

PAIGNTON NEIGHBOURHOOD FORUM

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



c/o 34 Totnes Road
Paignton
TQ4 5JZ

31st March 2014

By hand & by email strategic.planning@torbay.gov.uk
Torbay Local Plan (FAO Pat Steward)
Strategic Planning Team
Spatial Planning
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Dear Pat

Torbay Local Plan

Please find enclosed the formal representations of our Forum on the proposed Local Plan submission. The representations are presented as a single document to reflect the integrated approach of chapters and policy structure presented in the Local Plan. The representations show in detail where support exists for the Plan, and where detailed changes are required to achieve a "sound" Plan that accords with the NPPF and the needs of Torbay.

The 'twin track' approach of producing the Local Plan and Neighbourhood Plan for all three towns of Torquay, Paignton and Brixham continues to have the Forum's total support and has without doubt enabled a good understanding of the needs and opportunities that require to be addressed. The overall objective of creating a 'Landscape for Success' has the positive approach required.

However, at our Forum meeting on 27 March 2014 we came to the final view that the content of the Local Plan will not deliver the sustainable outcome to 2031 that is required.

Economic

Full support exists for jobs led growth to meet the needs of the Bay and that will contribute to national economic recovery. Regrettably, we find the plan is housing led - not jobs led. It is appreciated that achieving the proposed 5-6,000 additional jobs will be a challenge, but this must be achieved in parallel with additional housing growth in a linked way. The plan does not secure that link and will lead to imbalanced provision of homes in the Bay but jobs elsewhere. This would not meet the link required by NPPF37 in particular.

Social

The Forum fully supports making provision for further housing that will meet objectively assessed need to 2031 as far as it is possible to do so whilst also meeting the other policy requirements as made clear in NPPF47. It is the pace at which the provision is proposed that has caused our Forum concern. It had been thought that we had reached agreement on a monitoring link that would help achieve a sustainable balance by enabling downward as well as upward reviews, but this has not been included in the plan. We do not agree the provision should be 8-10,000 by 2031. Having regard to the unusual population and migration characteristics of Torbay, we conclude that 3-4,000 additional homes is the realistic provision as explained in Appendix 2 and with the monitoring approach that has been discussed between the Council and Forum but not fully included in the plan.

Environmental

Following extensive work by all three Forums the conclusion confirmed by each over the last few days has been that the capacity for additional growth to 2031 is (rounded)

Torquay	3,860
Paignton	3,450
Brixham	790
Total	<u>8,100</u>

It is not agreed that the capacity of the Bay is 9,200 as stated in the Plan. We believe it to be the above total. The main difference being the substantial area for growth proposed at Collaton St Mary where the scale of development proposed would breach the environmental capacity unsustainably. Withdrawal of the great landscape value designation (AGLV) would not accord with key protection of the countryside required by NPPF 109 and the views of the Minister for Planning in his letter of 3 March 2014 attached at Appendix 1.

The plan content is also over prescriptive to the extent that it would usurp the role of the Neighbourhood Plan in taking forward the strategic direction the Local Plan is supposed to stop at. This over prescription equally conflicts with the Minister's letter.

It is hoped that the above summary helps to explain the context of the attached representations and where it is hoped the Council will see the opportunity for suggesting amendment to the Secretary of State when the plan is submitted. Meanwhile, we will of course be continuing with preparation of the Neighbourhood Plan as previously agreed.

Please treat this letter as also forming part of the attached representations.

Yours sincerely

David Watts
Chairman, Paignton Neighbourhood Forum

Enclosures:
Part A & B Proformas and Representation details (with Appendix 1 & 2)

c.c (by email).
Mayor Gordon Oliver
All Torbay Councillors
Alan Hill, Forum Vice Chairman
Mike Parkes, Forum Secretary

Paignton Neighbourhood Plan Forum
Representations on the proposed Torbay Local Plan
Forum 27 March 2014

Part 1: Introduction (Pages 1-6)	
<p>Fully supported by the Forum except for:-</p> <p>Paragraph 1.1.3 (Sustainable, realistic ambition) Page 1</p> <p><u>Insert</u> words “the Plan assumes” before the words “the growth trend will be upwards”</p> <p><u>Reason:</u> Deaths exceed births every year in Torbay and net inward migration has reached a balanced position. There is no justification in the supporting documents for being certain the trend will only be upwards. The Plan can state no more than an assumption. Torbay is not like other areas where births exceed deaths and the trend of net migration is consistently upwards. To imply this is the position in Torbay would be misleading to developers and others who will use the Plan. See also <u>Paragraph 2.2.13</u> below.</p>	Not Sound
<p>Paragraph 1.1.5 (Sustainable, realistic ambition) Page 1</p> <p><u>Insert</u> the following words at the end of the paragraph</p> <p><i>“The overriding objective is to ensure job led growth and a balanced provision of housing and related development. It may be necessary to vary the figures downwards as well as upwards if monitoring results show this is necessary in order to achieve sustainable development.”</i></p> <p><u>Reason:</u> Population growth in Torbay is due entirely to inward migration as shown in the supporting evidence to the Plan. If job growth within Torbay fails to keep pace with housing growth, there will be the need to find work elsewhere in the sub-region. This will increase journey length contrary to the principle of securing sustainable development. Failing to maintain a balance of land use between jobs and homes conflicts with NPPF 37.</p>	Not Sound
<p>Paragraph 1.1.8 (Environmental capacity) Page 2</p> <p><u>Delete:</u> second from last sentence that reads “We know, for example, there is land for around 9,200 homes over the next 20 years without breaching environmental limits.”</p> <p><u>Reason:</u> The SHLAA maps show that 9,200 would cause the loss of large tracts of land currently designated as Countryside and Areas of Great Landscape Value in the Adopted Local Plan. Examples include such land at the village of Collaton St Mary, Paignton. Loss of such areas conflicts with NPPF 109 which states that the planning system should be “protecting and enhancing valued landscapes”. The importance of this being achieved in Local Plans has been stressed by the Minister for Planning in his recent letter of 3 March 2014 to the Chief Executive of the Planning Inspectorate. A copy of the letter is enclosed (see <u>Appendix 1</u> attached). Where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. (Regulation 8(5) Town and Country Planning (Local Planning) (England) Regulations 2012). This has not been complied with meaningfully. As a result, the full impact of the Plan on the environment has been underplayed significantly.</p>	Not Legally Compliant

<p><u>Paragraph 1.1.12</u> (Future Growth Areas) and Policies Map Booklet</p> <p>(a) <u>Insert</u>: the following words at the end of the paragraph <u>and</u> onto the notation panel of the Key Diagram and Policies Map Booklet (alongside the notation showing - Future Growth Area for housing and related development SS1, SS2, SS5, SS11):</p> <p><i>“The Future Growth Areas indicated define areas of search. They are not allocations of land for development. The sequence, timing, nature and capacity of development within these areas will be determined in the Neighbourhood Plans and may go beyond 2032.”</i></p> <p>(b) <u>Delete</u>: the notation of “Future Growth Areas for housing and related development” from all sites showing this notation on Sheets 1 to 39 of the Policies Map Booklet <u>and replace with</u> the “Countryside Area” notation.</p> <p>(c) <u>Insert</u>: onto all relevant Sheets of the Policies Map Booklet ,from the Adopted Local Plan, all designated Areas of Great Landscape Value and incorporate existing Policy L2 wording and Notation of the Adopted Local Plan into the proposed Local Plan and notation panel of the Policies Map Booklet.</p> <p><u>Reason</u>: NPPF 47 (bullet 3) makes clear that there is no requirement for a Local Plan to identify a supply of specific sites or broad locations beyond 15 years. Paragraph 1.1.12, plus the policies that follow, and the policies map, cumulatively have this effect. As a result, it exposes the land shown on the policies map to premature allocation and development by releasing it from protection provided by the designations of Countryside and Areas of Great Landscape Value in the current Local Plan. This conflicts with the Minister’s letter (see Paragraph 1.1.8 above), usurps the role of the Neighbourhood Plans, and is not justified by the acknowledgement throughout the Plan that significant uncertainty exists about the need for the land within the plan period (see representations on <u>Paragraph 2.2.13</u> below).</p>	<p>Not Sound</p>
<p><u>Paragraph 1.1.15</u> (Monitoring)</p> <p><u>Insert</u>: the following words at the end of the paragraph: <i>“For clarification, the term ‘major change’ means that public consultation will be undertaken if an increase in the supply of land is considered to be required for jobs or homes that would mean increasing the supply of land defined in the local plan by more than 25% in any 5 year major review period.”</i></p> <p><u>Reason</u>: There is scope for significant ambiguity in the words used regarding the proposed major review monitoring arrangements proposed. The need to ensure a balanced provision of jobs and homes, and finite capacity of land supply are recognised in the proposed Local Plan. It will be important for the community to know when it will be able to contribute on a formal basis on any major variation believed to be necessary. It is 10 years since the last Local Plan was adopted (2004).</p>	<p>Not Sound</p>
<p>Part 2: Opportunities and challenges (Pages 7-17)</p>	
<p>Fully supported by the Forum except for:-</p> <p><u>Paragraph 2.2.5</u> (Economic recovery and success – Plan position)</p> <p><u>Insert</u>: words after the second sentence: <i>“This will require careful monitoring to ensure that job led growth is achieved and does not lag behind housing growth proposed”</i></p> <p><u>Reason</u>: The Torbay Local Plan Evidence Study - Housing Requirement Report (2013) recognises that the unusual economy of Torbay currently faces a number of problems (page 34 section 3.4). Alongside this evidence must be noted that in the 10 year period 2001-2011 Torbay saw the addition of 5,000 homes, population grew by only 1,400 and jobs decreased. This unsustainable imbalance must not be repeated.</p>	<p>Not Sound</p>

