> (Explanation – Policy SDB3) previously AM83	RAM83
<b>Paragraph 5.3.2.3</b> (Table 5.17 SDB3 Brixham Urban Fringe and AONB Key sites for employment) previously AM84	RAM84
<b>Paragraph 5.3.2.3</b> (Table 5.18 SDB3 Brixham Urban Fringe and AONB Key sites for housing) previously AM85	RAM85
<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) previously AM86 supported  <b>Reason supported:</b> Indicates the wider role supported in Town Centres.	RAM86 Supported
<b>Paragraph 6.1.1.2</b> (Explanation – Policy TC1: Town Centres) previously AM87 supported  <b>Reason supported:</b> As Paragraph 6.1.1.1 above.	RAM87 Supported
<b>Paragraph 6.1.1.3</b> (Explanation – Policy TC1: Town Centres) previously AM88  <b>Reason supported:</b> As Paragraph 6.1.1.1 above.	RAM88 Supported
<b>Policy TC2</b> (Torbay retail hierarchy) previously AM89 supported  <b>Reason supported:</b> Indicates the local centre role intended for Great Parks and White Rock.	RAM89 Supported
<b>Paragraph 6.1.1.4</b> (Explanation – Policy TC2: Torbay retail hierarchy) previously AM90 supported  <b>Reason supported:</b> Indicates factual reference to the BID locations and their purpose	RAM90 Supported
<b>Policy TC3</b> (Retail development) MM30 now MM13  <b>See response to RMM13 above in Appendix 1 – Part A:</b>	RMM13 Supported

<p><b>Paragraph 6.1.1.11</b> (Explanation – Policy TC3) previously AM91 supported</p> <p><u>Reason supported:</u> As Policy TC3 above.</p>	RAM91 Supported
<p><b>Paragraph 6.1.1.20</b> (Explanation – Policy TC5: Evening and night time economy) previously AM92 supported</p> <p><u>Reason supported:</u> As Paragraph 6.1.1.1 above.</p>	RAM92 Supported
<p><b>Policy TO1</b> (Tourism, events and culture) previously AM93 supported</p> <p><u>Reason supported:</u> Indicates support for sustainable tourism.</p>	RAM93 Supported
<p><b>Paragraph 6.1.2.3</b> (Explanation – Policy TO1) previously AM94 supported</p> <p><u>Reason supported:</u> Indicates the all year round tourism objective.</p>	RAM94 Supported
<p><b>Paragraph 6.1.2.5</b> (Explanation – Policy TO1) previously AM95 supported</p> <p><u>Reason supported:</u> Indicates the support includes new 4 or 5 star hotels</p>	RAM95 Supported
<p><b>Paragraph 6.1.2.6</b> (Explanation – Policy TO1) previously AM96 supported</p> <p><u>Reason supported:</u> Indicates the approach intended in Core Tourism Investment Areas.</p>	RAM96 Supported
<p><b>Policy TO3</b> (Marine economy) previously AM97 supported</p> <p><u>Reason supported:</u> Indicates the approach intended at Paignton Harbour.</p>	RAM97 Supported
<p><b>Paragraph 6.1.2.26</b> (Explanation – Policy TO3) previously AM98 supported</p> <p><u>Reason supported:</u> As Policy TO3 above.</p>	RAM98 Supported
<p><b>Paragraph 6.1.2.27</b> (Explanation – Policy TO3) previously AM99 supported in part</p> <p><u>Reason supported:</u> The amended text now reflects 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), which 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 now clarifies that this is the test that will be applied where impact on protected species and habitats are involved.</p>	RAM99 Supported
<p><b>Paragraph 6.1.2.28</b> (Explanation – Policy TO3) previously AM100 supported</p> <p><u>Reason supported:</u> Indicates the range of environmental safeguards that will be applied</p>	RAM100 Supported
<p><b>Paragraph 6.1.2.29</b> (Explanation – Policy TO3) previously AM101 supported</p> <p><u>Reason supported:</u> Indicates the importance of conservation at Paignton Harbour.</p>	RAM101 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) previously AM102 supported</p> <p><u>Reason supported:</u> Indicates the traffic criteria that will be applied in assessments to be made.</p>	RAM102 Supported
<p><b>Policy TA3</b> (Parking requirements) previously AM103 supported</p>	RAM103 Supported

<b>Reason supported:</b> Indicates that assessment will include provision for commercial vehicles as requested. (see Forum representations of 31 March 2014)	
<b>Aspiration 3: Protect and enhance a superb environment Pages110-126</b>	
<b>Policy C1</b> (Countryside and the rural economy) previously AM104 supported in part	RAM104 Supported
<b>Reason supported:</b> The amended text enables assessment of all protected species.	
<b>Paragraph 6.3.1.2</b> (Explanation – Policy C1) previously AM105 supported	RAM105 Supported
<b>Reason supported:</b> Indicates importance of safeguarding Green Wedges	
<b>Paragraph 6.3.1.4</b> (Explanation – Policy C1) previously AM106 supported	RAM106 Supported
<b>Reason supported:</b> Indicates the importance of country parks	
<b>Paragraph 6.3.1.6</b> (Explanation – Policy C1) previously AM107 supported	RAM107 Supported
<b>Reason supported:</b> Indicates the importance of lighting solutions and protected bats.	
<b>Paragraph 6.3.1.8</b> (Explanation – Policy C1) previously AM108 supported in part	RAM108 Supported
<b>Reason supported:</b> Amendments now made to other policies in the Plan now ensure that the context of landscape assessment is in addition to any HRA assessment.	
<b>Policy C2</b> (The coastal landscape) and <b>Policies Map</b> previously AM109 supported	RAM109 Supported
<b>Reason supported:</b> Indicates that seascape is included.	
<b>Paragraph 6.3.1.15</b> (Explanation – Policy C2) previously AM110 supported	RAM110 Supported
<b>Reason supported:</b> Indicates the particular link with Policy TO3 (Marine economy).	
<b>Policy C3</b> (Coastal change management) previously AM111 supported	RAM111 Supported
<b>Reason supported:</b> Indicates the importance of safeguarding the integrity of protected sites and coastal assets.	
<b>Paragraph 6.3.1.21</b> (Explanation – Policy C3) previously AM112 supported	RAM112 Supported
<b>Reason supported:</b> As Policy C3 above.	
<b>Policy C4</b> (Trees, hedgerows and natural landscape features) previously AM113 supported	RAM113 Supported
<b>Reason supported:</b> Indicates the approach to be taken in protecting assets.	
<b>Paragraph 6.3.1.22</b> (Explanation – Policy C4) previously AM114 supported	RAM114 Supported
<b>Reason supported:</b> Indicates the importance of existing features and habitats.	
<b>Paragraph 6.3.1.23</b> (Explanation – Policy C4) new	RAM114A Supported
<b>Reason supported:</b> Strengthens the importance of woodland locally	
<b>Paragraph 6.3.1.24</b> (Explanation – Policy C4) previously AM115 supported	RAM115 Supported
<b>Reason supported:</b> As Paragraph 6.3.1.22 above.	
<b>Paragraph 6.3.1.25</b> (Explanation – Policy C4) previously AM116 supported	RAM116

