

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
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| EXECUTIVE SUMMARY | <u>Support</u> - include with the final plan – amended as necessary following consideration of the responses below. |
| FOREWORD | <u>Support</u> – subject to the following. |
| PART 1 – INTRODUCTION | <u>Support</u> – subject to the following. |
| PART 2 - USP, KEY ISSUES & ASPIRATIONS | |
| <u>Consultation Question 1</u> – Issues set out | <p><u>Objection</u>: - issues raised are incomplete. <u>Reason</u>: - no reference has been made to the ‘unique’ situation that also exists of having a resident population that will reduce by natural change over the plan period, and how this affects the plan’s proposals. <u>Suggested Improvement</u> – add the following paragraph:</p> <p><i>“Because of the reliance on inward migration for any further growth in Torbay, it will be important to ensure development is achieved in a balanced manner throughout the Plan period to ensure that unintended adverse effects do not arise. It will be important to ensure that new development does not create conditions of lost opportunity and adverse impact during the period of the plan. This will be achieved by ensuring that allocations of land and buildings for new development are phased in a manner that fosters achievement of a balanced provision, and new development will be resisted that would result in an imbalance of housing supply and employment provision, or population growth and shopping facilities.”</i></p> |
| <u>Consultation Question 2</u> – The big issues & approach to growth | <p><u>Objection</u> – the ‘approach to growth’ as proposed goes significantly beyond local needs with insufficient safeguards defined to ensure sustainable and ‘balanced’ development outcomes are achieved. <u>Reason</u>: - All sources agree that Torbay’s resident population will reduce through natural change during all periods of the Plan. The quoted Regional Observatory forecast (page 18) and all other official estimates referred to are based on historic and over optimistic in-</p> |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
|--|--|
| | <p>migration population forecasts that have not materialised by a very significant margin. Without a direct monitoring link of job/home provision and population/retail provision, unintended and damaging consequences would arise. The monitoring items on page 29 would fail to pick this up. <u>Suggested Improvement</u>: - threefold</p> <p>a) on page 29/30 include a single table summarising the NPPF objectively assessed requirement for jobs and homes, and alongside this the proposed 'aspiration' levels. The purpose being to show in clear terms the difference between the two.</p> <p>b) in the table of proposed annual monitoring measures (page 29) include job increase achieved for direct comparison with homes and population increase achieved (as also required to monitor Policy SDP3) .</p> <p>c) include a clear statement that the priority will be to achieve job led growth, on which all decisions for further housing land release will depend</p> |
| <p><u>Consultation Question 3</u> – The five key aspirations</p> | <p><u>Objection</u>: - an 'aspiration' is missing : - <u>Reason</u>: The request made by the Forum in February 2012 has not been included <u>Suggested Improvement</u>: - add:</p> <p><i>"Aspiration 6</i></p> <p><i>Achieving a balanced provision of new opportunities</i></p> <p><i>Because of the reliance on inward migration for any further growth in Torbay, it will be important to ensure further development is achieved in a balanced manner throughout the Plan period to ensure that unintended adverse effects do not arise. This will be achieved</i></p> |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
|---|--|
| | <p>through the following objectives:</p> <ul style="list-style-type: none"> • To ensure that new development provision does not create conditions of lost opportunity and adverse impact during the period of the plan. This will be achieved by the following objectives: • To ensure that allocations of land and buildings for new development are phased in a manner that fosters achievement of a balanced provision. • To resist new development that would result in an imbalance of housing supply and employment provision, or population growth and shopping facilities.” |
| PART 3 - STRATEGIC DIRECTION & DELIVERY | |