<p>Paragraph 2.2.11 (Protect and enhance a superb environment – Supporting facts)</p> <p><u>Insert:</u> after the first sentence of the first bullet point “<i>This includes Areas of Great Landscape Value shown on the Policies Map that will continue to be protected and enhanced in accordance with NPPF 109.</i>”</p> <p><u>Reason:</u> There is nothing in the NPPF that supports removal of the designation in the proposed Local Plan. The areas have not diminished in the contribution they make to the character of Torbay and the USP the rest of the plan seeks to promote. Nor is the removal consistent with the views of the Planning Minister, which do not relate to Green Belt areas alone (see Paragraph 1.1.12 above).</p>	<p>Not Sound</p>
<p>Paragraph 2.2.13 (Supporting facts)</p> <p>a) <u>Insert:</u> three new bullet points before the 1st bullet point to read:-</p> <ul style="list-style-type: none"> • <i>“Inward and outward migration have been coming closer together in the Bay over the last 20 years. They are currently in balance with each other (2011).”</i> • <i>“Over the 10 year period 2001 to 2011, the Bay’s resident population grew by 1% (1,400 from 129,700 to 131,100).”</i> • <i>“Births in the Bay continue to be lower than deaths every year. The gap has been narrowing but ONS expect the gap to continue.”</i> <p>b) <u>Insert:</u> the following words at the end of the second bullet point at the foot of page 13:-</p> <ul style="list-style-type: none"> • <i>“All mid year estimates over the past 20 years and all projections of future growth over the past 8 years made by ONS have been revised downwards on review, and further downward revision of the latest projection is expected. If account is taken of actual migration and the gap between births and deaths, the Bay’s population is expected to grow by not more than 6,200 by 2031.</i> <p>c) <u>Insert:</u> the following words at the end of the first bullet point at the top of page 14:-</p> <ul style="list-style-type: none"> • <i>“After account is taken of actual population change and structure that has been taking place in the Bay, not more than 3,400 new homes are realistically expected to be required by 2031”</i> <p>d) <u>Delete:</u> all words of the second bullet point at the top of page 14 that read:-</p> <ul style="list-style-type: none"> • <i>“Household size is predicted to fall from 2.17 people (2011) to about 2.07 in 2032 – a smaller fall than previously projected. Nonetheless, around 3000 new homes will be needed just to meet the needs of Torbay’s residents (even if there was no migration)”</i> <p><u>Replace with:</u></p> <p><i>“Household size in Torbay has changed very little over the last 20 years. The current household size of 2.17 compares with 2.20 in 2001 and 2.17 in 1991.”</i></p> <p><u>Reason:</u> All of the above facts have been drawn from the evidence base documents used to produce the Local plan. They give a very different picture of the provision that should be made in order to achieve the sustainable outcome required by the NPPF and needs of Torbay. The difference has major implications on the amount of Greenfield land that would be required that forms the countryside and areas of great landscape value in the Bay that make up the character of the ‘English Riviera’. As a clear example, the prediction that 3,000 new homes will be required to meet a reduction in household size is not justified and repeats the overestimate of previous assumptions that have not actually materialized in Torbay. This prediction alone accounts for some 40% of the proposed increase of 8-10,000 homes. Further information on the above facts in support of the Forum’s representations is enclosed (see Appendix 2 attached). The Appendix shows that not more than 3-4,000 homes will be</p>	<p>Not Sound</p>

<p>required, which equates to not more than 150-200 per annum (750-1,000 over 5 years).</p>	
<p>Paragraph 2.3.1 (The ‘big ticket’ items) Page 15)</p> <p>a) <u>Insert</u>: into the bullet point list under sub-heading “Protect and enhance a superb environment” (mid page 16) the following words</p> <ul style="list-style-type: none"> • after the reference to AONB in the first bullet point “<i>and existing Areas of Great Landscape Value</i>” • into the list of villages of the second bullet point “<i>Collaton Saint Mary</i>” alongside Churston, Galampton and Maidencombe; • into the sixth bullet point list “<i>Westerland Valley</i>” alongside Yalberton Valley <p>b) <u>Insert</u>: figure “<i>up to 3,000</i>” in place of “<i>up to 7,500</i>” in the 3rd from last bullet point list under sub-heading “Create more sustainable communities and better places”</p> <p><u>Reason</u>: (a) Inclusion of the existing AGLV’s accords entirely with NPPF 109 already referred to in <u>Paragraph 2.2.11</u> above. Both Collaton St Mary and Westerland Valley have at least the same qualities as those already listed for protection. In neither location is land required to meet the stated job or housing increase proposed. Both areas fall within the Countryside policy area and are already designated as Areas of Great Landscape Value in the current Adopted Local Plan. (b) Accords with the changes necessary to <u>Paragraph 2.2.13</u> set out earlier above and <u>Policy SS1</u> set out later below.</p>	<p>Not Sound</p>
<p>Part 3: Vision and ambition (Pages 18-23)</p>	
<p>Fully supported by the Forum except for:-</p> <p>Paragraph 3.2.9 (Momentum and targets) Page 22</p> <p><u>Insert</u>: a sentence at the end of the paragraph to read “<i>However, regard must also be given to the fact that these projections have proven to be overestimates consistently and in particular risk creating the allocation of Greenfield land before such release is justified.</i>”</p> <p><u>Reason</u>: To accord with the changes necessary to <u>paragraph 2.2.13</u> referred to above.</p>	<p>Not Sound</p>
<p>Part 4: Spatial strategy and policies for strategic direction (Pages 24-65)</p>	
<p>Fully supported by the Forum except for:-</p> <p>Paragraph 4.1.3 (Introduction) Page 24</p> <p><u>Insert</u>: a sentence at the end of the paragraph to read “<i>Above all, the priority of this Local Plan is to achieve job led growth, not housing led growth.</i>”</p> <p><u>Reason</u>: To ensure there is no repeat of the imbalance that occurred in the last 10 years referred to at <u>Paragraph 2.2.5</u> in the Forum’s representations above. The reference to “priority” in paragraph 4.1.4 is inadequate and ambiguous. The priority is not the maintenance of the 5 year supply of housing at a rate that fails to achieve job growth.</p>	<p>Not Sound</p>
<p>Paragraph 4.1.6 (The demand for jobs and homes) Page 24</p> <p><u>Insert</u>: figures “<i>150-200 per annum</i>” in place of “<i>400-500 per annum</i>”</p> <p><u>Reason</u>: To accord with the changes necessary to <u>paragraph 2.2.13</u> referred to above.</p>	