<u>Reason supported:</u> As Paragraph 6.3.1.22 above and the importance of orchard habitats.	Supported
<b>Policy C5</b> (Urban Landscape Protection Areas) previously AM118 supported <u>Reason supported:</u> Indicates a cross reference correction to the Policies Map.	RAM118 Supported
<b>Paragraph 6.3.1.32</b> (Explanation – Policy C5) previously AM117 supported <u>Reason supported:</u> Indicates that a more balanced approach will be taken.	RAM117 Supported
<b>Policy NC1</b> (Biodiversity and geodiversity) previously AM119 supported <u>Reason supported:</u> Indicates importance of safeguarding protected species and their habitats.	RAM119 Supported
<b>Paragraph 6.3.2.1</b> (Explanation – Policy NC1) previously AM120 supported in part <u>Reason supported:</u> Same as RAM99 above.	RAM120 Supported
<b>Paragraph 6.3.2.2</b> (Explanation – Policy NC1) previously AM121 supported in part <u>Reason supported:</u> The amended text now clarifies the Council's land ownership responsibility under the Natural Environment and Rural Communities Act 2006.	RAM121 Supported
<b>Paragraph 6.3.2.3</b> (Explanation – Policy NC1) previously AM122 supported <u>Reason supported:</u> As Policy NC1 above.	RAM122 Supported
<b>Paragraph 6.3.2.4</b> (Explanation – Policy NC1) previously AM123 supported <u>Reason supported:</u> As Policy NC1 above.	RAM123 Supported
<b>Paragraph 6.3.2.5</b> (Explanation – Policy NC1) previously AM124 supported <u>Reason supported:</u> As Policy NC1 above.	RAM124 Supported
<b>Paragraph 6.3.2.7</b> (Explanation – Policy NC1) previously AM125 supported <u>Reason supported:</u> Indicates the importance of sewer outfall on habitats.	RAM125 Supported
<b>Paragraph 6.3.2.10</b> (Explanation – Policy NC1) previously AM126 supported <u>Reason supported:</u> Indicates the criteria that will be supported.	RAM126 Supported
<b>Paragraph 6.3.3.17</b> (Explanation – Policy HE2: Listed Buildings) previously AM127 supported <u>Reason supported:</u> Indicates a factual clarification.	RAM127 Supported
<b>Aspiration 4: Create more sustainable communities and better places (Pages 127-153)</b>	
<b>Paragraph 6.4.1.1</b> (Explanation – Policy H1: Applications for new homes) previously AM93 supported <u>Reason supported:</u> Indicates when a site allocation DPD will be produced.	RAM128 Supported
<b>Policy H2</b> (Affordable housing) previously AM129 not supported as sound <b>Amend:</b> Reinstate the original thresholds for contributions that will be sought towards Affordable Housing provision.	RAM129 Not Sound

<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. No compelling evidence has been provided that justifies departing from the submitted Plan Policy.</p>	(should be an RMM)
<p><b>Paragraph 6.4.1.7</b> (Explanation – Policy H2) previously AM130 not supported as sound.</p> <p><b>Amend:</b> Delete the proposed Replacement Modification.</p> <p><b>Reason:</b> As stated in response to Policy H2 above.</p>	RAM130 Not Sound  (should be an RMM)
<p><b>Paragraph 6.4.1.9</b> (Explanation – Policy H2) previously AM131 supported</p> <p><b>Reason supported:</b> Indicates the design approach required.</p>	RAM131 Supported
<p><b>Paragraph 6.4.1.15</b> (Explanation – Policy H2) previously AM132 supported</p> <p><b>Reason supported:</b> Indicates the viability approach that will be used.</p>	RAM132 Supported
<p><b>Policy H3</b> (Self build affordable housing and exception sites) previously AM133 supported</p> <p><b>Reason supported:</b> Indicates more clearly how the policy will operate.</p>	RAM133 Supported
<p><b>Paragraph 6.4.1.19</b> (Explanation – Policy H3) previously AM134 supported</p> <p><b>Reason supported:</b> Indicates factual position on current situation.</p>	RAM134 Supported
<p><b>Paragraph 6.4.1.24</b> (Explanation – Policy H3) previously AM135 supported</p> <p><b>Reason supported:</b> Indicates how the policy will operate.</p>	RAM135 Supported
<p><b>Policy H4</b> (Houses in Multiple Occupation - HMOs) previously AM136 supported</p> <p><b>Reason supported:</b> Indicates words missed out in error of how the policy will operate.</p>	RAM136 Supported
<p><b>Paragraph 6.4.1.31</b> (Explanation – Policy H4) previously AM137 supported</p> <p><b>Reason supported:</b> Indicates cross reference on how the policy will operate.</p>	RAM137 Supported
<p><b>Policy H6</b> (Housing for people in need of care) and <b>Paragraph 6.4.1.43</b> (Explanation – Policy H6) previously AM138 supported</p> <p><b>Reason supported:</b> Indicates how the policy will operate.</p>	RAM138 Supported
<p><b>Policy DE1</b> (Design) previously AM139 supported</p> <p><b>Reason supported:</b> Indicates the importance of designing out crime and disorder.</p>	RAM139 Supported
<p><b>Paragraph 6.4.2.4</b> (Explanation – Policy DE1) previously AM140 supported</p> <p><b>Reason supported:</b> As Policy DE1 above.</p>	RAM140 Supported
<p><b>Paragraph 6.4.2.5</b> (Explanation – Policy DE1) previously AM141 supported</p> <p><b>Reason supported:</b> Indicates how the policy will operate.</p>	RAM141 Supported
<p><b>Policy DE3</b> (Development amenity) previously AM142 supported</p>	RAM142

<u>Reason supported:</u> Indicates that amenity space must be useable.	Supported
<b>Paragraph 6.4.2.10</b> (Explanation – Policy DE3) previously AM143 supported <u>Reason supported:</u> Indicates how long the policy will operate.	RAM143 Supported
<b>Paragraph 6.4.2.14</b> (Table 6.1 Dwelling size and floorspace standards) previously AM144 supported <u>Reason supported:</u> Revised to comply with the improved standards.	RAM144 Supported
<b>Paragraph 6.4.2.19</b> (Explanation – Policy DE3) previously AM145 supported <u>Reason supported:</u> Indicates how the policy will operate.	RAM145 Supported
<b>Policy DE5</b> (Domestic extensions) previously AM146 supported <u>Reason supported:</u> Indicates the importance that will be given to shared sewers.	RAM146 Supported
<b>Paragraph 6.4.2.30</b> (Explanation – Policy DE5) previously AM147 supported <u>Reason supported:</u> As Policy DE5 above.	RAM147 Supported
<b>Paragraph 6.4.3.5</b> (Explanation – Policy SC1: Healthy Bay) previously AM148 supported <u>Reason supported:</u> Indicates availability of further guidance.	RAM148 Supported
<b>Paragraph 6.4.3.7</b> (Explanation – Policy SC1: Healthy Bay) previously AM149 supported <u>Reason supported:</u> Indicates availability of proposed further guidance.	RAM149 Supported
<b>Policy SC2</b> (Sport, leisure and recreation) previously AM150 supported <u>Reason supported:</u> Indicates the Policy now accords with NPPF74.	RAM150 Supported
<b>Paragraph 6.4.3.10</b> (Explanation – Policy SC2: Sport leisure and recreation) previously AM151 supported <u>Reason supported:</u> Indicates a factual clarification.	RAM151 Supported
<b>Paragraph 6.4.3.17</b> (Explanation – Policy SC3: Education, skills and local labour) previously AM152 supported <u>Reason supported:</u> Indicates support for South Devon College.	RAM152 Supported
<b>Paragraph 6.4.3.21</b> (Explanation – Policy SC3: Education, skills and local labour) previously AM153 supported <u>Reason supported:</u> Indicates how the policy will also operate via informal means.	RAM153 Supported
<b>Paragraph 6.4.3.25</b> (Explanation – Policy SC4: Sustainable food production) previously AM154 supported <u>Reason supported:</u> Indicates the importance of local orchards.	RAM154 Supported
<b>Aspiration 5: Respond to climate change</b> (Pages 154-170)	
<b>Paragraph 6.5.1.6</b> (Explanation – Policy ES1: Energy) previously AM155 supported <u>Reason supported:</u> Indicates an updated factual informative.	RAM155 Supported
<b>Policy ER1</b> (Flood Risk) previously AM156 supported	RAM156 Supported