| <p><u>Consultation Question 4</u> – Policies SD1 & SD2 (Growth Strategy for a prosperous Torbay) & (Presumption in favour of sustainable development)</p> | <p><u>Objection</u>: - the scale of growth in jobs and homes beyond year 5 (2016) <u>Reason</u>: - Unlike other towns, Torbay’s resident population does not have pressures to meet from natural change internally, and growth from in-migration has all but ceased. <u>Suggested Improvement</u>: Preparation and publication for comment of an up to date assessment of objectively assessed housing needs as required by NPPF47.</p> |
| <p><u>Consultation Question 5</u> – Policy E1 (Employment)</p> | <p><u>Objection</u> – Job led growth is supported fully, but not on the scale proposed beyond year 5. <u>Reason</u>: - 3,600 jobs will meet current unemployment needs. More than this will assist poverty pressures and enhance the local economy. However, resident numbers of working age are reducing through natural change. By 2031 there will be 9,000 fewer residents seeking jobs than there are today. Thus seeking 15,000 additional jobs in reality represents a growth in economically</p> |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
|--|---|
| | <p>active residents that goes significantly beyond local needs. This in turn leads to a land requirement and infrastructure deficit that conflicts with enhancing Torbay's 'English Riviera' identity and USP.</p> <p><u>Suggested Improvement:</u> - Preparation and publication for comment of an up to date assessment of objectively assessed need for Torbay as required by NPPF14.</p> |
| <p><u>Consultation Question 6</u> – Policy E2 (Employment Space)</p> | <p><u>Support</u> – for the reasons given in the “Explanation”</p> |
| <p><u>Consultation Question 7</u> – Policy E3 (Marine Economy)</p> | <p><u>Objection</u> – The Policy wording is supported. Part of the explanation is not (in second paragraph). Delete third sentence that reads “<i>Where significant harm cannot be avoided, appropriate compensatory measures should be sought.</i>” <u>Reason:</u> Torbay's marine environment is key to our USP. Any development that results in “<i>significant harm</i>” is unacceptable, if not unlawful under European protection.</p> |
| <p><u>Consultation Question 8</u> – Policy E4 (Education, skills & local labour)</p> | <p><u>Support</u> – for the reasons given in the “Explanation”</p> |
| <p><u>Consultation Question 9</u> – Policy TC1 (Town Centres & Retail)</p> | <p><u>Objection</u> – ‘town centre first’ is supported fully, but not the following changes shown for Paignton's town centre (Appendix C – Maps booklet):-</p> <ul style="list-style-type: none"> (a) reduction of the “<i>primary shopping frontage</i>” (b) exclusion of Church Street and upper Winner Street from the “<i>Town Centre boundary</i>” area. <p><u>Reasons:</u></p> <p>(a) Reduction of the primary retail frontage is not consistent with the ‘town centre first’ policy. Additionally, it will lead to reduced public purse income following business rate valuation appeals caused by downgrading frontage locations from primary to secondary.</p> |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
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| | <p>(b) Church Street and upper Winner Street contain frontages with change of use potential, but physically suited only to business use conversion at ground floor level. (See also Q12-TC4 below) <u>Suggested Improvement:</u> - The Policy at line 6 should apply to resisting “out of town, <u>and out of centre, retailing</u>”</p> |
| <p><u>Consultation Question 10</u> – Policy TC2 (Local & Neighbourhood Centre)</p> | <p><u>Support</u> – for the reasons given in the “Explanation” <u>Observation:</u> “The Willows” functions as an ‘Out-of-centre’ retail facility or ‘Retail Park’, not in the same manner as a ‘District Centre’. The Hierarchy of Centres should be amended accordingly (page 63). This would also reflect the structure of Policy TC3 that recognises the difference expressly. <u>Suggested Improvement:</u> Delete “The Willows” from the Hierarchy of centres (page 61) – add footnote 3 “<i>For the avoidance of doubt, The Willows Centre is an out-of-centre retail location.</i>”</p> |
| <p><u>Consultation Question 11</u> – Policy TC3 (Retail development)</p> | <p><u>Support</u> – for the reasons given in the “Explanation”</p> |
| <p><u>Consultation Question 12</u> – Policy TC4 (Change of retail use within Centres & elsewhere)</p> | <p><u>Support</u> – for the reasons given in the “Explanation”. Especially the recognition that Neighbourhood fora and the Council will work together to ensure the definition of primary and secondary shopping frontages are correct (see Question 9-TC1 above)</p> |