<p>Policy SS1 (Growth Strategy for a prosperous Torbay) Page 28</p> <p>Fully supported by the Forum except for:-</p> <p>Under the policy sub-heading ‘Growth Strategy for a prosperous Torbay’:-</p> <p>a) <u>Insert</u>: the word “<i>must</i>” in place of “<i>should</i>” in the second paragraph</p> <p>b) <u>Insert</u>: “<i>between 150-200</i>” and “<i>3-4,000</i>” in place of “<i>between 400-500</i>” and “<i>8-10,000</i>” respectively in the fourth paragraph;</p> <p>Under the policy sub-heading ‘Existing commitments’:-</p> <p>c) <u>Insert</u>: “<i>1,000</i>” in place of “<i>2,000</i>” in the paragraph;</p> <p>Under the policy sub-heading ‘Strategic Delivery Areas’:-</p> <p>d) <u>Insert</u>: after the first paragraph “<i>For the avoidance of doubt, Future Growth Areas indicated on the Policies Map are not land allocations for development. They are areas of search for consideration and determination in the relevant Neighbourhood Plan.</i>”</p> <p>e) <u>delete</u>: “Major” from the beginning of the 3rd paragraph</p> <p><u>Reason</u>: a) Is necessary because the word “should” is ambiguous, and “must” is not. This matters in such an important policy statement. b) and c) are needed to accord with the changes necessary to Paragraph 2.2.13 referred to above. d) and e) Are required for the avoidance of doubt as to what is meant by the words for “Information” in the policy and Policies Map and “Major” in the policy.</p>	<p>Not sound</p>
<p>Paragraph 4.1.19 (Explanation – Policy SS1) Page 29</p> <p><u>Insert</u>: at the end of 3rd bullet point “, <i>including food production.</i>”</p> <p><u>Reason</u>: To draw attention to a key role played by the Bay’s countryside that is often forgotten.</p>	<p>Not Sound</p>
<p>Paragraph 4.1.20 (Explanation – Policy SS1) Page 29</p> <p><u>Insert</u>: the words “<i>and Areas of Great Landscape Value</i>” after “AONB” in the first sentence.</p> <p><u>Reason</u>: To accord with the changes necessary to Paragraphs 1.1.2 and 2.2.13 referred to above.</p>	<p>NPPF Omission</p>
<p>Paragraph 4.1.22 (Economic success) Page 29</p> <p><u>Delete</u>: the words “<i>Business growth will give rise to more employment opportunities which , in turn , will give rise to increased demand for new homes – alongside the demand arising from inward migration and reduced household size.</i>”</p> <p><u>Reason</u>: Only 5-6,000 jobs are proposed. Those who are currently unemployed in the Bay number around 3,000. Net inward migration is in balance, and reduction in household size continues to be grossly overestimated in the Bay as referred to in the representations at Paragraph 2.2.13 above.</p>	<p>Not Sound</p>
<p>Policy SS2 (Future Growth Areas) Page 31-32</p> <p>Fully supported by the Forum except for:-</p> <p>a) <u>Insert</u>: at the end of the first sentence the words “<i>as areas of search for information - see Policy SS1</i>”.</p> <p>b) <u>Insert</u>: the paragraph 2, line 3, words “<i>where appropriate</i>” after the words “<i>Torbay’s</i>”</p>	<p>Not sound</p>

<p><i>Landscape Character Assessment</i></p> <p>c) <u>Insert</u>: in paragraph 4 the word “expected to” after “Development will be” in the sentence above criteria i) to vi).</p> <p><u>Reason</u>: a) is necessary to accord with the change referred to in the Forum’s representation referred to at <u>Policy SS1 (d)</u> above. b) Is necessary because the Landscape Character Assessment for the area north of the A385 at Collaton Saint Mary has been replaced by a subsequent assessment when the planning application in that location was considered in 2013. The policy fails to state which Assessment will be used. c) Is necessary to overcome an apparent typographical error.</p>	
<p><u>Policy SS3</u> (Presumption in favour of sustainable development) Page 33</p> <p>Fully supported by the Forum</p>	Sound
<p>Aspiration 1: Secure economic recovery and success Pages 34-41</p>	
<p>Fully supported by the Forum</p>	Sound
<p><u>Policy SS4</u> (The economy and employment) Page 36</p> <p>Fully supported by the Forum</p>	Sound
<p><u>Policy SS5</u> (Employment space) Page 37</p> <p>Fully supported by the Forum</p>	Sound
<p><u>Table 4.2</u> (Sources of employment land) Pages 39-40</p> <p>Under sub-heading ‘Future Growth Areas’</p> <p>a) <u>Insert</u>: additional sentence at the end of the Notes for ‘SPD3 Yalberton (Paignton)’ to read “<i>Development in the period beyond 10 years would also be considered appropriate in the Neighbourhood Plan</i>”</p> <p>b) <u>Delete</u>: the words in the Notes column for ‘SPD3 Collaton St Mary (Paignton)’ the words “<i>Future Growth Area of around 95ha.</i>”</p> <p><u>Reason</u>: For a) This site would be more appropriate for development beyond the first 10 year period. This should not be discounted. For b) the extent of the growth area will be identified by the Forum in the Neighbourhood Plan in accordance with the intentions of the Localism Act.</p>	Not sound
<p>Aspiration 2: Achieve a better connected, accessible Torbay and essential infrastructure Pages 42-48</p>	
<p>Fully supported by the Forum.</p>	Sound
<p><u>Policy SS6</u> (Strategic transport improvements) Pages 43-44</p> <p>Fully supported by the Forum</p>	Sound
<p><u>Policy SS7</u> (Infrastructure, phasing and delivery of employment) Page 46</p> <p>Fully supported by the Forum</p>	Sound
<p>Aspiration 3: Protect and enhance a superb environment Pages 49-52</p>	
<p>Fully supported by the Forum, except for:-</p>	

<p>Policy SS8 (Natural environment) Pages 49-50</p> <p>a) <u>Delete</u>: in item e) line one the word “<i>should</i>” and replace with “<i>must</i>”</p> <p>b) <u>Insert</u>: in 1. in first line at top of page 50 after (AONB) the words “and Areas of Great Landscape Value (AGLV)”</p> <p><u>Reason</u>: For a) Maintaining habitat in the Bay is critically important. The word ‘should’ is ambiguous and discretionary, the word ‘will’ is not and is more appropriate to the objective of the policy proposed. For b) To accord with the changes necessary in <u>Paragraph 1.1.8</u> and <u>Paragraph 1.1.12</u> above.</p>	<p>Not sound</p>
<p>Policy SS9 (Green infrastructure) Page 51</p> <p><u>Insert</u>: a further location in the list to read “4. Yalberton Valley”</p> <p><u>Reason</u>: Paragraph 4.4.15 states that “Further similar opportunities may be available elsewhere”. Reports justifying the inclusion of Yalberton Valley have been submitted by the community and received warmly by the Council. Now is the time to include the Valley in the Policy proposals. The details will be developed through the Neighbourhood Plan. To exclude Yalberton Valley from the Local Plan policy headings would not be justified..</p>	<p>Not sound</p>
<p>Aspiration 4: Create more sustainable communities and better places Page 53</p>	
<p>Fully supported by the Forum except for:-</p> <p>Paragraph 4.5.12 (Evidence of requirements) Page 54</p> <p><u>Insert</u>: a sentence at the end of the second bullet point paragraph to read “<i>The evidence shows that migration has been falling for the last 20 years to the point where inward and outward migration are now in balance with each other (2011).</i>”</p> <p><u>Reason</u>: As written, the paragraph implies that migration rates are not falling. They have been reducing for a considerable period as shown in <u>Appendix 2</u> attached. The demand for market housing has decreased accordingly.</p>	<p>Not Sound</p>
<p>Paragraph 4.5.13 (Evidence of requirements) Page 54</p> <p><u>Insert</u>: words at the paragraph end to read “<i>All mid year estimates over the past 20 years and all projections of future growth over the past 8 years made by ONS have been revised downwards on review, and further downward revision of the latest projection is expected. If account is taken of actual migration and the gap between births and deaths, the Bay’s population is expected to grow by not more than 6,200 by 2031</i>”</p> <p><u>Reason</u>: To accord with the changes necessary to <u>paragraph 2.2.13</u> referred to above</p>	<p>Not Sound</p>
<p>Paragraph 4.5.14 (Evidence of requirements) Page 54</p> <p>a) <u>Delete</u>: all words of the third bullet point that read:-</p> <ul style="list-style-type: none"> • “<i>Household sizes are falling, but less fast than predicted in the mid Twenty Zeros. A fall to 2.07 persons per household in 2032 (from 2.17 at the 2011 Census) generates a home grown need for about 3,000 additional homes by 2032.</i>” <p><u>Replace with</u>:</p> <ul style="list-style-type: none"> • “<i>Household size in Torbay has changed very little over the last 20 years. The current household size of 2.17 compares with 2.20 in 2001 and 2.17 in 1991.</i>” <p>b) <u>Delete</u>: all words of the fifth bullet point that read:-</p>	<p>Not Sound</p>