<b><u>Reason supported:</u></b> Indicates application of the Policy.	
<b><u>Paragraph 6.5.2.3</u></b> (Explanation – Policy ER1) previously AM157 supported <b><u>Reason supported:</u></b> As Policy ER1 above.	RAM157 Supported
<b><u>Paragraph 6.5.2.6</u></b> (Explanation – Policy ER1) previously AM158 supported <b><u>Reason supported:</u></b> Indicates a factual update.	RAM158 Supported
<b><u>Paragraph 6.5.2.12</u></b> (Explanation – Policy ER1) previously AM159 supported <b><u>Reason supported:</u></b> As Paragraph 6.5.2.6 above.	RAM159 Supported
<b><u>Paragraph 6.5.2.13</u></b> (Explanation – Policy ER1) previously AM160 supported <b><u>Reason supported:</u></b> Indicates the importance of Policy ER1 and how it will be applied.	RAM160 Supported
<b><u>Paragraph 6.5.2.14</u></b> (Explanation – Policy ER1) previously AM161 supported <b><u>Reason supported:</u></b> As Paragraph 6.5.2.13	RAM161 Supported
<b><u>Paragraph 6.5.2.17</u></b> (Explanation – Policy ER1) previously AM162 supported <b><u>Reason supported:</u></b> Indicates how the policy will be applied.	RAM162 Supported
<b><u>Policy ER2</u></b> (Water management) previously AM163 supported in part  <b><u>Reason supported:</u></b> The amended text now makes the plan 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, and cross referenced to Policy W5 as previously sought.	RAM163 Supported
<b><u>Paragraph 6.5.2.18</u></b> (Explanation – Policy ER2) previously AM164 supported <b><u>Reason supported:</u></b> Indicates why and how the policy will be applied.	RAM164 Supported
<b><u>Paragraph 6.5.2.20</u></b> (Explanation – Policy ER2) previously AM165 supported <b><u>Reason supported:</u></b> Indicates the scope of the policy.	RAM165 Supported
<b><u>Paragraph 6.5.2.21</u></b> (Explanation – Policy ER2) previously AM166 supported <b><u>Reason supported:</u></b> Indicates the importance of Policy ER2 and how it will be applied	RAM166 Supported
<b><u>Policy W5</u></b> (Waste water disposal) previously AM167 supported in part  <b><u>Reason supported:</u></b> The amended text (and to RAM170 below) now run alongside the Local Validation List approved by Torbay Council on 1 <sup>st</sup> June 2015 that requires drainage details 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 ■ to ■ especially)	RAM167 Supported
<b><u>Paragraph 6.5.3.25</u></b> (Explanation – Policy W5) previously AM168 supported <b><u>Reason supported:</u></b> Indicates the correct term is a 'combined' sewer.	RAM168 Supported

<p><b>Paragraph 6.5.3.26</b> (Explanation – Policy W5) previously AM169 not supported as sound</p> <p><u>Amend:</u> the second paragraph of the proposed Replacement Modification as shown below</p> <p><i>“The Council, in partnership with South West Water, commissioned “An 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 <u>if the assumptions made in the report prove to be correct that</u></i></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><del>However the Study requires water efficiency measures, and reduction in water run-off from urban creep to be achieved. Consequently new development should will be required to have separate foul and storm water drainage systems shown in planning applications when they are first 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). The Council will support measures to reduce the amount of storm water and grey water (e.g. from run-off, washing or cooking) going into the shared sewer. Policy ER2 deals with water management in more detail.”</del></p> <p><u>Reason:</u> The Replacement 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 7 herewith attached. The Environment Agency designated Torbay as a “Critical Drainage Area” in June 2015. 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.</p> <p>See paragraph 41 of the covering letter attached herewith.</p>	<p>RAM169 Not Sound</p>
<p><b>Paragraph 6.5.3.27</b> (Explanation – Policy W5) previously AM170 supported</p> <p><u>Reason supported:</u> Indicates the importance of Policy W5 and how it will be applied</p>	<p>RAM170 Supported</p>
<p><b>Paragraph 6.5.3.28</b> (Explanation – Policy W5) previously AM171 supported</p> <p><u>Reason supported:</u> Indicates the importance of Policy W5 and how it will be applied</p>	<p>RAM171 Supported</p>
<p><b>Paragraph 6.5.4.9</b> (Explanation – Policy M3: Preserving and safeguarding of limestone resources and key local building stone) previously AM172 supported</p> <p><u>Reason supported:</u> Indicates a necessary spelling correction.</p>	<p>RAM172 Supported</p>
<p><b>Part 7: Delivery and monitoring</b> (Pages 171-178)</p>	
<p><b>7.4 Funding</b> Pages 173-176</p>	
<p><b>Paragraph 7.4.11</b> (S106 Obligations) previously AM173 supported</p> <p><u>Reason supported:</u> Indicates that green infrastructure is included.</p>	<p>RAM173 Supported</p>

<p><b>Paragraph 7.4.12</b> (S106 Obligations) previously AM174 supported</p> <p><u>Reason supported:</u> Indicates how the process will be applied.</p>	RAM174 Supported																																																																		
<p><b>Paragraph 7.4.16</b> (New Homes Bonus) previously AM175 supported</p> <p><u>Reason supported:</u> Indicates a factual clarification.</p>	RAM175 Supported																																																																		
<p><b>Paragraph 7.4.23</b> (Bridging the funding gap) previously AM176 supported in part.</p> <p><u>Reason supported:</u> Amendment RAM23 above to Policy SS5 now confirms that the purpose is to ensure the speedy delivery of employment development</p>	RAM176 Supported																																																																		
<b>7.5 Monitoring and review Pages 176-178</b>																																																																			
<p><b>Paragraph 7.5.14</b> (Five Year Local Plan review) previously AM177 supported</p> <p><u>Reason supported:</u> Indicates critically important considerations that will be applied – including downward as well as upward adjustment of growth</p>	RAM177 Supported																																																																		
<p><b>Paragraph 7.5.18</b> (Table 7.1 Local Plan Phasing and Review) previously AM178</p> <p><b>Amend:</b> by replacing the content of Table 7.1 to read</p> <p>Table 7.1 Local Plan Phasing and Review</p> <table border="1" data-bbox="236 943 1342 1451"> <thead> <tr> <th>Plan phase</th> <th>Years 0-5</th> <th></th> <th>Years 6-10</th> <th></th> <th>Years 11-15</th> <th></th> <th>Years 16-29</th> </tr> </thead> <tbody> <tr> <td>Financial Year</td> <td>2012/13 – 2016/17</td> <td></td> <td>2017/18 – 2021/22</td> <td></td> <td>2022/23 – 2026/27</td> <td></td> <td>2027/28- 2030/31</td> </tr> <tr> <td>Torquay</td> <td>845</td> <td></td> <td>1,040</td> <td></td> <td>1,055</td> <td></td> <td>825</td> </tr> <tr> <td>Paignton</td> <td>760</td> <td></td> <td>930</td> <td></td> <td>940</td> <td></td> <td>735</td> </tr> <tr> <td>Brixham</td> <td>175</td> <td></td> <td>210</td> <td></td> <td>215</td> <td></td> <td>170</td> </tr> <tr> <td>Expected total Housing numbers</td> <td>1,780</td> <td rowspan="3" style="writing-mode: vertical-rl; transform: rotate(180deg);">Five year review</td> <td>2,180</td> <td rowspan="3" style="writing-mode: vertical-rl; transform: rotate(180deg);">Five year review</td> <td>2,210</td> <td rowspan="3" style="writing-mode: vertical-rl; transform: rotate(180deg);">Five year review</td> <td>1,730</td> </tr> <tr> <td>Cumulative</td> <td>1,780</td> <td>3,960</td> <td>6,170</td> <td>7,900</td> </tr> <tr> <td>Expected total Net FTE job increase numbers</td> <td>1,375</td> <td>1,375</td> <td>1,375</td> <td>1,375</td> </tr> <tr> <td>Cumulative</td> <td>1,375</td> <td></td> <td>2,750</td> <td></td> <td>4,125</td> <td></td> <td>5,500</td> </tr> </tbody> </table> <p><b>In addition:</b> Delete <b>Picture 1.1</b> on page 2 of the Submitted Local Plan:</p> <p><b>Reason:</b> To enable delivery of the DCLG Household projection published on 27 February 2015 in place of the unjustified and unrealistic strategy of the Submitted Plan, and to enable key monitoring bench marks of the plan to be seen more easily, thus more effective and thereby 'sound.'</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith.</p>	Plan phase	Years 0-5		Years 6-10		Years 11-15		Years 16-29	Financial Year	2012/13 – 2016/17		2017/18 – 2021/22		2022/23 – 2026/27		2027/28- 2030/31	Torquay	845		1,040		1,055		825	Paignton	760		930		940		735	Brixham	175		210		215		170	Expected total Housing numbers	1,780	Five year review	2,180	Five year review	2,210	Five year review	1,730	Cumulative	1,780	3,960	6,170	7,900	Expected total Net FTE job increase numbers	1,375	1,375	1,375	1,375	Cumulative	1,375		2,750		4,125		5,500	RAM178 Not Sound  (should be an RMM)
Plan phase	Years 0-5		Years 6-10		Years 11-15		Years 16-29																																																												
Financial Year	2012/13 – 2016/17		2017/18 – 2021/22		2022/23 – 2026/27		2027/28- 2030/31																																																												
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Cumulative	1,375		2,750		4,125		5,500																																																												
<b>Appendices A to G (Pages i – xxxix)</b>																																																																			
<p><b>Appendix A</b> (Glossary of Terms) previously AM179 supported</p> <p><u>Reason supported:</u> Indicates definitions of Heritage Asset and Historic Environment.</p>	RAM179 Supported																																																																		
<p><b>Appendix A</b> (Glossary of Terms) new</p> <p><u>Reason supported:</u> Adds clarity of definition of 'Dark Corridors' and 'Self Build housing'</p>	RAM179A Supported																																																																		