| <p><u>Consultation Question 13</u> – Policy TC5 (Evening & night time economy)</p> | <p><u>Support</u> – for the reasons given in the “Explanation”</p> |
| <p><u>Consultation Question 14</u> – Policy T1 (Tourism, events and culture)</p> | <p><u>Objection:</u> – support for Policy T1 wording, but not the boundaries of the following Core Tourism Development Areas (Appendix C – Maps booklet):</p> <ul style="list-style-type: none"> (a) Paignton, Seafront, harbourside and Green Coastal Park; (b) Goodrington Sands and Clennon Valley |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
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| | <p><u>Reason:</u> both locations render them more suitable for further investment in tourism, than loss to residential development. <u>Suggested Improvement:</u> - for (a) return to the former PHAA boundary; for (b) include Grange Court Holiday Centre.</p> |
| <p><u>Consultation Question 15</u> – Policy T2 (Change of use of tourism accommodation & facilities)</p> | <p><u>Support</u> – for the reasons given in the “Explanation” <u>Plus:</u> add to the example of projects in relation to economic recovery and success (page 73)</p> <ul style="list-style-type: none"> • Refurbishment and reuse of Paignton Picture House as a significant tourist attraction of national and international importance and interest. |
| <p><u>Consultation Question 16</u> – Policy TA1 (Transport & accessibility)</p> | <p><u>Objection:</u> – no mention of (a) reducing the need to travel, (b) the impact that some proposals will have on local character and identity <u>Reasons:</u> - (a) reducing the need to travel is encouraged by NPPF29, which closer accessibility between jobs and homes achieves (b) road widening at Tweenway Cross recently, and along Brixham Road currently, is showing how local character and identity is being lost by such infrastructure ‘improvements’. The A385 route through Collaton St Mary is even more at risk. <u>Suggested Improvement:</u> - to Policy TA1 - amend last sentence of first paragraph to read <i>“promoting Torbay’s economic competitiveness, and reducing the need to travel, and environmental impact of travel”</i></p> |
| <p><u>Consultation Question 17</u> – Policy TA2 (Strategic transport improvements)</p> | <p><u>Support</u> – for the reasons given in the “Explanation”.</p> |
| <p><u>Consultation Question 18</u> – Policy IF1 (Infrastructure, phasing & delivery of development)</p> | <p><u>Objection</u> – <u>Reason:</u> Insufficient reference has been made to the sewerage capacity constraint that exists and implications this will have on the deliverability and timing of 8-10,000 additional homes proposed</p> |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
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| | overall in the Plan (Infrastructure Delivery Study January 2012, paragraph 5.4.7) (see also Habitats Regulations Assessment below) |
| <p><u>Consultation Question 19</u> – Policy IF2 (Information & communications technology)</p> | <p><u>Support</u> – for the reasons given in the “Explanation”.</p> |
| <p><u>Consultation Question 20</u> – Policy IF3 (Development access)</p> | <p><u>Support</u> – for the reasons given in the “Explanation”. <u>Suggested Improvement</u>: - add new words after first sentence of first heading to read: <i>“All such works or contributions will be required to take full account of maintaining the physical features that give the locality its attractive identity.”</i> <u>Reason</u>: Transport improvement schemes are starting to replace locally distinctive landscape and townscape features with engineered solutions at standard cost that result in a loss of local identity and character of importance to the tourist appeal as well as resident interest (e.g. at Tweenaway junction and Brixham Road improvement). Where additional cost may be involved in replacement features, this must be included at the outset.</p> |
| <p><u>Consultation Question 21</u> – Policy IF4 (Parking requirements)</p> | <p><u>Support</u> – for the reasons given in the “Explanation”.</p> |
| <p><u>Consultation Question 22</u> – Policy EN1 (Natural environment)</p> | <p><u>Objection</u> – delete all words after first sentence of item 2 (page 89) <u>Reason</u>: Not accepted that the Torbay Landscape Character Area Assessment has recognised sufficiently the local identity characteristics of Area 1L – Blagdon Barton (i.e. not accepted that substantial built development in this area is justified by a conclusion that <i>“The area offers an opportunity to accommodate significant change, to rationalise the existing scattered land uses and contribute to a gateway and sense of arrival to Torbay.”</i>) The area lies within the current Local Plan designated Countryside Zone and Area of Great Landscape Value. Neither characteristic has changed since Adoption</p> |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
