

TORBAY LOCAL PLAN

A landscape for success:

The Plan for Torbay – 2012 to 2032 and beyond

PROPOSED SUBMISSION PLAN (FEBRUARY 2014)

TORBAY COUNCIL RESPONSE TO REPRESENTATIONS ON SCHEDULE OF PROPOSED CHANGES TO THE FEBRUARY 2014 SUSTAINABILITY APPRAISAL REPORT

REPRESENTATIONS BY CONSULTEE/ORGANISATION

Torbay Council - 14 August 2015

Explanatory note: Torbay Council Response to Representations on Schedule of Proposed Changes to the February 2014 Sustainability Appraisal Report

Summary of this document

This document sets out the Council's comments on the consultation responses to proposed changes to the Sustainability Appraisal Report that accompanied the Proposed Replacement Modifications to the Torbay Local Plan 2012-32 and beyond "A landscape for success". It summarises these by Replacement Modification / Editorial Change and provides a brief response to the points made. These were the subject of public consultation between Monday 22nd June and Monday 3rd August 2015.

Representations on the Replacement Modifications and comments of the Council will be considered by the Inspector conducting the Examination of the Local Plan.

Background to the new Local Plan

The Local Plan was considered at an Examination Hearing between 18th-20th November 2014. The Inspector's Initial Findings were received on 15th December 2014, with Further Findings received on 23rd December 2014.

The Council published a Schedule of Proposed Main Modifications for consultation in February 2015, drawing on the Inspectors' Initial and Further Findings. The Proposed Main Modifications related to matters that went to the heart of the Local Plan's soundness, particularly relating to increasing the overall housing numbers to 10,000 dwellings between 2012-32 and the identification of additional potential housing sites. The Modifications also sought to clarify the mechanism to bring forward site allocations plans if Neighbourhood Plans did not identify sufficient land.

Representations to the Main Modifications raised a number of significant issues, particularly around **Habitats Regulations** constraints (see TC/MOD/10- TC/MOD17). The Council has produced schedules of issues raised by the Modifications and its response to them: www.torbay.gov.uk/tcmod12.doc. Following consideration of these, and correspondence with the Inspector (PH/16-P/H18 <http://www.torbay.gov.uk/ph16.pdf> <http://www.torbay.gov.uk/ph17.pdf> <http://www.torbay.gov.uk/ph18.pdf>), the Council resolved to publish Replacement Modifications.

Replacement Modifications

As the name implies, the **Replacement Modifications** replace the Modifications published in February 2015. Accordingly the original Modifications have been withdrawn. However, a number of representations on the Modifications, and issues noted in the **SA and HRA (TCRMOD/7 www.torbay.gov.uk/tcrmod7.pdf and TCRMOD/8 www.torbay.gov.uk/tcrmod8.pdf)**, have influenced the content of the Replacement Modifications.

The **Replacement Main Modifications** (RMMs) deal with matters that are central to the Local Plan's soundness. In summary they propose 8,900 dwellings and 5,000-5,500 new jobs over a reduced Plan period of 2012-30 (a reduction of 1 year). They undertake that the Council will produce site allocations documents if Neighbourhood Plans are not submitted by 31 March 2016, and also set out details on monitoring of jobs and homes.

A companion schedule of **Replacement Additional Modifications** (RAMs) has been prepared for consultation at the same time as the Replacement Main Modifications. These deal with matters that do not go to the heart of the Local Plan's soundness. In particular they strengthen the environmental safeguards set out in the Proposed Submission Plan and update the Plan to reflect new government guidance on matters such as affordable housing thresholds, space standards and allowable solutions for carbon reduction.

In association with the publication of the Proposed Replacement Modifications for the New Local Plan, Schedules of Proposed Changes to the Sustainability Appraisal and Habitats Regulations Assessment were also the subject of public consultation between Monday 22nd June and Monday 3rd August 2015.