<p><b>Appendix C</b> (Schedule of Supporting documents - Aggregates) previously AM180 supported</p> <p><u>Reason supported:</u> Indicates a factual clarification.</p>	<p>RAM180 Supported</p>
<p><b>Appendix D</b> (Pool of housing sites) and Policies Map – previously MM14 not supported as sound</p> <p><u>See response to RMM14 above in Appendix 1 – Part A:</u></p>	<p>RMM14 Supported</p>
<p><b>Appendix E</b> (Regionally Important Geological Site (RIGS) Policies Map – previously AM 181 supported in part</p> <p><b>Amend:</b> The addition of Hollicombe Head to Corbyn Head as a Regionally Important Geological Site (RIGS) is supported. The regional importance of the geological caves at Yalberton Valley and early use by man equally merits recognition by addition to the RIGS list using the information pack previously supplied by the Yalberton Valley Community Forum to planning officers of the Council. No explanation has been given that indicates why the site has been excluded.</p> <p><b>Reason:</b> to make the plan more effective, and thereby 'sound'.</p>	<p>RAM181 Not sound</p>
<p><b>Appendix Car Parking Requirements</b> previously AM182 supported</p> <p><u>Reason supported:</u> Indicates how the standard will be applied.</p>	<p>RAM182 Supported</p>

## RAM ANNEX 1: Policies Map Changes

<p><b>Key Diagram and Policies Map Booklet</b></p>	
<p><b>Policies Map</b> (Sheets 23, 24, 26 and 27) Future Growth Area notation at Collaton St Mary (Sheets 25, 27 and 28) Clennon Valley Previously Annex 1 to AM's not supported as sound</p> <p><b>Amend:</b> by</p> <p>a) delete the change of notation proposed at Clennon Valley b) delete all reference and notation showing the two Collaton St Mary areas as Future Growth Areas for housing and related development and replace with the "<b>Countryside Area</b>" notation.</p> <p><b>Reason:</b> a) Insufficient reason, therefore justification, has been given for the change of notation proposed at Clennon Valley that lies adjacent to a supported development site at Claylands. b) The change in homes provision in the published Modifications at Collaton St Mary is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See also RMM Annex 1 in Part A above.</p>	<p>RAM Annex1 &amp; AMAnnex1 Not Sound</p>

End of Appendix 1 - Part B

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## APPENDIX 2

### Projections & Actuality in Torbay since 2001

Torbay - ONS Subnational Population Projections to 2037 & Revised MYE's 2001-2012

Mid Yr to Mid Yr	1 Issued 2006 (2004 based)	2 Issued 2008 (2006 based)	3 Issued 2010 (2008 based)	4 Issued 2012 (2010 based)	5 Issued 2012 (Interim 2011 based)	6 Issued 29 Jan 2014 Revised MYE 2001-2012	7 Issued 29 May 2014 (2012 based)
2001						129,965	
2002						130,521	
2003						131,238	
2004	132,500					131,937	
2005	134,000					132,178	
2006	135,400	133,200				131,857	
2007	136,800	134,200				132,172	
2008	138,200	135,300	134,000			132,070	
2009	139,600	136,400	134,600			131,641	
2010	141,000	137,600	135,300	133,300		131,443	
2011	142,400	138,800	136,000	133,700	131,200	131,193	
2012	143,700	140,100	136,800	133,900	131,900	131,492	131,500
2013	145,100	141,300	137,600	134,300	132,700		131,800
2014	146,500	142,600	138,400	134,600	133,400		132,200
2015	147,900	143,900	139,300	135,000	134,200		132,700
2016	149,300	145,200	140,200	135,400	134,900		133,200
2017	150,700	146,500	141,100	135,800	135,700		133,700
2018	152,100	147,900	142,100	136,200	136,400		134,200
2019	153,500	149,300	143,000	136,700	137,200		134,800
2020	154,900	150,700	144,100	137,200	138,000		135,400
2021	156,200	152,100	145,100	137,700	138,800		136,000
2022	157,500	153,500	146,100	138,200			136,600
2023	158,800	154,800	147,200	138,700			137,300
2024	160,100	156,200	148,200	139,200			137,900
2025	161,300	157,500	149,200	139,700			138,500
2026	162,500	158,900	150,200	140,200			139,100
2027	163,700	160,200	151,200	140,700			139,600
2028	164,800	161,500	152,200	141,300			140,200
2029	165,900	162,800	153,200	141,800			140,800
2030		164,000	154,200	142,300			141,400
2031		165,200	155,200	142,700			142,000
2032			156,100	143,200			142,500
2033			157,000	143,700			143,100
2034				144,200			143,600
2035				144,700			144,100
2036							144,600
2037							145,100