<ul style="list-style-type: none"> “Migration rates fluctuate significantly, with some evidence of a fall in recent years. The average net in-migration was 1216 per year between 1991-2010 but only 400 per year 2007-2010.” <p>Replace with:</p> <ul style="list-style-type: none"> “Migration rates have been falling over the past 20 years. Between 1991 and 2001 net-migration was 16,200. Between 2001 and 2011, net migration fell to 5,900. ONS figures for 2010-11 show inward and outward migration are now in balance (net-nil) but the latest ONS projection for 2021 still assume net-migration of 8,600 and downward revision is expected.” <p>(c) Delete: all words of the sixth bullet point that read:</p> <ul style="list-style-type: none"> “Birth rates have risen significantly in the last decade. Average live births 2008-2011 were 1,441 per year compared to 1205 per year in 2001-2003.” <p>Replace with:</p> <ul style="list-style-type: none"> “Births totaled 12,600 between 1991 and 2001. This increased to 13,400 over the 10 years from 2001 to 2011. The latest ONS projection assumes that the 10 year total will grow to 14,700 but will be at a lower rate in the second half of 2016-2021.” <p><u>Reason:</u> To accord with the changes necessary to <u>Paragraph 2.2.13</u> referred to above</p>	
<p>Paragraph 4.5.17 (Land availability) Page 55</p> <p><u>Insert:</u> a sentence at the end of the paragraph to read “However, having regard to population and demographic factors it is unlikely that more than 3-4,000 will require space to be found in the period to 2031.”</p> <p><u>Reason:</u> To accord with the changes necessary to <u>Paragraph 2.2.13</u> referred to above</p>	Not Sound
<p>Paragraph 4.5.20 (Making better use of what we’ve got) Page 55</p> <p><u>Delete:</u> at the end of the paragraph the words “around 50% of new housing on brownfield sites.” and <u>replace</u> with “the significant majority of new housing on brownfield sites.”</p> <p><u>Reason:</u> To make it more clear that the objective is to make use of Greenfield land as a last resort.</p>	Not Sound
<p>Paragraph 4.5.25 (Phasing of new development) Page 56</p> <p><u>Insert:</u> words at the end of the paragraph to read “either upwards or downwards.”</p> <p><u>Reason:</u> In view of the Bay’s unusual population and migration characteristics, it would not be justified to assume only an upward revision may arise, as it is clear downward changes have been taking place that are equally important to take into account in order to achieve a sound plan that makes best use of the limited supply of environmentally non sensitive land that exists.</p>	Not Sound
<p>Table 4.3 (Source and timing of new homes) Page 56</p> <p><u>Insert:</u> a footnote to the table that reads “The totals and timings in the above Table (4.3) are indicative only and are subject to determination in the Neighbourhood Plans and may go beyond 2032.”</p> <p><u>Reason:</u> The need for and timing of individual sites will vary and involve Greenfield land that it would not be appropriate to release in advance of other sites in order to achieve a sustainable outcome.</p>	Not Sound

<p>Policy SS10 (Sustainable communities strategy) Pages 57-59</p> <p>Fully supported by the Forum</p>	<p>Sound</p>
<p>Paragraph 4.5.32 (Explanation – Policy SS10)</p> <p><u>Delete</u>: words from the last sentence “<i>over the next 5 years</i>”</p> <p><u>Reason</u>: To make most use of the existing housing stock, and reduce the need for Greenfield land, the objective of bringing empty homes back into use should not be limited only to the next 5 years. Removing the words will signal that it is intended this objective will continue throughout the plan period.</p>	<p>Not Sound</p>
<p>Policy SS11 (Housing) Page 59-60</p> <p>a) <u>Insert</u>: in the first sentence “3-4,000” in place of the figures “8-10,000”</p> <p>b) <u>Insert</u>: additional sentence at the end of the fourth paragraph to read “<i>The review will be undertaken as part of the major review every 5 years (see Part 7)</i>”</p> <p><u>Reason</u>: To accord with the changes necessary to <u>Policy SS1</u> set out earlier above.</p>	<p>Not Sound</p>
<p>Paragraph 4.5.34 (Explanation - Housing) Page 60</p> <p>a) <u>Insert</u>: in the third sentence “3-4,000” in place of the figures “8-10,000”</p> <p>b) <u>Delete</u>: last two sentences that read “<i>This would meet the requirement as measured by the 2011 based (released 2013) DCLG Household Projections, which would equate to 8,800 dwellings if extrapolated to 2031. The figure will be reviewed through monitoring and adjusted for changes in migration rates, household size and economic performance.</i>”</p> <p><u>Reason</u>: To accord with the changes necessary to <u>Policy SS1</u> set out earlier above</p>	<p>Not Sound</p>
<p>Paragraph 4.5.36 (Explanation - Housing) Page 60</p> <p>a) <u>Insert</u>: in the first sentence “3-4,000” in place of the figures “8-10,000”</p> <p><u>Reason</u>: To accord with the changes necessary to <u>Policy SS1</u> set out earlier above</p>	<p>Not Sound</p>
<p>Policy SS12 (Five year housing land supply) Pages 60-61</p> <p>Fully supported by the Forum except for:-</p> <p>a) <u>Delete</u> in the first sentence the words “<i>400 dwellings a year (i.e. 2,000 dwellings over 5 years), made up of from 270 a year on committed or identified sites and 130 on windfall sites.</i>” <u>Replace with</u> the words “<i>150 dwellings a year (i.e. 750 dwellings over 5 years), made up of committed or identified sites and windfall sites</i>”</p> <p>b) <u>Delete</u>: the word “serious” from criterion ii) of the proposed policy.</p> <p><u>Reason</u>: a) To accord with the changes necessary to <u>Policy SS1</u> set out earlier above. b) The word “serious” is open to subjective and inconsistent interpretation. It will be possible to determine in each application for planning permission if an infrastructure shortfall exists or not. By including the word “serious” there is a real risk of creating a cumulative shortfall over time that should have been resolved at an earlier occasion.</p>	<p>Not Sound</p>
<p>Paragraph 4.5.38 (Five year housing supply – Explanation) Page 61</p> <p><u>Insert</u>: words at the beginning of the paragraph to read “<i>Subject to other NPPF requirements.</i>”</p>	<p>Not Sound</p>

<u>Reason:</u> The 5 year trajectory is not an absolute target that overrides other NPPF requirements. This has been confirmed by the Court of Appeal in the “Hunston” Judgment of December 2013 (EWCA Civ 1610)	
Paragraph 4.5.41 (Five year housing supply – Explanation) Page 61 <u>Insert:</u> the figure “150” and “750” in place of “400” and “2,000” respectively. <u>Reason:</u> To accord with the changes necessary to <u>Policy SS1</u> set out earlier above	Not Sound
Aspiration 5: Respond to climate change Pages 62-65	
Fully supported by the Forum.	Sound
Policy SS13 (Low carbon development and adaptation to climate change) Page 63 Fully supported by the Forum.	Sound
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, including for:-	
Policy SDT1 (Torquay) Page 66.	
Policy SDT2 (Torquay Town Centre and Harbour) Page 69	
Policy SDT3 (Torquay Gateway) Page 70	
Policy SDT4 (Babbacombe and St Marychurch) Page 72	
PAIGNTON Pages 73-82	
Fully supported by the Forum except for:- Policy SDP1 (Paignton) Page 73 a) <u>Delete:</u> the following words from the second paragraph “ <i>particularly in the vicinity of Preston Down Road</i> ” b) <u>Delete:</u> the words in brackets in the first sentence of the last paragraph “ <i>around 4,585 new homes (averaging 230 per annum)</i> ” and <u>replace with</u> “ <i>1,800 new homes (averaging 90 per annum)</i> ” c) <u>Insert:</u> the following words after the second sentence of the last paragraph “ <i>All figures in Policy SDP1, Tables 5.7 and 5.8 together with Policies SDP2-SDP4 are for indicative purposes only of potential locations drawn from Appendix D and are subject to confirmation and determination in the Neighbourhood Plan which may go beyond 2032.</i> ” <u>Reason:</u> All three changes are essential to ensure Policy SDP1 provides a strategic context for the Neighbourhood Plan without being over prescriptive. NPPF 47 requires identified sites, or broad locations for years 6-10, and where possible for years 11-15, but not beyond this to be compliant. Neighbourhood Plan progress has already identified sufficient land to meet the employment requirement. Also additional homes that will meet the NPPF requirement. To go beyond this will result in the release of further Greenfield land that will damage the Bay’s landscape character and not be justified as evidenced by the facts presented at <u>Paragraph 2.2.13</u> above.	Not Sound
Table 5.7 (Source of employment floorspace – Paignton) Page 74 Fully supported by the Forum	Sound