Issues raised by representations on the Proposed Changes to the Sustainability Appraisal Report and Council's conclusions on them:

The Council received one response from the Statutory Consultation Bodies (Natural England) and five from other bodies or individuals making representations. These are similar in nature to those raised in relation to the **Habitats Regulations Assessment**. The matters raised were usually linked to comments on the overarching growth strategy and potential development sites, which were made as representations on the Proposed Replacement Main and Additional Modifications. None of the Proposed Editorial Changes (purple text) set out in the Proposed Changes to the SA Report document were the subject of specific SA-related representations.

Broad Conclusions on the Representations Received

The Council considers that two minor editorial changes should be made to the Sustainability Appraisal Report. No further modifications are recommended to the Replacement Main Modifications or the Replacement Additional Modifications documents through the SA.

What happens next?

The representations on the Proposed Replacement Modifications, along with the Council's response to them, will be considered by the Inspector conducting the Examination of the Local Plan, who will take them into account in the preparation of his final report on the soundness of the Local Plan.

Representations on Schedule of Proposed Changes to the February 2014 Sustainability Report					
ID	File No.	Person / Organisation Consultee	Replacement Modification/ Policy No. / Editorial change	Summary of Representations Made	LPA Response
National organisations					
400188	NO1	Natural England	N/A	NE considers the SA to be compliant with legal requirements. NE also now supports the Replacement Main Modifications to the Plan and agrees with the Authority that the spatial distribution is within environmental limits.	Support for the SA welcomed.
Neighbouring Local Authorities, Neighbourhood Forums, Community Partnerships, Parishes and Amenity Societies					
704914	AFC 5	Paignton Neighbourhood	Local Plan Object to	Critical drainage problems at the West of Paignton.	Issues about growth levels and environmental capacity are noted but have already been debated at the

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		Forum	RMM1 and RMM11 RMM13 Support RMM14 Support	<p>Environmental Capacity: Housing growth of 8,900 cannot be accommodated within environmental capacity. Presumption in favour of sustainable development does not apply to HRA matters.</p> <p>SA Para 49. Criticism of SA in respect of Policy SS2 FGA at Collaton St Mary in relation to assessment of loss of agricultural land and impact on landscape.</p>	<p>Examination Hearing and elsewhere.</p> <p>Infrastructure: See discussion in introductory section to Council's response to representations on Replacement Main and Additional Modifications. SWW has confirmed that the Plan is deliverable so long as a programme of SuDS is implemented. Policies ER1, ER2 and W5 have previously been amended to incorporate comments by the Environment Agency, Natural England and others on the need for sustainable drainage.</p> <p>Environmental Capacity: The Council agrees that environmental capacity is a critical issue. The Submission Local Plan and Proposed Replacement Additional Modifications seek to address sewerage capacity through sustainable drainage measures. It is noted that South West Water and Natural England have supported the Local Plan in this respect.</p> <p>SA: Table 4.3 of the SA summarises SA of Alternative Future Growth Areas in which biodiversity, landscape agricultural land are noted and <i>on balance and compared with other sites with similar environmental constraints , the area should be included.</i></p> <p>No change recommended to Sustainability Appraisal Report</p>

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Development Industry - Housing					
Agent: 844863 Consultee : 844862	HB1	Abacus/ Deeley Freed (Stride Treglown on behalf of)	Local Plan RMM3 Object	Object to removal of land south of White Rock, as this could provide a deliverable strategic site. The concerns raised by Natural England can be overcome. Reference to HRA findings (TCMOD/16) - see HRA Schedule.	<p>Whilst it is acknowledged that the site could be a strategically significant site, there remain outstanding biodiversity and landscape matters that have not yet been satisfactorily resolved. These relate to effects on the AONB and HRA matters, both of which override the presumption in favour of sustainable development. (It will be noted that the S of S refused development of the land for a business park in 1997.)</p> <p>These issues have not as yet been resolved.</p> <p>The SA includes a summary of the alternative FGAs in Table 4.3. In relation to White Rock in Paignton, Positive opportunities to provide affordable housing and infrastructure are noted, alongside the landscape and biodiversity impacts, which are also recognised; ...<i>The quantity of significant negative impacts for this area outweigh the positive impacts.</i></p> <p>No change recommended to the Sustainability Appraisal Report</p> <p><u>Note:</u> On this basis, the Council considers that the land south of White Rock should remain excluded from the Local Plan.</p>