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| | of the current Local Plan in 2004. Associated removal of reference to the Shoreline Management Plan will not pose a problem at this stage as it has not yet reached a sufficiently refined level for implementation of specific proposals, and remains mentioned in Policy C2 below). |
| <u>Consultation Question 23</u> – Policy EN2 (Green Infrastructure) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 24</u> – Policy EN3 (Urban Landscape Protection Areas) | <u>Objection</u> – addition required. <u>Reason</u> : Paignton Green Middle has been missed off the schedule on page 92. It forms an integral part of the three greens and which the Council decided on 27 th September 2012 will be protected from development for 100 years. <u>Suggested Improvement</u> : - add “Paignton Green Middle” and renumber the list. |
| <u>Consultation Question 25</u> – Policy C1 (Countryside, strategic green wedges & the rural economy) | <u>Objection</u> :– addition required. <u>Reason</u> : There is no reference to the importance of the Bay’s countryside as a source of land supply for food production and biomass production. This is a major omission. <u>Suggested Improvement</u> : Add between paragraph two and three of the Policy: <i>“No development will be permitted on land that results in the loss of food production capacity, or biomass production capacity.. For the avoidance of doubt, this includes land with the potential for production but not currently in use for that purpose.”</i> |
| <u>Consultation Question 26</u> – Policy C2 (The coast) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 27</u> – Policy NC1 (Biodiversity & geodiversity) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 28</u> – Policy HE1 (Conservation & the historic environment) | <u>Support</u> – for the reasons given in the “Explanation”. <u>Suggested Improvement</u> : - amend the second from last bullet point on page 104 |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
|---|---|
| | to read <i>“Nature conservation measures in, and enhancement of, Yalberton Valley, including improved access for cyclists and pedestrians, and establishing a new Country Park to promote the tourist economy potential.”</i> Reason: - Yalberton Valley has “Under Sold Potential” as highlighted in the first sentence of the Plan (page 15). |
| <u>Consultation Question 29</u> – Policy EG1 (Sustainable construction & design) | <u>Support</u> – for the reasons given in the “Explanation”. <u>Suggested Improvement</u> : - reduce 500m2 on the last line of Policy EG1 to 100m2 <u>Reason</u> : - more consistent with the size of one or more residential units quoted. |
| <u>Consultation Question 30</u> – Policy EG2 (Designing for low carbon development & climate change) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 31</u> – Policy EG3 (Renewable & low carbon infrastructure) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 32</u> – Policy ER1 (Flood risk) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 33</u> – Policy ER2 (Water management) | <u>Objection</u> : – change required to criteria 4. <u>Reason</u> : - insufficient reference has been made to the sewerage capacity constraint (see IF1 above). <u>Suggested Improvement</u> - add to criteria 3 <i>“For additional residential development, this will require evidence to be submitted that confirms the equivalent amount of surface water has been removed from the combined sewerage system served by Brokenbury treatment works to enable the additional sewerage to be accommodated.”</i> |
| <u>Consultation Question 34</u> – Policy ER3 (Contamination) | <u>Support</u> – for the reasons given in the “Explanation”. |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
|--|---|
| <u>Consultation Question 35</u> – Policy ER4 (Ground stability) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 36</u> – Policy W1 (Waste management & development) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 37</u> – Policy W2 (Water audit for major development) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 38</u> – Policy W3 (Existing waste management facilities in Torbay) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 39</u> – Policy W4 (Proposal for new waste management facilities) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 40</u> – Policy W5 (Waste treatment facilities) | <u>Support</u> – for the reasons given in the “Explanation”. (Subject to Objection IF1 and ER2 above) |