<p>Table 5.8 (Source of housing within Paignton) Page 75</p> <p><u>Insert:</u> the following words as a footnote to the Table <i>“All timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan which may go beyond 2032”</i></p> <p><u>Reason:</u> NPPF 47 requires identified sites, or broad locations for years 6-10, and where possible for years 11-15, but not beyond this to be compliant. Neighbourhood Plan progress has already identified sufficient land that will meet the NPPF requirement. To go beyond this will result in the release of further Greenfield land that will damage the Bay’s landscape character and not be justified as evidenced by the facts presented at <u>Paragraph 2.2.13</u> above.</p>	<p>Not Sound</p>
<p>Policy SDP2 (Paignton Town Centre and Seafront) Page 75</p> <p><u>Insert:</u> the following words at the end of the last paragraph <i>“The timing, type and scale of development will be determined in the Neighbourhood Plan which may go beyond 2032”</i></p> <p><u>Reason:</u> The same as for <u>Table 5.8</u> above.</p>	<p>Not Sound</p>
<p>Table 5.9 (Paignton Town Centre and Waterside – Key sites for employment) Page 77</p> <p><u>Insert:</u> the following words as a footnote to the Table <i>“Alternative use of Victoria Park for retail development would fail to comply with NPPF 74 and retention of the Park has the support of more than 6,000 petitioners.”</i></p> <p><u>Reason:</u> Victoria Park has been the subject of extensive consultation in the Neighbourhood Plan making process which it would be justified to evidence by the above reference in the Local Plan.</p>	<p>Not Sound</p>
<p>Table 5.10 (Paignton Town Centre and Seafront – Key sites for housing) Pages 77-78</p> <p><u>Insert:</u> the following words as a footnote to the Table <i>“All timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan which may go beyond 2032”</i></p> <p><u>Reason:</u> The same as for <u>Table 5.8</u> above.</p>	<p>Not Sound</p>
<p>Policy SDP3 (Paignton North and Western Area) Page 78</p> <p><u>Insert:</u> sentence at the end of the second paragraph to read <i>“Where development has not yet been approved, the timing and extent of development will be determined in the Neighbourhood Plan and may extend beyond 2032”</i></p> <p><u>Reason:</u> The same as for <u>Table 5.8</u> above.</p>	<p>Not Sound</p>
<p>Table 5.11 (Paignton North and Western Area – Key sites for employment) Page 80</p> <p><u>Insert:</u> the following words as a footnote to the Table <i>“All timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan which may go beyond 2032”</i></p> <p><u>Reason:</u> The same as for <u>Policy SDP3</u> above.</p>	<p>Not Sound</p>
<p>Table 5.12 (Paignton North and Western Area – Key sites for housing) Page 81</p> <p><u>Insert:</u> the following words as a footnote to the Table <i>“All timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan which may go beyond 2032”</i></p> <p><u>Reason:</u> The same as for <u>Table 5.8</u> above</p>	<p>Not Sound</p>
<p>Policy SDP4 (Clennon Valley Leisure Hub) Pages 81-82</p>	<p>Sound</p>

Fully supported by the Forum	
BRIXHAM Pages 83-89	
Refer to the views of the Brixham Neighbourhood Plan Forum, including for:-	
Policy SDB1 (Brixham Peninsula) Page 83	
Policy SDB2 (Brixham Town Centre, Harbour and Waterfront) Page 86	
Policy SDB3 (Brixham Urban Fringe and Area of Outstanding Natural Beauty) Page 87	
Part 6: Policies for managing change and development in Torbay (Pages 90-170)	
Aspiration 1: Secure economic recovery and success Pages 90-103	
Fully supported by the Forum except for:-	
Policy TC1 (Town centres) Page 90 <u>Delete:</u> words in 4 th line of 1 st paragraph “ <i>should follow</i> ” and <u>replace with</u> “ <i>will follow</i> ” <u>Reason:</u> For such an important policy, “should” is ambiguous and discretionary. The amendment removes the risk of the policy being misapplied.	Not sound
Policy TC2 (Torbay retail hierarchy) Page 91 <u>Insert:</u> the following words in brackets after “ <i>The Willows</i> ” in the second column “ <i>see Policy TC3-‘C’</i> ” <u>Reason:</u> The Willows does not function as a District Centre. It does not fit the description in the Glossary of Terms in Appendix A. Policy TC2 has recognized this by including specific reference to the additional Policy that will apply. It will therefore be helpful to cross reference the two by the above amendment.	Not sound
Policy TC3 (Retail development) Page 92 <u>Delete:</u> under sub-heading (D) the figure “ <i>1,000 sq m gross</i> ” and <u>replace with</u> “ <i>500 sq m gross</i> ”. <u>Reason:</u> Paignton Town Centre contains many small comparison goods shops that collectively are important to the vitality and vibrancy of the centre. The impact of out-of-centre proposals needs to be assessed meaningfully. The level at which a retail impact assessment is required has been set too high.	Not sound
Policy TC4 (Change of retail use) Page 94 Fully supported by the Forum	Sound
Policy TC5 (Evening and night time economy) Page 95 Fully supported by the Forum	Sound
Policy TO1 (Tourism, events and culture) Page 96 Fully supported by the Forum.	Sound
Policy TO2 (Change of use of tourism accommodation and facilities) Page 99 Fully supported by the Forum.	Sound

<p>Policy TO3 (Marine economy) Page 102</p> <p>Fully supported by the Forum.</p>	Sound
<p>Aspiration 2: Achieve a better connected, accessible Torbay and essential infrastructure Pages 104-109</p>	
<p>Fully supported by the Forum.</p>	
<p>Policy TA1 (Transport and accessibility) Page 104</p> <p>Fully supported by the Forum</p>	Sound
<p>Policy TA2 (Development access) Pages105-106</p> <p>Fully supported by the Forum</p>	Sound
<p>Policy TA3 (Parking requirements) Page 107 and Appendix G (see below)</p> <p><u>Insert:</u> at the end of the first sentence, <i>“including spaces for commercial vehicles (e.g. white vans) being used by home working businesses.”</i></p> <p><u>Reason:</u> Paragraph 4.2.31 encourages new business development, and home working is expected to become increasingly important. Currently between 10% and 12% of households either use commercial vehicles as their transport to work, or they are working from home using a ‘white van.’ Either way, their vehicles are parked on the roadway, having the effect of converting a two-way street into a single carriageway. This impedes the access of emergency vehicles, and detracts from the visual impact of development. For example, the St Mary estate where some 12% of dwellings appear to have a commercial vehicle/white van parked on the highway because there is no other space for parking. Great Parks has made provision for ‘white van’ parking.</p>	Not sound
<p>Policy IF1 - Information and communications technology 108</p> <p>Fully supported by the Forum</p>	Sound
<p>Aspiration 3: Protect and enhance a superb environment Pages110-126</p>	
<p>Fully supported by the Forum, except for:-</p>	
<p>Policy C1 (Countryside and the rural economy) Page 110</p> <p>a) <u>Delete:</u> the first sentence from the 2nd paragraph that reads <i>“Major new development should focus on Future Growth Areas in the Strategic Delivery Areas set out in the Key Diagram, consistent with the ambition and policies of the Local Plan.”</i></p> <p>b) <u>Delete:</u> the end of the first paragraph after listed items 1-8 that reads <i>“as identified in the Torbay Landscape Character Area Assessment, the suitability of development and capacity of the countryside to accommodate change.”</i></p> <p><u>Reason:</u> The same as for <u>Paragraph 1.1.8</u>, <u>Paragraph 1.1.12</u>, <u>Paragraph 2.2.11</u>, <u>Paragraph 2.3.1</u>, <u>Paragraph 4.1.20</u>, and <u>Policy SS2</u> above.</p>	Not sound
<p>Policy C2 (The coastal landscape) Page 113</p> <p><u>Delete:</u> from the last paragraph the word “unacceptably”</p> <p><u>Reason:</u> The word implies that “acceptable” harm would be supported. This is not consisted with the support given in the Local Plan to the importance of the environment in Torbay.</p>	Not sound