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Agent 830010 Consultee 830289	HB5	Mrs Hosking (Savills/Smiths gore on behalf of)	Local Plan RMM1 Object RMM14 Object	Land at St Mary's campsite is subject to ecological assessments that will be available in September. The site should remain identified in the Local Plan.	<p>The Council's HRA assessment by Kestrel Wildlife Limited (PH/10) and representations by Natural England etc have pointed to likely harm to greater horseshoe bats from the development of St Marys Campsite. It is noted that ecological testing is being carried out. However it seems likely that only a relatively small amount of development (if any) will be achievable on the campsite given its landscape and ecological constraints. On this basis any development of the site is unlikely to be strategic in nature and could be dealt with through the Neighbourhood Plan or as a departure from the Local Plan.</p> <p>A 'major' application on a greenfield site within the AONB would have a presumption of refusal except in exceptional circumstances as set out in para 116 of the NPPF.</p> <p>Site not specifically assessed in main SA as site not suitable for identification as a Future Growth Area in Policy SS2.</p> <p>No change recommended to the Sustainability Appraisal Report</p>
Agent 844351	HB7	Richmond Torquay (Jersey)	Local Plan RMM14 Object	Sladnor Park: Too many sites have been removed- especially Sladnor Park , which has an extant planning permission (P/2008/1418) for	Sladnor Park. There is some question over whether permission P/2008/1418 has been lawfully commenced (which would keep the permission alive). The Council

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Consultee 844178		Limited (PCL Planning on behalf of)		a retirement village. The Council's ecological evidence (Greenbridge Ltd) suggests that Sladnor Park is deliverable.	<p>has suggested that the site owners should establish this through a Certificate of Lawfulness.</p> <p>Natural England's letter of 18 March 2015 indicates that additional information would be required to locate GHB roosting and assess its significance. The Greenbridge Report HRA site Assessment (TCMOD/16) indicated that development of Sladnor Park has the potential to effect adversely the integrity of the SAC, and as a minimum a Screening is necessary to establish any Likely Significant Effect.</p> <p>On this basis the Proposed Replacement Modifications removed the site because of uncertainty about likely significant effects on bats. The site is not a strategically significant one and could come forward for development should biodiversity and landscape issues be overcome.</p> <p>Site not specifically assessed in main SA as site not suitable for identification as a Future Growth Area in Policy SS2.</p> <p>No change recommended to the Sustainability Appraisal Report</p>
829682	PI4	Lovejoy Leaf	Local Plan RMM1/SS1	Endorse Paignton Neighbourhood Forum's objections. Environmental and infrastructure constraints limit Torbay's capacity for growth,	See response to Paignton Neighbourhood Forum

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			Object	especially in the vicinity of Collaton St Mary. SA: Paras. 25 and 26 – reference made to SA/Environmental Impacts	
Suggested minor editorial changes to SA (referred to on Page 4 above)					
Amend Paragraph 8.9 .2 (relating to Local Plan Policy DE1):promoting walking and cycling through active design and....					
Amend Paragraph 8.9.8 (relating to Local Plan Policy DE3):the policy promotes satisfactory residential environment with regard to amenity and floorspace , noise, vibration, light, dust, traffic and littering.					
<p><u>Note:</u></p> <p>There is a general need to update the Submission SA (February 2014) e.g. Appendix 3 in relation to Relevant Polices Plans and Programmes. These would not affect the overall findings of the SA assessment.</p>					