| <u>Consultation Question 41</u> – Policy M1 (Mineral extraction) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 42</u> – Policy M2 (Maximising the use of secondary & recycled aggregates) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 43</u> – Policy M3 (Preserving & safeguarding of limestone resources & key local building stone) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 44</u> – Policy SC1 | <u>Object</u> – criteria 5. <u>Reason</u> : reducing the need to travel should also |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
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| (Sustainable communities) | be expressly included to promote sustainability <u>Suggested Improvement:</u> add the criteria 5 “...in a manner that will also reduce the need to travel.” |
| <u>Consultation Question 45</u> – Policy SC2 (Sport, leisure & recreation) | <u>Objection:</u> - to remove uncertainty. <u>Reason:</u> - the last sentence with the words in brackets is unclear and could lead to loss of land with amenity value unjustifiably. <u>Suggested Improvement:</u> - remove the brackets and integrate the words into the sentence, to read “The Council will not seek to protect leisure and recreational facilities where they no longer provide a benefit to amenity, biodiversity or other benefits.” |
| <u>Consultation Question 46</u> – Policy SC3 (Healthy bay) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 47</u> – Policy SC4 (Child poverty) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 48</u> – Policy DE1 (Design) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 49</u> – Policy DE2 (Development amenity) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 50</u> – Policy DE3 (Development amenity) | <u>Object:</u> – a need to clarify the extent of ‘nuisance’ <u>Reason:</u> - visual intrusion is often a ‘nuisance’. <u>Suggested Improvement:</u> - amend criteria 1 to read “1. Noise, nuisance (including visual intrusion), light and pollution.” |
| <u>Consultation Question 51</u> – Policy DE4 (Building heights) | <u>Object:</u> - wording change required to avoid an unsustainable conflict. <u>Reason:</u> - as worded, the Policy would allow high building on socio- |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
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| | <p>economic grounds even if in conflict with sound urban design. This would be unacceptable. <u>Suggested Improvement:</u> -</p> <p>(a) in second paragraph of Policy DE4 replace “<i>sound urban design or socio-economic reasons</i>” with amended wording “<i>sound socio-economic and urban design reasons</i>”</p> <p>(b) in criteria 5. replace “<i>wider urban design or socio-economic benefits</i>” with amended wording “<i>wider socio-economic and urban design benefits</i>”</p> |
| <p><u>Consultation Question 52</u> – Policy H1 (Housing provision)</p> | <p><u>Objection:</u> only to the figures 8-10,000 homes (not otherwise) scale of growth as SD1 and E1 above (Questions 4 and 5). <u>Reason:</u> -same as for Objections 4 and 5 above (Policy SD1 and E1). <u>Suggested Improvement:</u> - as in response to Questions 4 and 5 above, plus redrafting the “Introduction” (pages 143/144) and “Explanation” (pages 145/146).</p> |
| <p><u>Consultation Question 53</u> – Policy H2 (Five year housing land supply)</p> | <p><u>Objection:</u> - to all figures specified. <u>Reason:</u> - same as for Objections 4 and 5 above (Policy SD1 and E1). <u>Suggested Improvement:</u> - as in response to Questions 4 and 5 above, plus deletion of paragraph 3 (including a & b).</p> |
| <p><u>Consultation Question 54</u> – Policy H3 (Application for new homes)</p> | <p><u>Objection:</u> – excludes reference to Neighbourhood Plans. <u>Reason:</u> - Neighbourhood Plans will also form part of the statutory development Plan. <u>Suggested Improvement:</u> - amend first part of last paragraph to read “<i>Other policies in the Local Plan and Neighbourhood Plan....</i>”</p> |
| <p><u>Consultation Question 55</u> – Policy H4 (Affordable housing)</p> | <p><u>Objection:</u> - to the split of percentage provision proposed. <u>Reason:</u> - sites of 15+ dwellings would need to provide more than 30% to ensure the scale of provision required. <u>Suggested Improvement:</u> - Preparation and publication for comment of an up to date assessment of objectively assessed housing needs and affordable housing supply</p> |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