<p>Policy C3 (Coastal change management) Page 114</p> <p>Fully supported by the Forum</p>	Sound
<p>Policy C4 (Trees, hedgerows and natural landscape features) Page 116</p> <p>Fully supported by the Forum</p>	Sound
<p>Paragraph 6.3.1.22 (Explanation – Policy C4) Page 116</p> <p><u>Delete</u>: in the middle of the sentence the word ‘can’ <u>and replace</u> with ‘do’</p> <p><u>Reason</u>: to strengthen the wording of the explanation.</p>	Not sound
<p>Policy C5 (Urban Landscape Protection Areas) Page 117</p> <p><u>Delete</u>: from the Queens Park site (Town Centre Inset Map) the notation of “<i>Potential Development site for consideration in Neighbourhood Development Plan – primarily housing</i>” <u>and retain</u> the Urban Landscape Protection Area notation.</p> <p><u>Reason</u>: The site is not needed to meet housing requirements for the reason given in Paragraph 2.2.13 above. The existing site provides leisure facilities and landscape character to the town centre that it would not be justified to see lost. To define the whole site as a potential location for housing also conflicts with Paragraph 6.3.1.32 which states “it would be necessary to demonstrate that the quality of these areas is retained. It would conflict also with the criteria of NPPF 74.</p> <p><u>Footnote</u>: More than 6,000 members of the local community have signed a petition that seeks to keep Victoria Park (ULPA site 38)</p>	Not sound
<p>Policy NC1 (Biodiversity and geodiversity) Page 120</p> <p>Fully supported by the Forum</p>	Sound
<p>Policy HE1 (Conservation and the historic environment) Page 123</p> <p><u>Insert</u>: after the first paragraph words to read “<i>New Conservation Areas will be created where they are able to meet the requirement for designation, and areas of townscape value will be added to designated Conservation Areas where such consolidation enhances the overall character or setting.</i>”</p> <p><u>Reason</u>: At least one area in Yalberton Valley has the potential to be designated as a new Conservation Area, and existing Areas that have been designated have the potential to be enhanced. This needs to be recognised in the proposed Policy wording to help Neighbourhood Plans progress the opportunities further.</p>	Not sound
<p>Policy HE2 (Listed buildings) Page 126</p> <p>Fully supported by the Forum</p>	Sound
<p>Aspiration 4: Create more sustainable communities and better places (Pages 127-153)</p>	
<p>Policy H1 (Applications for new homes) Pages 127-128</p> <p>Fully supported by the Forum</p>	Sound
<p>Policy H2 (Affordable housing) Pages 129-132</p> <p>Fully supported by the Forum</p>	Sound

<p>Policy H3 (Self build affordable housing and exception sites) Pages 132-133</p> <p>Fully supported by the Forum</p>	Sound
<p>Policy H4 (Houses in Multiple Occupation - HMOs) Pages 133-135</p> <p>(a) <u>Insert</u>: the following words between the first sentence and criteria list of 1-7:- <i>“Applications for new buildings, or sub-division of existing building, into non-self contained residential accommodation (HMOs) will only be permitted where the following will be met: “</i></p> <p>(b) <u>Insert</u>: an additional criterion to read <i>“8. The proposal would not conflict with any other policy of the Local Plan or adopted Neighbourhood Plan.”</i></p> <p><u>Reason</u>: To make it clear that the criterion apply to applications for new HMOs, not conversion from HMOs. The addition of criteria 8 is necessary to ensure that applicants are aware other policies may also apply depending on the location involved.</p>	Not Sound
<p>Paragraph 6.4.1.26 (Explanation – Policy H4)</p> <p><u>Insert</u>: the following words after the last sentence <i>“The Direction has been advertised and will be brought into effect immediately”</i></p> <p><u>Reason</u>: The Forum has supported the implementation of the Article 4 Direction. The necessary advertisement period has been completed. The last step of adopting the Direction remains justified to secure the improvement it will bring. Failing to implement this last step will send out the wrong message and perpetuate the inability to secure improvement in those situations where HMOs arise that do not currently require planning approval.</p>	Not Sound
<p>Paragraph 6.4.1.34 (Explanation – Policy C4)</p> <p><u>Delete</u>: last sentence that reads <i>“The Policy will be reviewed within two years, from adoption of the Local Plan, to assess its effectiveness against these aims.”</i></p> <p><u>Reason</u>: Setting a timescale to a review of Policy H4 would not be justified without first bringing the Article 4 Direction into full operation (see Paragraph 6.4.1.26 above)</p>	Not Sound
<p>Policy H5 (Sites for travelers) Pages 135-136</p> <p>Fully supported by the Forum</p>	Sound
<p>Policy H6 (Housing for people in need of care) Page 136-138</p> <p>Fully supported by the Forum.</p>	Sound
<p>Policy DE1 (Design) Page 138</p> <p>Fully supported by the Forum</p>	Sound
<p>Policy DE2 (Building for Life) Page 140</p> <p>Fully supported by the Forum</p>	Sound
<p>Paragraph 6.4.2.19 (Explanation – Policy DE3)</p> <p><u>Insert</u>: new sentence at the end of the paragraph to read <i>“Where the Greenfield site lies outside of the urban area, a lower density will be expected to ensure that full account is taken of landscape considerations and other Local Plan policies likely to apply.”</i></p> <p><u>Reason</u>: It is not justified to have a density of 30 dwellings per hectare outside of the urban area as a minimum standard. Paragraph 6.4.3.3 of the proposed Local Plan draws attention to the health considerations necessary at this density. Additionally, it would lead to significant</p>	Not sound

change in character of the existing urban fringe that would not be consistent with the Local Plan's underlying objective of protecting and enhancing the countryside and valued landscapes as required by NPPF109 and the Minister for Planning's letter of 3 March referred to in <u>Paragraph 2.2.11</u> above.	
Policy DE3 (Development amenity) Pages 141-142 Fully supported by the Forum	Sound
Table 6.1 (Dwelling Size and Floorspace Standards) Page 142 Fully supported by the Forum	Sound
Policy DE4 (Building heights) Page 143 Fully supported by the Forum	Sound
Policy DE5 (Domestic extensions) Pages 144-145 Fully supported by the Forum.	Sound
Policy DE6 (Advertisements) Page 145 Fully supported by the Forum.	Sound
Policy SC1 (Healthy Bay) Page 146 Fully supported by the Forum	Sound
Policy SC2 (Sport, leisure and recreation) Page 148 <u>Delete:</u> all words after " <i>Area of Search</i> " and <u>replace with</u> the following words: <i>"There will be a presumption against loss of existing open space, sports and recreational buildings and land, including playing fields, unless:</i> <i>i) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or</i> <i>ii) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or</i> <i>iii) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss"</i> <u>Reason:</u> The criteria proposed in the Local Plan do not accord with the requirements of NPPF74. There is no justification for departing from the NPPF wording which sets out less ambiguously the tests to be applied.	Not sound
Policy SC3 (Education, skills and local labour) Page 150 Fully supported by the Forum	Sound
Policy SC4 (Sustainable food production) Page 151 Fully supported by the Forum	Sound
Policy SC5 (Child poverty) Page 152 Fully supported by the Forum.	Sound

Aspiration 5: Respond to climate change (Pages 154-170)	
Fully supported by the Forum, except for:-	
Policy ES1 (Energy) Page 154 Fully supported by the Forum.	Sound
Policy ES2 (Renewable and low carbon infrastructure) Page 155 Fully supported by the Forum.	Sound
Policy ER1 (Flood risk) Page 156 <i>Insert: the following words as a new paragraph at the end of the policy "Full details of the measures that will be used to address flood risk will be required at the time a planning application is first submitted. It will not be the practice of the local planning authority to grant conditional consent that leaves details to be submitted at a later time that may not be achievable."</i> <i>Reason: Paignton is a high flood risk area. Issues of flooding have become more pronounced as a result of the heavy rainfall and coastal storms of 2014. Paragraph 6.5.2.11 correctly states the Torbay Strategic Housing Land Availability Assessment (SHLAA) does not distinguish between sites according to flood risk. There is a pressing need to ensure that sites supported for development are actually deliverable.</i>	Not sound
Policy ER2 (Water management) Page 159 Fully supported by the Forum.	Sound
Policy ER3 (Contamination) Page 160 Fully supported by the Forum.	Sound
Policy ER4 (Ground stability) Page 161 Fully supported by the Forum.	Sound
Policy W1 (Waste hierarchy) Pages 161-162 Fully supported by the Forum.	Sound
Policy W2 (Waste audit for major and significant waste generating developments) Page 163 Fully supported by the Forum.	Sound
Policy W3 (Existing waste management facilities in Torbay) Page 164 Fully supported by the Forum	Sound
Policy W4 (Proposals for new waste management facilities) Page 164-165 Fully supported by the Forum	Sound
Policy W5 (Waste water disposal) Page 166 <i>Insert: the following words as a new paragraph at the end of the second from last paragraph of the policy to read "Where connection is proposed to the existing combined sewer network, full details of surface water and foul water disposal will be required for all developments at the time the application for planning consent is first submitted. This must include assessment of</i>	Not sound

