

PAIGNTON NEIGHBOURHOOD FORUM

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



c/o 34 Totnes Road
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20 March 2015

By email to strategic.planning@torbay.gov.uk
To Spatial Planning (FAO Pat Steward)
Torbay Council
Electric House (2nd Floor)
Castle Circus
Torquay
TQ1 3DR

Dear Pat

- i) Proposed Modifications to the submitted Torbay Local Plan;**
- ii) Proposed Community Infrastructure Levy;**
- iii) Proposed Local Validation List.**

1. These are the views of the Paignton Neighbourhood Forum on the above proposals published by the Council on 9 February 2015 for response before 9am on 23 March 2015.
2. The views are presented in a single submission because the proposals are inter-related and have been assessed collectively, as well as separately.
3. Sub-headings and appendices have been adopted to assist the next stage assessment of component parts by the Council and Local Plan Inspector as requested in the consultation notification. However it is stressed the views set out in this covering letter form an integral part of the submission, and are to be read in conjunction with the appendices. Cross references are included to help with this.

i) Proposed Modifications to the submitted Torbay Local Plan:

4. It continues to be the Forum's view overall that the Local Plan is unsound, but can be made 'sound', as required by the National Planning Policy Framework (NPPF). However, review of the proposed Modifications has led to the conclusion that this will not be possible unless a number of the Modifications are amended further. Full details are set out in this submission with supporting appendices that evidence where and why further change is necessary to achieve the soundness required.
5. As requested, the submission does not stray into other parts of the Local Plan that remain unchanged by the Modifications proposed. For ease of reference, the views of the Forum on the Plan submitted were made by letter on 31 March 2014, and by supplementary letters on 24 October and 16 November 2014 shortly before the Hearing opened on 18 November 2014. The supplementary letters drew attention to

key evidence relating to soundness from authoritative sources published after the Local Plan had been submitted. Where relevant these are referred to further below.

Relevant tests and procedural matters

6. In coming to conclusions on the Modifications proposed by the Council, the Forum has applied only the following considerations:-
 - The tests of soundness required to be met as defined in NPPF158.
 - NPPF154 which states Local Plans are expected to be ‘aspirational but realistic’.
 - The ‘Wednesbury’ test of reasonableness that must be met by the final decision of the Inspector and the Council in order to be legally compliant on the basis of the evidence available. (*Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1947) 2 All ER 680*).
7. The Forum is concerned that the composite set of Modification documents in particular must be considered ‘in the round’, not separately under the next stage process as defined in the consultation notification. This submission is therefore being copied in full and concurrently to the Local Plan Inspector via the Programme Officer.
8. This is the first opportunity the Forum has had to comment on the additional information provided to the Inspector by the Council after the Hearing session in November 2014, and on the findings so far published by the Inspector. Forum comments on these Post Hearing document sets (numbered PH1 to PH8 on the Council’s website) have been included below.
9. The Forum has found the Inspector’s interim findings in PH2 and PH4 clear, concise, and helpful on the following key issues:
 - support for the proposed ‘step-change’ in the local economy and net addition of 5-6,000 jobs by 2032 (PH2-para.13);
 - recognition that there is no evidence yet of net job growth – and assumption made that net job growth will start to show from 2016 (PH2-para 12);
 - the Strategic Housing Market Assessment (SHMA) growth is not justified at present (PH2-para 14);
 - the interim figure indicated of 10,000 homes is not immutable, and review may justify less (PH2-para 18);
 - the housing trajectory is not clear (PH4-para.9);
 - Part 5 of the Plan needs to be made clearer (PH2-para.20);
 - monitoring needs to be flexible, highly responsive, and allow for downward revision as well as upward (PH2-para.21).
10. Conversely, the Forum is concerned to see the Inspector has so far concluded (in PH4):
 - the challenge to job growth is ‘*very largely based on unsubstantiated assertions*’ (PH4 para.2);

- additional information from the Council on Sustainability Assessment (SA) does not show 10,000 additional dwellings would be unsustainable (PH4 para.3);
 - the need for a trigger point for site allocation Development Plan Documents (DPDs) if Neighbourhood Plans (NPs) fail (PH4-para.7).
11. However, it is noted the Inspector has confirmed his interim and further findings are not final, pending his consideration of the responses made to the Councils proposed Modifications (PH2-para.1 and PH6-email).
 12. This is important because the Forum has relevant concerns about some of the additional 'evidence' provided to the Inspector by the Council, and resulting conclusions drawn by the Inspector.
 13. Account must also be taken of the Government's Household Projection for 2012 to 2037 published on 27 February 2015 by the Department for Communities and Local Government (DCLG). The projections have been revised to 2021, and extended to 2037. They are lower than has so far been assumed by the Council and the Inspector. These changes are new and relevant evidence, and must be taken into account.