|---|---|
| | proposed as required by NPPF47. |
| <u>Consultation Question 56</u> – Policy H5 (Houses in Multiple Occupation - HMO's) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 57</u> – Policy H6 (Sites for gypsies and travellers) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 58</u> – Policy H7 (Housing for people in need of care) | <u>Support</u> – for the reasons given in the “Explanation”. |
| <u>Consultation Question 59</u> – Policies SDT1, SDT2, SDT3, SDT4. (Torquay) (Torquay Town Centre & Harbour) (Torquay Gateway) (Babbacombe & St Marychurch) | <u>Objection:</u> - see SD1 and E1 above (Questions 4 and 5) |
| <u>Consultation Question 60</u> – Policies SDP1, SDP2, SDP3, SDP4. (Paignton) (Paignton Town Centre & Seafront) (Paignton North & Western Area) (Clennon Valley Leisure Hub) | <u>Objection:</u> - to all figures in last sentence of SDP1 (not otherwise) and schedule on page 169. <u>Reason:</u> - same as for Objections 4 and 5 above (Policy SD1 and E1). <u>Suggested Improvement:</u> - as in response to Questions 4 and 5 above. |
| <u>Consultation Question 61</u> – Policies SDB1, SDB2, SDB3. (Brixham) (Brixham Town Centre, Harbour & Waterfront) (Brixham Urban Fringe & Area of Outstanding Natural Beauty) | <u>Objection:</u> - see SD1 and E1 above (questions 4 and 5) |
| PART 4 – IMPLEMENTATION OF THE LOCAL PLAN | <u>Objection:</u> - to the schedules on page 169. <u>Reason:</u> - the strategy is not balanced. Development will exceed objective need (see SD1 and E1 above) to fund infrastructure, then relaxes required contributions where development is not viable – so removing justification for the scale of ‘aspirational’ development above local need. Promoting the scale of growth proposed beyond local need will harm Torbay’s USP. Too great an emphasis has been given to securing income as a driver |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
|--|--|
| | of the Local Plan. Section 143 of the Localism Act 2011 adds local finance considerations as a matter when determining planning applications, but not as the prime consideration when preparing a local plan. <u>Suggested Improvement</u> :- as for SD1 and E1 above (Questions 4 and 5). |
| APPENDICES | <u>Objection</u> : see TC1 (Question 9) and T1 (Question 14) above. |
| SUSTAINABILITY APPRAISAL – NON TECHNICAL SUMMARY | <u>Findings Supported</u> |
| SUSTAINABILITY APPRAISAL REPORT | |
| <u>Consultation Question 1</u> (page 13) – Feedback on the SA Report: Strategic Direction & Sustainable Development Policies | <u>Accepted</u> – subject to the above objections listed |
| <u>Consultation Question 2</u> (page 40) – Feedback on the SA Report: Strategic Direction & Delivery Policies | <u>Accepted</u> – subject to the above objections listed |
| <u>Consultation Question 3</u> (page 54) – Feedback on the SA Report: Place making delivery areas | <u>Accepted</u> – subject to the above objections listed |
| <u>Consultation Question 4</u> (page 57) – Feedback on the SA Report: Key Findings | <u>Accepted</u> – subject to the above objections listed |
| <u>Consultation Question 5</u> – Feedback on the SA Report: Monitoring Framework | <u>Accepted</u> – subject to the above objections listed |
| SUSTAINABILITY APPRAISAL APPENDICES | <u>Accepted</u> – subject to the above objections listed |
| HABITATS REGULATION ASSESSMENT – Non Technical | <u>Observations</u> : |

| LOCAL PLAN Consultation Draft: September 2012 | PAIGNTON NEIGHBOURHOOD PLAN FORUM VIEWS |
|---|---|
| <p>Summary</p> | <ol style="list-style-type: none"> 1) The assessment has assumed the risk of surface water run-off pollution on Lyme Bay and Torbay cSAC occurring as a result of new development suggested by the Local Plan will be minimised by Policy ER1, plus assessment of Neighbourhood Plans (page 4 second paragraph). This does not address the related issue of capacity constraint on the acceptance of further foul sewerage output from the scale of additional development proposed, which relies on the council implementing solutions for compensating diversion of surface water to provide the capacity required, and for which no details are provided of how, where, and when this will be achieved. 2) NPPF119 clearly states <i>“The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned, or determined.”</i> As the Local Plan requires a Habitats Assessment, this raises the fundamental question about the extent to which the Local Plan can rely on the presumption in favour of sustainable development contained in the NPPF. |
| <p>HABITATS REGULATIONS ASSESSMENT</p> | <p>See above</p> |