<p><i>the capacity of the network to accept the additional flow that would arise. It will not be the practice of the local planning authority to grant conditional consent that leaves details to be submitted at a later time that may not be achievable.”</i></p> <p>Reason: The single pipe foul and surface water network serving Paignton has been identified in the Infrastructure Delivery Study as a potential constraint. Ways need to be found to prevent the situation from becoming worse. <u>Paragraph 6.5.3.25</u> understates the problem of trying to minimize run-off into the shared sewer network and reliance on alternative solutions.</p>	
<p>Policy M1 (Minerals extraction) Pages 167-168</p> <p>Fully supported by the Forum</p>	Sound
<p>Policy M2 (Maximising the use of secondary and recycled aggregates) Page 169</p> <p>Fully supported by the Forum</p>	Sound
<p>Policy M3 (Preserving and safeguarding of limestone resources and key local building stone) Pages 169-170</p> <p>Fully supported by the Forum</p>	Sound
<p>Part 7: Delivery and monitoring (Pages 171-178)</p>	
<p>Fully supported by the Forum except for:-</p> <p>Paragraph 7.4.16 (New Homes Bonus) Page 175</p> <p>Insert: in the second sentence the figures “150-200” and “£4 million” to replace “400-500” and “£8 million” respectively.</p> <p>Reason: To accord with the changes necessary to <u>Policy SS1</u> set out earlier above.</p>	Not Sound
<p>Paragraph 7.5.14 (Five year local plan review) Page 177</p> <p>Insert: at the end of the second bullet within the bracket “..,hence a jobs led approach to growth.)</p> <p>Reason: To strengthen the support for jobs led growth referred to at <u>Paragraph 1.1.15</u> above.</p>	Not sound
<p>Paragraph 7.5.15 (Five year Local Plan Review) Page 178</p> <p>Insert: the following words before the last sentence to read “<i>Under these circumstances the annual rate of homes to be provided for will be revised downward. This will prevent the unjustifiable release of Greenfield land and reflect in full the sound principles of ‘plan, monitor and manage’ set out in 7.5.10.</i></p> <p>Reason: It is sometimes claimed (e.g. in Appeals) that any annual housing numbers not implemented by market delivery must be added to the 5 year supply requirement or spread over the remaining Local Plan period. Where demand has gone down, this creates a false ‘backlog’ and claim that further Greenfield land should be released to satisfy the larger requirement. This would not be sustainable in the Bay. Major review every 5 years will enable a much more balanced and sustainable outcome to be achieved and accord fully with maintaining a justified 5 year land supply in accordance with the NPPF.</p>	Not Sound
<p>Table 7.1 (Local Plan Phasing and Review) Page 178</p> <p>Insert: the following words as a footnote to the Table “<i>All timescales and capacities are indicative only, and will be determined in the Neighbourhood Plan which may go beyond 2032</i>”</p>	Not Sound

Appendices A to G (Pages i – xxxix)	
<p>Fully supported by the Forum, except for Appendix G (see below):-</p> <p>A – Glossary of terms B – Index of Local Plan Policies C – Schedule of Supporting Documents D – Pool of housing sites E – Sites of Special Scientific Interest / National Nature Reserve and Local Sites of Wildlife and Geological Interest F – Conservation Areas and Scheduled Monuments</p>	Sound
<p>G – Car Parking Requirements Pages xxxvi – xxxix</p> <p><u>Insert:</u> additional standard under sub-heading “<i>Other parking considerations</i>” to read:-</p> <p>“k) <u>Type of development:</u> <i>Parking Courts for home working commercial vehicles (e.g. white vans)</i></p> <p><u>Estimated requirement / Notes:</u> <i>All new housing developments of 10 or more dwellings must include off street parking provision for parking overnight and at weekends for at least 10 commercial vehicles per 100 dwellings.”</i></p> <p><u>Reason:</u> To accord with the change referred to at <u>Policy TA3</u> above.</p>	Not sound
Key Diagram and Policies Map Booklet	
<p>Fully supported by the Forum except for:-</p> <p><u>Future Growth Areas for housing and related development</u> (Sheets 1-39)</p> <p><u>Delete:</u> the above notation from all sites showing this notation (on Sheets 4, 7, 23, 24, 26, 27, 28, 33, 34, and 37)</p> <p><u>Insert:</u> “Countryside Area” notation over all sites affected by the above deletion</p> <p><u>Reason:</u> To accord with the changes necessary to <u>paragraphs 1.1.12</u> referred to above.</p>	Not Sound
<p><u>Area of Great Landscape Value</u> (Sheets 1-39)</p> <p><u>Insert:</u> a green coloured diagonal cross hatch notation onto all sites that are defined as “<i>Area of Great Landscape Value</i>” in the currently adopted Local Plan and include the same on the notation panel of the <i>Key Diagram and Policies Map Booklet</i>.</p> <p><u>Reason:</u> To accord with the changes necessary to <u>paragraphs 1.1.12</u> referred to above.</p>	NPPF Omission
<p>Potential development site for consideration in Neighbourhood Development Plan – primarily housing. (where shown on Sheets 1-39 and Inset plans)</p> <p><u>Delete:</u> notation from all sites showing the notation , and from the notation key sheet</p> <p><u>Reason:</u> Sufficient land for the 5 year supply has been shown on the Policies Map, and Appendix D contains sufficient sites that demonstrate it will be possible to meet the provision of 6-10 years and years 11-15 as required by the NPPF47. The 5 year major reviews and Neighbourhood Plan will enable the rolling provision to be maintained. Including specific sites at this stage implies certainty to land owners and developers that does not exist (e.g. the significantly conflicting notations on Queens Park in Paignton Town Centre).</p>	

Appendices to this submission:

Appendix 1 – Letter from Minister for Planning, Nick Boles MP, dated 3 March 2014

Appendix 2 – Forum submission on housing provision justified

Appendix 1



Department for
Communities and
Local Government

Sir Michael Pitt
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0 3 MAR 2014

Dear Sir Michael Pitt,

Inspectors' Reports on Local Plans

I was very troubled by the media coverage of the recent Inspector's report on the examination into the Reigate and Banstead Local Plan. On reading the report, I was disturbed by the Inspector's use of language, which invited misinterpretation of government policy and misunderstanding about the local authority's role in drawing up all of the policies in the draft plan. I am writing to restate very clearly the Government's view of Green Belt policy and Local Plan examinations.

Fundamental to the National Planning Policy Framework and to this Government's planning reforms is the idea that local authorities, and the communities who elect them, are in charge of planning for their own areas. That is why we abolished the top down regional strategies, why we have emphasised the primacy of the Local Plan and why we gave communities the powers to create neighbourhood plans.

Alongside these reforms we were always very clear that we would maintain key protections for the countryside and, in particular, for the Green Belt. The National Planning Policy Framework met this commitment in full. The Framework makes clear that a Green Belt boundary may be altered only in exceptional circumstances and reiterates the importance and permanence of the Green Belt. The special role of Green Belt is also recognised in the framing of the presumption in favour of sustainable development, which sets out that authorities should meet objectively assessed needs *unless* specific policies in the Framework indicate development should be restricted. Crucially, Green Belt is identified as one such policy.

It has always been the case that a local authority could adjust a Green Belt boundary through a review of the Local Plan. It must however always be transparently clear that it is the local authority itself which has chosen that path – and it is important that this is reflected in the drafting of Inspectors' reports. The Secretary of State will consider exercising his statutory powers of intervention in Local Plans before they are adopted where a planning inspector has recommended a Green Belt review that is not supported by the local planning authority.

I would be grateful if you could circulate a copy of this letter to all Inspectors and ensure that they understand the need to choose their words carefully and reflect government policy very

clearly in all future reports. I am also placing a copy of this letter in the public domain.