Source: ONS

1 - Released 29 May 2006

2 - Released 26 May 2008

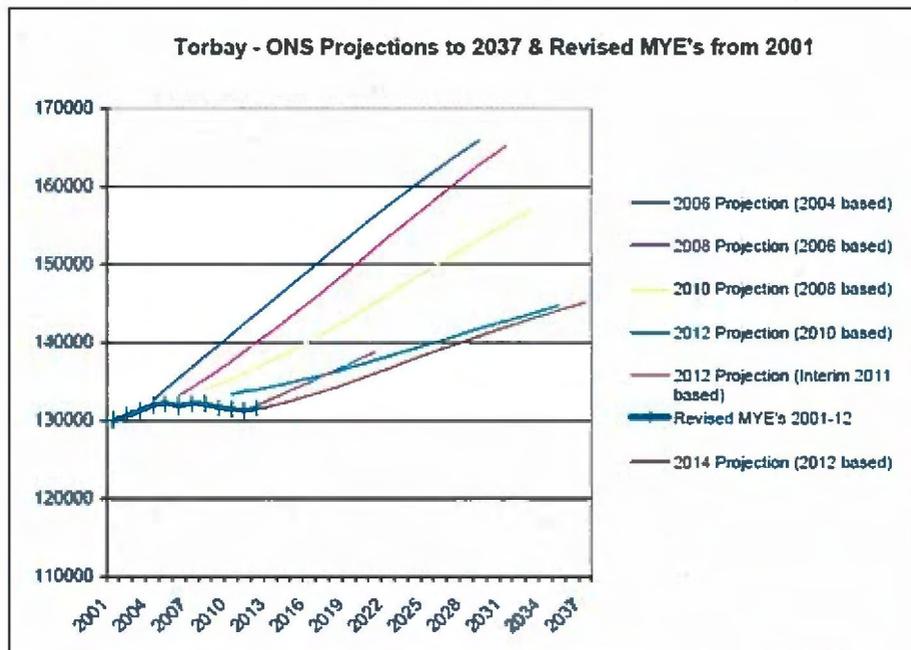
3 - Released 27 May 2010

4 - Released 21 May 2012

5 - Released 28 Sep 2012

6 - Released 29 Jan 2014

7 - Released 29 May 2014

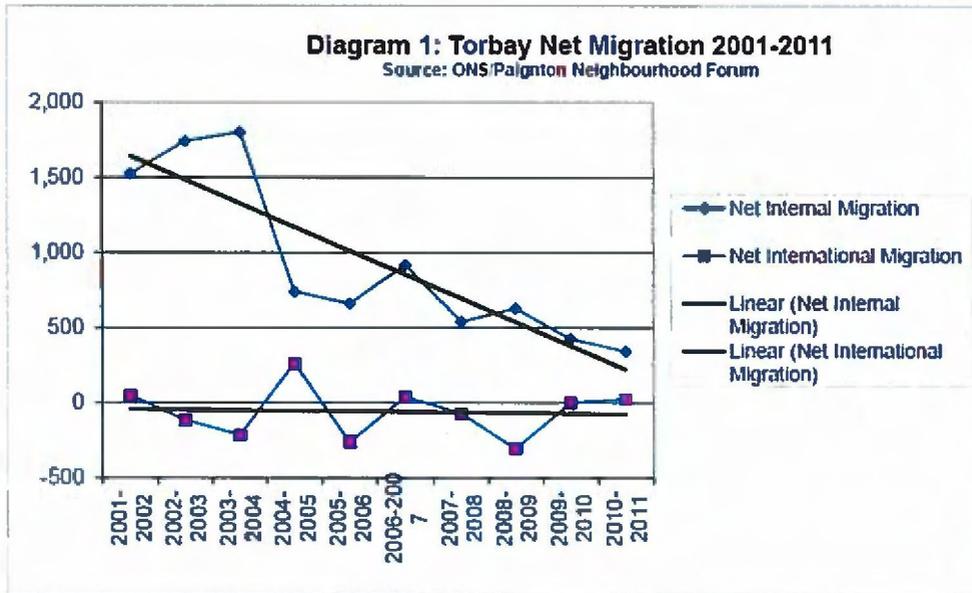


### APPENDIX 3

**Diagram 1:**

**Net Migration 2001-2011 – Torbay UA**

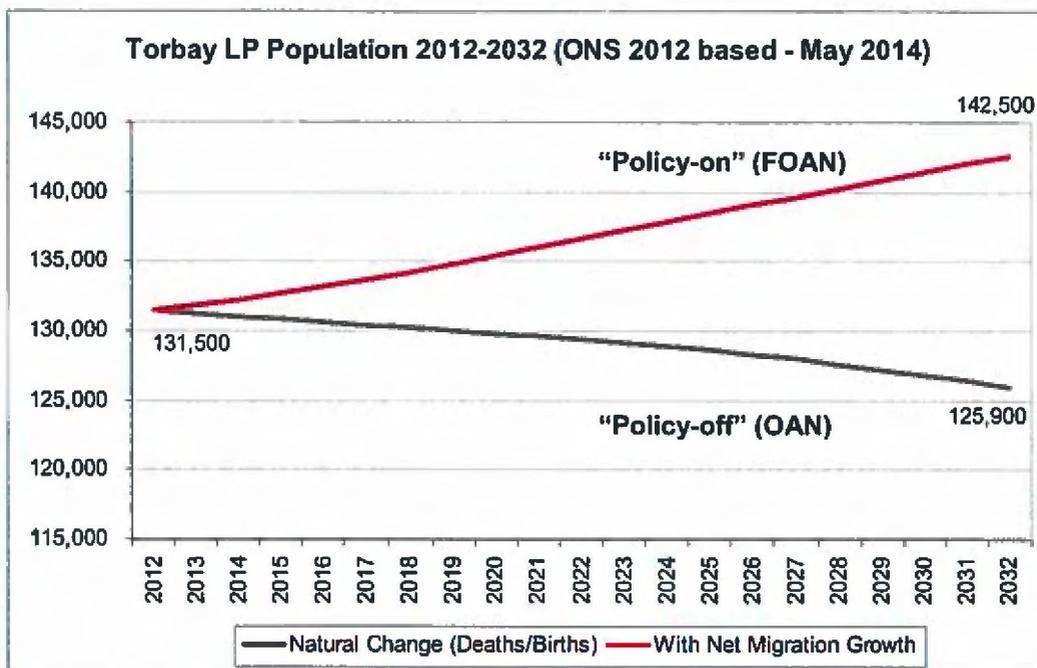
(Source: ONS)



**Diagram 2:**

**Net Migration with “Policy-off” (OAN) and “Policy-on” (FOAN)**

(Source: ONS)



## APPENDIX 4

### Comparison of most recent projections

#### Torbay UA: ED6000027

Year	ONS		DCLG Households (000's)	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 Households (000's)	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

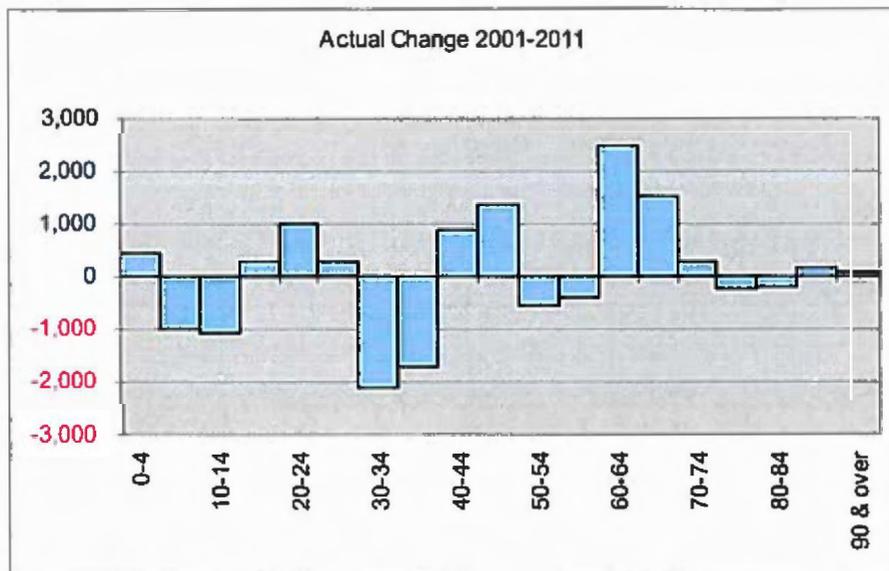
## APPENDIX 5

**Table A: Population Change by Age Group 2001– 2011**

Torbay Age	Census 2001	Census 2011	Change 2001-11	% Change 2001-11
0-4	6,300	6,700	400	6.35
5-9	7,300	6,300	-1,000	-13.70
10-14	8,200	7,100	-1,100	-13.41
15-19	7,300	7,600	300	4.11
20-24	5,700	6,800	1,100	19.30
25-29	6,400	6,700	300	4.69
30-34	8,200	6,100	-2,100	-25.61
35-39	8,800	7,100	-1,700	-19.32
40-44	8,000	8,900	900	11.25
45-49	8,200	9,500	1,300	15.85
50-54	9,400	8,800	-600	-6.38
55-59	8,800	8,400	-400	-4.55
60-64	7,700	10,200	2,500	32.47
65-69	7,100	8,600	1,500	21.13
70-74	6,700	7,000	300	4.48
75-79	6,100	5,800	-300	-4.92
80-84	4,600	4,400	-200	-4.35
85-89	3,100	3,200	100	3.23
90 & over	1,800	1,900	100	5.56
<b>Total</b>	<b>129,700</b>	<b>131,100</b>	<b>1,400</b>	<b>1.08</b>

Source: ONS (Rounded)

**Fig A: Population Change by Age Group 2011 – 2011 (Source Table A)**



## APPENDIX 6

### Trajectory comparison of RMM Policies, Annex 2 (Housing Tables) & DCLG

#### Annual Delivery

Period	Year	RMM Policies p.a.	RMM Annex2 p.a.	DCLG based# Dwellings p.a.		
				85%	15%	100%
1	2012-13	400	449	300	55	355
2	2013-14	400	449	300	55	355
3	2014-15	400	449	300	55	355
4	2015-16	400	449	300	55	355
5	2016-17	400	449	300	55	355
6	2017-18	460	611	370	65	435
7	2018-19	460	611	370	65	435
8	2019-20	460	611	370	65	435
9	2020-21	460	611	370	65	435
10	2021-22	460	611	370	65	435
11	2022-23	510	353	375	65	440
12	2023-24	510	353	375	65	440
13	2024-25	510	353	375	65	440
14	2025-26	510	353	375	65	440
15	2026-27	510	353	375	65	440
16	2027-28	510	457	365	65	430
17	2028-29	510	457	365	65	430
18	2029-30	510	457	365	65	430
** 19	2030-31	510	457	365	65	430
Total		8,890	8,893	6,685	1,185	7,870

85% If job growth

15% If household size reduces

#### 5 year Delivery

Period	Year	RMM Policies	RMM Annex2	DCLG based# Dwellings p.a.		
				85%	15%	100%
0-5	2012-17	2,000	2,245	1,500	275	1,775
6-10	2017-22	2,300	3,055	1,850	325	2,175
11-15	2022-27	2,550	1,765	1,875	325	2,200
** 16-19	2027-31	2,040	1,828	1,460	260	1,720
Total		8,890	8,893	6,685	1,185	7,870

#### Cumulative

Period	Year	RMM Policies	RMM Annex2	DCLG based# Dwellings		
				85%	15%	100%
Yr 5	2017	2,000	2,245	1,500	275	1,775
Yr 10	2022	4,300	5,300	3,350	600	3,950
Yr 15	2027	6,850	7,065	5,225	925	6,150
** Yr 19	2031	8,890	8,893	6,685	1,185	7,870

# Profile of DCLG HH Projections issued 27 Feb 2015

(already includes assumed return to job growth/net migration increase)

(Compares with 8,100 3 x NPs decisions 31 March 2014)

\*\* 4 year period - as in RMM

## APPENDIX 7

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).