A handwritten signature in black ink, appearing to read "Nick Boles". The signature is written in a cursive style with a large initial 'N' and 'B'.

NICK BOLES MP

Appendix 2

1.0 Introduction

1.1 The Census shows that Torbay had a resident population of 131,100 in 2011. Population growth was 1% over the 10 year period from 2001 to 2011 (a growth of 1,400 from 129,700 to 131,100)

1.2 This was the outcome of:-

- Natural Change (the difference between Births and Deaths each year), and
- Net Migration (the difference between permanent residents moving into the Bay and out of the Bay each year). Hence:-

$$\begin{array}{|c|} \hline \text{Natural Change} \\ \text{(Births \& Deaths)} \\ \hline \end{array} + \begin{array}{|c|} \hline \text{Net Migration} \\ \text{(Movement In \& Out)} \\ \hline \end{array} = \begin{array}{|c|} \hline \text{Resident Population} \\ \text{(Change in Total)} \\ \hline \end{array}$$

1.3 For a Local Plan to be “sound”, population change must be “objectively assessed”. It must show that the amount of land proposed for future release is soundly based, and also meets other policy requirements of the NPPF(47 and 159).

1.4 Torbay is known by tourists as the ‘English Riviera’. The Bay’s environment is key to the attraction of tourism which accounts for a large part of the local economy. Unjustified release of Greenfield land for housing development would therefore have far reaching consequences. It would also conflict with NPPF 109 which requires valued landscapes to be protected and enhanced, as highlighted in the Minister for Planning letter of 3 March 2014 to the Planning Inspectorate (attached at Appendix 1).

1.5 The Local Plan proposes a minimum of 400 dwellings every year for 20 years to meet an overall provision of 8-10,000 by 2032. (LP pages 14 and 60).

1.6 There is no provision to vary this rate downwards if the 5 year reviews find this would be justified. Only upward revisions are proposed (Page 61 para 4.5.11).

1.7 The amount of housing proposed greatly exceeds objectively assessed need. Only 3-4,000 dwellings are required at a minimum of 150 dwelling per annum as shown by the following evidence.

2.0 **The Evidence**

2.1 Taking each of Torbay’s elements in turn:

Natural Change

2.2 Births and deaths in Torbay do not balance each other. Like other coastal towns, the overall number of deaths each year exceeds the overall number of births. The resulting gap has been narrowing, but is expected to continue by the Office of National Statistics (ONS). Basically, both totals have been changing and coming closer together. There can be confidence in this because the information is based on trends from actual Registrations.

- 2.3 Table 1 shows how the gap has narrowed. Over the 10 year period 1991-2001 there were 6,200 more deaths than births. Over the following 10 year period 2001-2011, there were 4,500 more deaths than births. Thus the gap reduced by 1,700 over the 10 year period.

Table 1: Torbay – Natural Change

Component	1991-01	2001-11
Births	12,600	13,400
Deaths	-18,800	-17,900
Natural Change	-6,200	-4,500

Source: ONS

Net Migration

- 2.4 Inward and outward migration have also been coming closer together, but official estimates by ONS have differed very significantly from the actual change taking place in the Bay. This can be seen as follows.
- 2.5 By deducting the Natural Change total of Births and Deaths from the 2011 Census change in population, the difference in Torbay is the change due to net-migration. The same can be done with the previous 10 year census period and compared also with the Mid Year Estimates ONS produce.
- 2.6 The results in Table 2 show that net migration was 5,900 between 2001-11, not 8,700 as ONS had assumed in their Mid Year Estimates. Also, the reduction in net migration from the previous 10 year census period (1991-2001) was much greater than ONS had assumed (i.e. 16,200 down to 5,900 not 14,400 down to 8,700). It is relevant to note these changes took place well before the recession of 2008.

Table 2: Torbay – Net Migration

Component	1991-2001		2001-2011	
	MYE	Census	MYE	Census
Births	12,600	12,600	13,400	13,400
Deaths	-18,800	-18,800	-17,900	-17,900
Natural Change	-6,200	-6,200	-4,500	-4,500
Net Migration	14,400	16,200	8,700	5,900
Total Change	8,200	10,000	4,200	1,400

Source: ONS

Future Growth

- 2.7 Official estimates of Net-Migration have not proven to be sound for Torbay. The reason can be seen in the latest ONS interim Projection to 2021 which show there is still an assumption that net migration is running at 8,600. This is not a projection of what has actually been taking place (Table 2 above). Additionally, the gap between deaths and births is shown to be closing at a rate that is not a projection of actual change over the previous census periods as shown by Table 2. The latest numbers also suffer from problems of 'rounding'

Table 3: ONS Interim 2011 based Projection

Component	2011-2021 Estimate
Births	14,700
Deaths	-16,000
Natural Change	-1,000
Net Migration	8,600
Total Change	7,700

Source: ONS (Sep 2012)

- 2.8 The discrepancy is important because this interim Projection drives the estimate of 4,400 households the government believe would be needed by 2021 (Issued by DCLG Apr 2013). Hence further downward revisions are expected, as has occurred with all previous official projections for the Bay area for many years.
- 2.9 Hence a more accurate Projection would be a Natural Change total of minus 2,800 (i.e. continuing the downward closing of the gap at a reduction of -1.700 per 10 year period) and Net Migration at most being 5,900 as in the previous 10 years (2001-11). This produces an objectively assessed 2021 projection of 3,100 population increase, not 7,700 (i.e. only 40% of the current interim projection).

Table 4: Revised population Projection

Component	2011-2021 Estimate
Natural Change	-2,800
Net Migration	5,900
Total Change	3,100

Source: Tables 1 and 2

- 2.10 The Household projection by DCLG must also be adjusted by the same rate, as it is driven by the population projection. A pro-rata application of this to the Household projection (4,400) reduces the Household projection to 1,800 (rounded)
- 2.11 There are currently no ONS estimates for the period after 2021. Applying the same rate of growth for the following 10 year period (2021-31) produces an overall total population growth of 6,200 and household growth of 3,600. To allow for some discrepancy until the first 5 year review has been undertaken, it would be more realistic to adopt a range of 3-4,000 growth in households to 2031, not 8-10,000 as currently proposed in the Local Plan.
- 2.12 Growth of 3-4,000 households over 20 years would require a delivery rate of 150-200 additional homes each year, not 400-500 as proposed.

Other Factors

- 2.13 In addition to population and demographic change, the NPPF requires objective assessment to take account of market circumstances and signals. In the case of Torbay, the following are relevant:
- House building completions have gone down from the annual rate of previous years. This reflects the reduced demand for additional homes;
 - There are about 3,000 residents unemployed in the Bay. The proposed Local Plan provision of 5-6,000 additional jobs to 2032 will not result in a significant increase in net-inward migration. The revised projection already assumes net

in-migration will continue at the rate of 5,900 for each coming 10 year period as it did for the last 10 years.

- Household size in Torbay has not been reducing. It has changed very little over the last 20 years as confirmed in the Local Plan evidence base (PBA Report 2013). The current household size of 2.17 compares with 2.20 in 2001 and 2.17 in 1991. The Local Plan assumes that 3,000 new homes will be required to meet a predicted fall. This represents 40% of the 8-10,000 proposed in the Local Plan. If household size reduction takes place, it will be the result of deaths in existing households that would not need additional dwellings.
- Comparison of the Bay's change in population age structure over the inter-census period 2001-11 shows that the number of children aged below 15 reduced. Therefore this age group will be looking for homes over the next 20 years in lower numbers, adding further confidence to the revised projection in this submission.

Land Supply

- 2.14 The proposed Local Plan correctly states that there is a 5 year supply of deliverable housing land in accordance with the requirement of NPPF47. This is at the rate set out in the Local Plan.
- 2.15 Neighbourhood Plan preparation so far completed by the respective Forums (Torquay, Paignton and Brixham), has already identified sufficient land to meet the requirement of 3-4,000 additional homes by 2032.

3.0 Conclusion

- 3.1 Adding 8-10,000 dwellings by 2032 at a minimum of 400 dwellings per annum is not justified, and therefore not 'sound' as required by the NPPF.
- a) It exceeds objective assessment unjustifiably;
 - b) It will cause unnecessary loss of countryside in the 'English Riviera'.
- 3.2 A provision of 3-4,000 additional homes will meet the requirements of the NPPF in full.