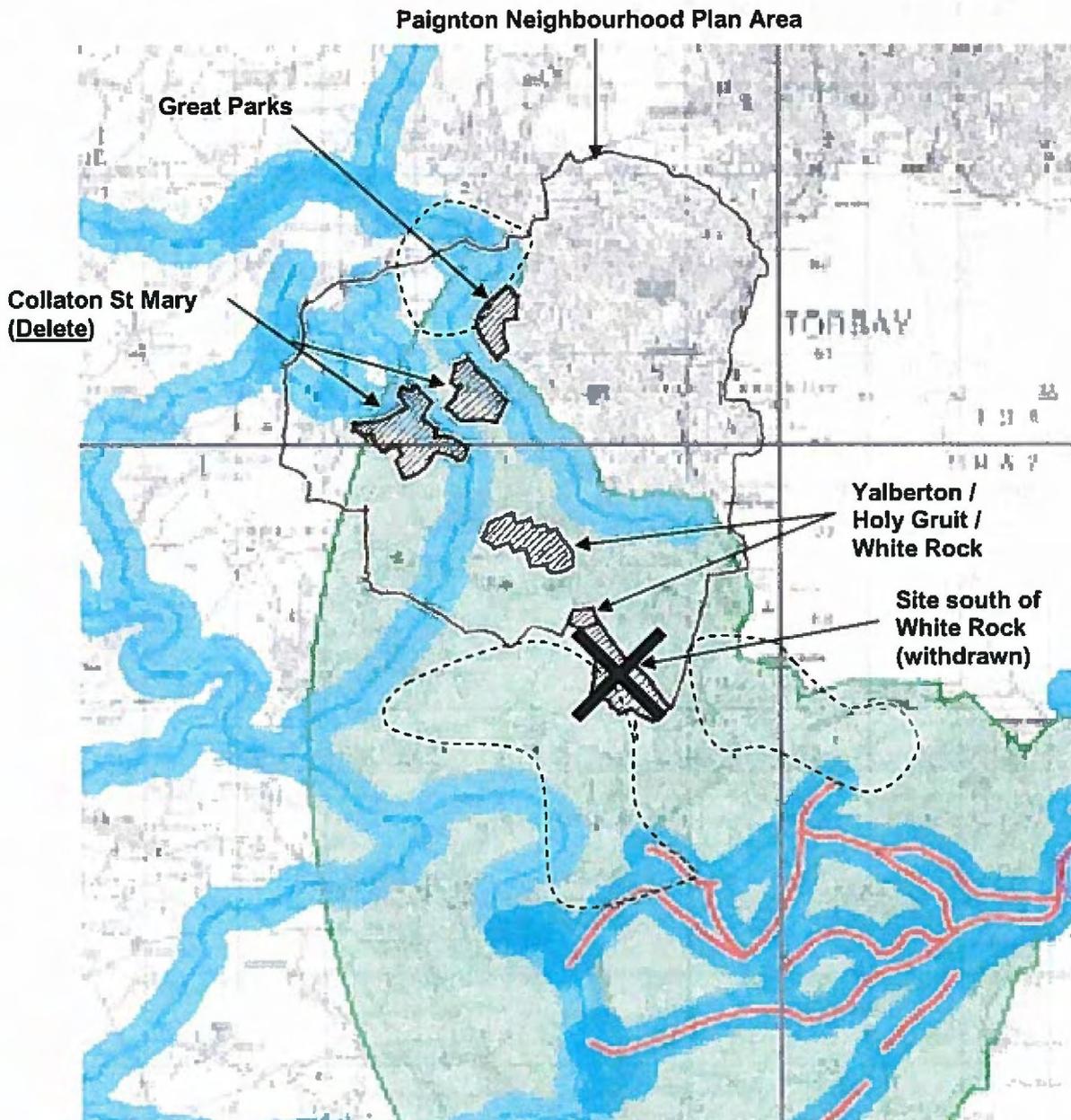
No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the Sewerage Undertaker as necessary to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

Martyn Dunn  
Development Coordinator

South West Water, Peninsula House, Rydon Lane, Exeter, EX2 7HR

## APPENDIX 8

### “In-combination” development sites within Paignton and HRA impact



**Source:**

Map Extract: South Hams Special Area of Conservation – Natural England: June 2010  
Cirl Buntings: Baker Associates SHLAA Report Volume 2 Map 3: Sep 2008

**Key:**

Blue - Greater Horseshoe Bat 'Flyways'  
Red - Flight paths recorded by radio tracking  
Green - Sustenance Zone / Area

 - Cirl Buntings

## APPENDIX 9

### Replacement Housing Trajectory 2012-2030/31

#### DCLG Household Trajectory 2012-30/31

	0-5 2012-16 5yrs	6-10 2017-21 5yrs	11-15 2022-26 5yrs	16-19 2027-30 4yrs	Total 2012-30 19yrs	
A	1,500	1,850	1,875	1,465	6,690	
B	265	325	330	260	1,180	
	1,765	2,175	2,205	1,725	<b>7,870</b>	#
	22%	28%	28%	22%	100%	

Source: DCLG (Feb 2015) Tables 406 (Torquay UA) & 415 (Components)  
Rounded to nearest 5 households

A = 85% if jobs grow

B = 15% if household size etc reduces

# 7,870 (for 19 Calendar Years) 7,890 (for 19 Financial Years)

Previous Forum Response (31 Mar-14)	Updated	
	20yrs	19yrs
Torquay	3,860	3,765
Paignton	3,450	3,365
Brixham	790	770
<b>Total</b>	<b>8,100</b>	<b>7,900</b>

Allocated pro-rata of previous 20 yr response

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

Policy SS1, SS11, SS12 (See attached letter)

Table 4.3: Source of New Homes (Rounded to nearest 5 dwellings)

Period (years)			0/1-19 2012-31
Year	A*	B*	
SDT1 - Torquay	3,200	565	3,765
SDP1 - Paignton	2,860	505	3,365
SDB1 - Brixham	655	115	770
<b>Torbay Total</b>	<b>6,715</b>	<b>1,185</b>	<b>7,900</b>

A - To accommodate net growth of jobs\*

B - To accommodate household size reduction\*

\* Subject to confirmation from Monitoring & Review

Table 5.2: Supply of Housing within Torquay

Period		0-5 2012-17	6-10 2017-22	11-15 2022-27	16-19 2027-31	Total 2012-31
SDT1 - Torquay	A*	720	885	895	700	3,200
	B*	125	155	160	125	565
<b>Torbay Total</b>		<b>845</b>	<b>1,040</b>	<b>1,055</b>	<b>825</b>	<b>3,765</b>

Rounded to nearest 5 dwellings

**Table 5.8: Supply of Housing within Paignton**

Period		0-5	6-10	11-15	16-19	Total
Year		2012-17	2017-22	2022-27	2027-31	2012-31
SDP1 - Paignton	A*	645	790	800	625	2,860
	B*	115	140	140	110	505
Paignton Total		760	930	940	735	3,365

*Rounded to nearest 5 dwellings*

**Table 5.14: Supply of Housing within Brixham**

Period		0-5	6-10	11-15	16-19	Total
Year		2012-17	2017-22	2022-27	2027-31	2012-31
SDB1 - Brixam	A*	145	180	185	145	655
	B*	30	30	30	25	115
Brixham Total		175	210	215	170	770

*Rounded to nearest 5 dwellings*

A - To accommodate net growth of jobs\*

B - To accommodate household size reduction\*

\* Subject to confirmation from Monitoring & Review

**Replace Table 7.1** (See attached letter and Appendix 1 RAM 178)

End

438 282  
AFLG

**Pickhaver, David**

---

**From:** Graham Swiss [REDACTED]  
**Sent:** 29 July 2015 11:00  
**To:** Planning, Strategic  
**Subject:** Torbay Local Plan - Proposed Replacement Modifications

Mr. Steve Turner  
Team Leader – Strategic Planning

Dear Mr. Turner,

**Proposed Replacement Modifications to the Submission Torbay Local Plan**

Thank you for consulting South Hams District Council on the Proposed Replacement Modifications to the Submission Torbay Local Plan.

I can confirm that SHDC:

- Supports the exclusion of the previously proposed **New Future Growth Area, Land South of White Rock** from the PRMMs; and
- Re-iterates its concern regarding the overall low density of development proposed in the Future Growth Area at Collaton St. Mary.

Through the Duty to Co-operate, SHDC and TC have agreed to the following:

- Positive and co-ordinated cross-boundary working;
- Joint Monitoring; and
- Joint working on the analysis of the need for and location of further development.

The Council wishes to see this agreed position reflected fully in the local plan.

Yours sincerely

Graham Swiss | Specialist (Strategic Planning)

**South Hams District Council**

Follaton House | Plymouth Road | Totnes | TQ9 5NE



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418700

AFL7

**Pickhaver, David**

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**From:** JOHN ROBINSON [REDACTED]  
**Sent:** 01 August 2015 14:50  
**To:** Planning, Strategic  
**Subject:** Torbay Local Plan

We would advise you that Stoke Gabriel Parish Council supports the Paignton Neighbourhood Forum response ( of July 20th) to the Submitted Torbay Local Plan in its entirety.

Kind regards

John Robinson  
Cllr Stoke Gabriel Parish Council

830233  
AFL8

**Pickhaver, David**

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**From:** Helen Kummer [REDACTED]  
**Sent:** 02 August 2015 20:29  
**To:** Planning, Strategic  
**Subject:** Torbay Local Plan - Proposed Replacement Modifications

FAO Pat Steward.

Dear Mr. Steward,

On behalf of Stoke Gabriel Parish Plan Group, I support in full the representation by David Watts, Chair, Paignton Neighbourhood Forum, dated July 20th. 2015.

Yours sincerely,

Helen Kummer  
for Stoke Gabriel Parish Plan Group

923362  
AFC9

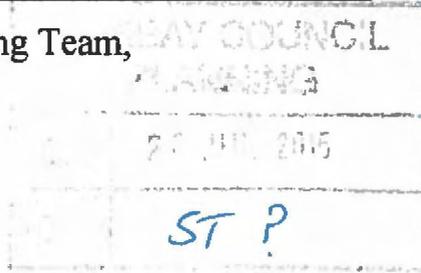


**STONEY PARK ALLOTMENTS  
ASSOCIATION**  
Allotments for the Labouring Poor – Charity  
Number 201637

**CHAIR** : S. Hichisson  
**SECRETARY**: R. Watt  
**TREASURER**: E. Smith (Mrs)  
Email: [REDACTED]

*Please reply to* : The Secretary – SPAA.,  
11 Combe Bank  
Lindthorpe Way, Brixham, TQ5 8PB

Torbay Spatial Planning Team,  
Town Hall,  
TORQUAY,  
Devon.



25<sup>th</sup> July, 2015.

Dear Madam / Sir,

**Re: TORBAY DEVELOPMENT PLAN**

I am writing to you to point out that your current Torbay Development Plan needs updating because it includes an area of the Stoney Park Allotments which is not part of the Northcliff area for future development. You have incorrectly included the area which used to be “leased” as a car park by Torbay to the Northcliff.

The Charity Commission instructed Torbay to re-instate this area to allotments as this area should not have been “leased” in the first place. Torbay returned the area to the allotment site, but were unable to fully re-instate the area to allotments with topsoil due to the costs.

Torbay Surveyors marked out the correct boundary between the Allotment and Northcliff sites with pegs ( believed to be in late 2011 or early 2012 ). In early 2012 the Allotment Association put up a wire and post fence one foot inside the pegs on the Allotment side. Hedging has also been planted on our side well back from the fence.

The area ( green on enclosed plan A ) now has an allotment area for Y.E.S., two raised beds for members unable to work a full plot ( one of which was funded by Brixham Town Council). There is also an 80 ft by 16 ft Polytunnel for 24 members who each have a 7 ft by 5ft plot (funded by a Brixham Town Council Grant ). In addition, there is a

storage shed, a self-composting toilet, an Educational Resource Centre Hut and a Bio-diversity area with wild orchids growing on it. All sheds are treated dark green to blend in with surroundings and the grass areas are cut and maintained. ( Please see enclosed Plan B ).

I should add that the site as a whole is covered by an Enclosure Award and "Kelly's Gift" to be used as allotments.

The whole site is not designated for any development on the Brixham Peninsula Development Plan.

In view of this information, please amend your Torbay Development Plan to show that the area shaded green on Plan A has nothing to do with the Northcliff Site and is not for development.

Thanking you in anticipation of you correcting this error and confirming that this has been done to the Association in writing.

Yours truly,

A large black rectangular redaction box covering the signature of R. Watt.

R. Watt.  
Secretary,

Stoney Park Allotment Association.

**N.B.** – Verification of my information could be obtained from Torbay Surveyors Department and our named Trustee.

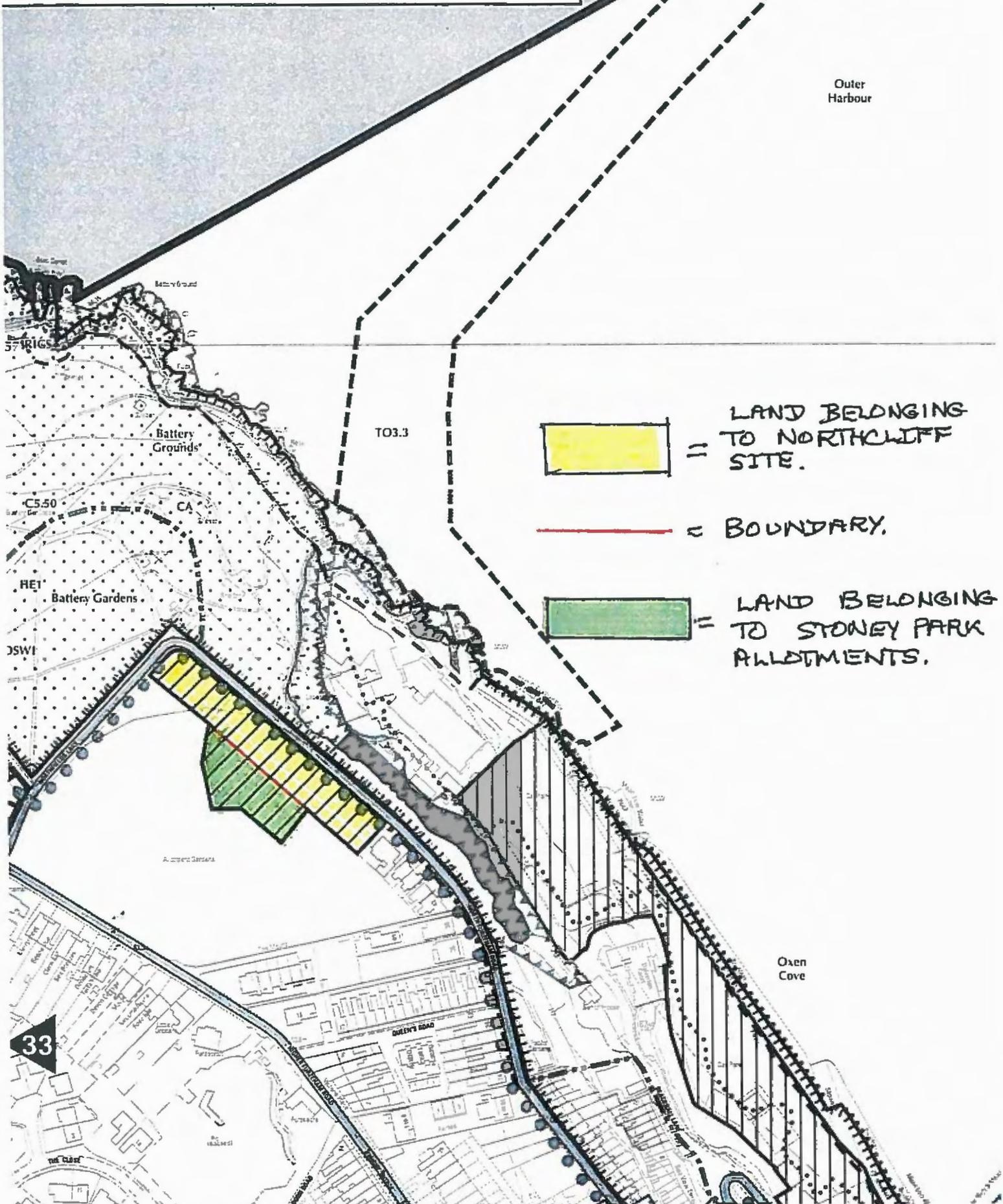
**ENCLOSURES:- Plan A** – Copy of your current plan showing correction of areas.

**:- Plan B** – Rough plan of the area concerned showing how our ground has been well utilised.

# PLAN A.



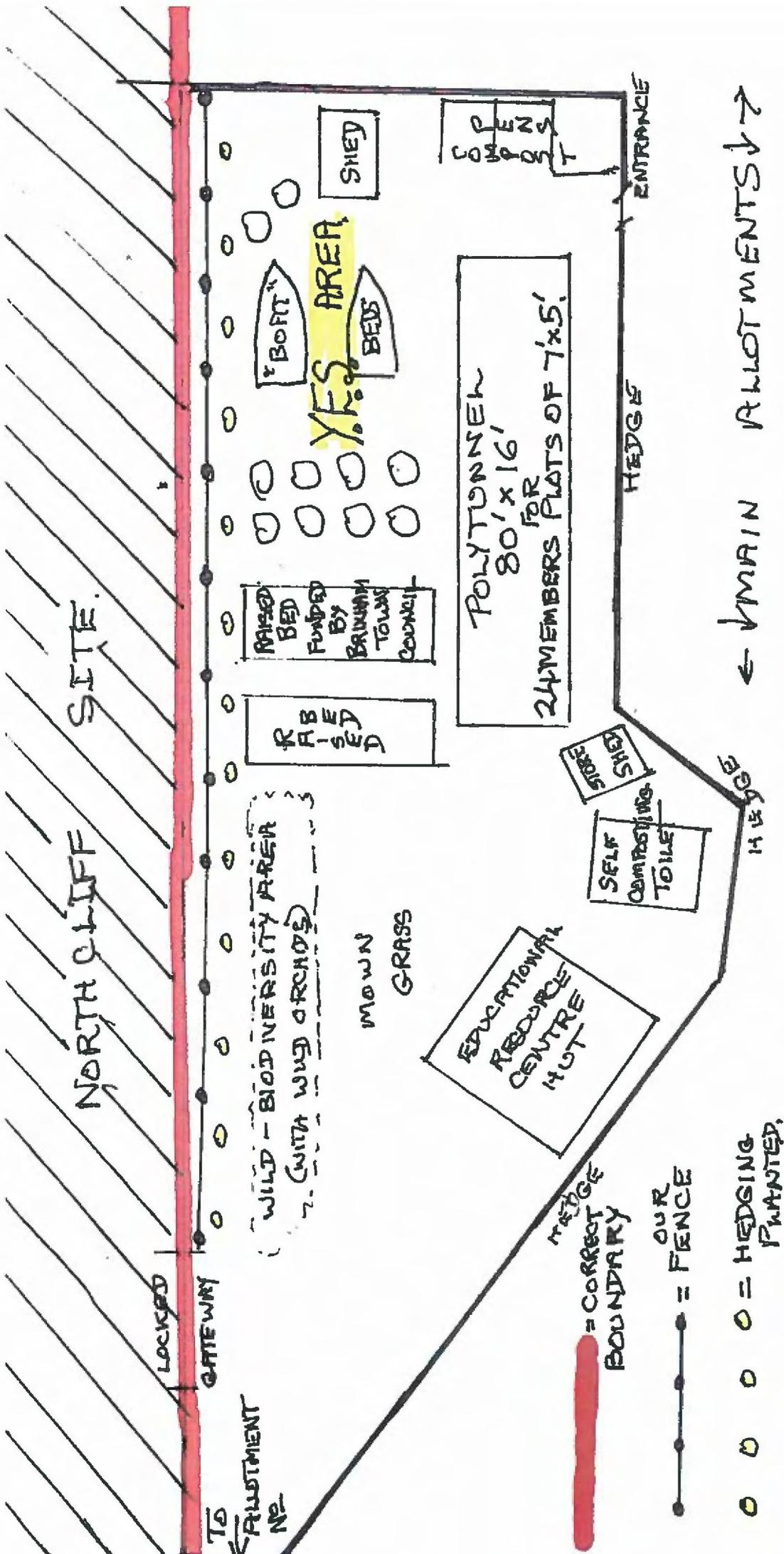
**For Information:**  
Part of the area shown on this sheet has been defined as a STRATEGIC DELIVERY AREA. Please see the Local Plan KEY DIAGRAM & Policy 551 Growth strategy for a prosperous Torbay, Policies SDT1-4 (Torquay), SDP1-4 (Paignton) & SDB1-3 (Brixham). The area shown on this sheet is part of a NEIGHBOURHOOD DEVELOPMENT PLAN AREA-see [www.torbay.gov.uk/neighbourhoodplanning](http://www.torbay.gov.uk/neighbourhoodplanning)



 = LAND BELONGING TO NORTHCLIFF SITE.

 = BOUNDARY.

 = LAND BELONGING TO STONEY PARK ALLOTMENTS.



STONEY PARK ALLOTMENTS  
ASSOCIATION USE OF THE  
AREA.

# PLAN B

\*NOT TO SCALE\*

**Pickhaver, David**

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**From:** Trevor Shaw [REDACTED]  
**Sent:** 31 July 2015 11:27  
**To:** Pickhaver, David  
**Subject:** Local Plan

David

Thanks for the phone call yesterday concerning current Torbay Local Plan Proposed Modifications.

We have read through the published schedules and will not be providing any specific representations. There are no concerns from a Teignbridge Spatial Planning perspective with the Proposed Modifications.

I hope this part of the preparation process goes smoothly.

Regards

Trevor Shaw  
Senior Planning Officer  
Spatial Planning and Delivery  
Teignbridge District Council  
Forde House  
Brunel Road  
Newton Abbot  
Devon  
TQ12 4XX

[REDACTED]

For the Teignbridge email disclaimer click the link below, or copy and paste it into your address bar.

<http://www.teignbridge.gov.uk/index.aspx?ArticleID=16818>

811474  
AFC10

**Pickhaver, David**

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**From:** Leon Butler [REDACTED]  
**Sent:** 28 July 2015 08:37  
**To:** Planning, Strategic  
**Subject:** Local Plan comment

#### Comment on Local Plan

The Torquay Neighbourhood Plan has now agreed a range of development sites supporting the gross numbers in the allocation for Torquay in the latest changes to the Torbay Local Plan. Although not all sites are supported, notably the green field Broadley Drive site in the Chelston, Cockington and Livermead CP area, fresh brown field sites have been allocated as replacements. It is noted that a substantial proportion of housing sites are identified as 'brown field' and it is our opinion that these sites should be prioritised by giving incentives to redevelop ahead of major green field expansion areas. It is also our opinion that the windfalls, some of which could be substantial in their scope, will be readily achievable through the policies being proposed for former Tourism accommodation sites and may be underestimated.

It is of note that there is an underlying concern that the numbers of homes required in Torquay may not reflect population predictions, that net job creation may be over optimistic and hence green field developments are being questioned. It would be expected that the jobs and housing demand and predictions will be regularly, carefully and systematically monitored and adjustments made both up and down to provide an accurate forecast and prevent the unnecessary development of green field sites.

There is some concern that the wishes of the community to protect their green spaces, as expressed through their Community Partnership submission to the draft Neighbourhood Plan, are being undermined by overriding political decisions to develop them.

Leon Butler  
Chair Torquay Neighbourhood Forum

## Kunaszekiewicz, Zdzislawa

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**From:** Leon Butler [REDACTED]  
**Sent:** 03 August 2015 17:20  
**To:** Planning, Strategic  
**Subject:** Comment on Local Plan #2

I would like to add a further statement to our comment on the amendments to the Local Plan.

I would like to give reassurance that our Plan is currently deemed to be in general compliance with the Local Plan and its amendments and will go to the second phase of consultation this autumn with a view to a referendum in the spring or early summer of 2016.

Leon Butler  
Chair Torquay Neighbourhood Forum

This email is confidential to the named recipients. I would appreciate it if you would ask me if you want to send/disclose the contents to a third party not on the distribution list unless it is to member of a Community Partnership.