Conclusions reached and why

14. The Forum has examined the changed mix of proposed Main Modifications (MMs) and Additional Modifications (AMs) that occurred between the drafts published by the Council on 8 January 2015 and those published for formal consultation on 9 February 2015, including the corrections published only on the Council's web site on 17 February 2015.
15. In summary, the Forum:
 - broadly agrees with the published consultation classification of MM's and AM's, apart from a few important exceptions defined later below;
 - supports the majority of AMs, if the wordings proposed remain unchanged;
 - could support a further 20 AMs if amended;
 - does not support 6 AMs, and nearly all of the MMs, without significant change to reflect more up to date evidence now available
16. The conclusions reached on the MMs and AMs individually are shown in **Appendix 1** herewith attached.
17. For quick reference, a colour code is shown:
 - Green - those MMs and AMs the Forum supports;
 - Yellow - those that can be supported if adjusted as shown;
 - Red - those requiring significant change as shown.
18. In summary, the red Modifications fail to resolve the key issues identified to date, and in their published form fail the test of 'soundness' for one or more of the following reasons:

- failure to accord with the evidence;
 - Inadequate safeguard of the now clear risk of a significant homes/jobs imbalance;
 - Inadequate consideration of the drainage infrastructure problem identified, and duty to assess this in accordance with the Supreme Court decision referred to later below;
 - insufficient consideration of the impact on protected species as required by the agreement reached with Natural England;
 - inadequate provision of a flexible, highly responsive, monitoring mechanism the Inspector has agreed is required.
19. Further details are given below under the 3 key sustainability roles for planning defined by NPPF7. The details are to be read in conjunction with the attached appendices:
- a) The Economic role
20. The Forum continues to support in full the proposed 'step-change' in the local economy by planning for a 5-6,000 net increase in jobs by 2032. Since the Hearing in November, the latest evidence now available shows that only 8,300 additional homes are required by the 'policy-on' /Full Objectively Assessed Need (FOAN).
21. The post Hearing evidence provided to the Inspector by the Council, and DCLG household projections now available, prove this conclusion to be clear and correct, as shown below:
- The evidence on job increase is set out in Post Hearing document PH1 Appendix 3, and 3.1d in particular. The Inspector called for this further information from the Council because the Council agreed at the Hearing that no net increase in job provision has so far been achieved, even though further homes have been built. The Inspector wished to ensure the net increase in jobs proposed was soundly evidenced
 - The Council's evidence in PH1 Appendix 3.1a states (page 2 fifth bullet point) that the "*PBA and subsequent Oxford Economics projections are more robust than the current in-house assessment of net job increases could provide. The January 2014 Oxford Economics Projections indicate a net increase of 5,700 new jobs in Torbay between 2012-30. This is higher than the figures used by PBA but broadly compatible with PBA's overall findings.*"
 - In support of the submitted Local Plan, the Council has already confirmed in Technical Paper SD24 entitled '*Growth Strategy and capacity for change*' that in the 'policy-off' state, the demographic OAN would be negative growth because deaths exceed births in Torbay, and future growth depends entirely on the assumed rate at which net-inward migration will return. Growth from migration dried up in the previous 10 years due to economic decline locally that occurred well before the national economic recession commenced in 2008.
 - The Council's Technical Paper SD24 correctly points out that the population projection to 2032 by ONS already includes an assumption that net-inward migration will restart from the nil level reached at the time of the 2011

Census. It is this assumed pace of return to net-inward migration, driven by an assumed return to job growth, that the FOAN is attempting to anticipate and address.

- Therefore, by aligning the latest projections alongside each other, as shown in **Appendix 2** attached herewith, and summarised below, the position is now clear.

Table 1: Alignment of most recent evidence (Summary of Appendix 2)

Period	Year	ONS Population Projection	DCLG Household Projection	Oxford Econometrics Jobs
0	2012	131,500	59,404	59,500
5	2017	133,700	61,267	63,000
10	2022	136,600	63,461	64,500
15	2027	139,600	65,677	65,000
20	2032	142,500	67,746	n/a
20yrs	2012-32	+11,000	+8,342	+5,500 min

Source:

ONS - Population projection (2012 based) released 29 May 2014

DCLG - Household projection (2012 based) released 27 February 2015

Oxford Econometrics - Jobs projection produced for the Council January 2014

22. It is relevant to note the PBA work for the Council predates any of the latest ONS and DCLG projections to 2032. The Council very clearly now relies on the Oxford Econometrics projection. This too at the time (January 2014) did not have the benefit of the ONS and DCLG projections now available. The Job projection now being used by the Council in 3.1d assumes a more rapid job growth than has so far occurred, but does provide sufficient evidence that a 5-6,000 net increase is realistic over the full plan period to 2032. It is therefore no longer appropriate for the Council or the Inspector to prefer the evidence of the PBA reports. To do so would run the unnecessary risk of challenge.

23. There are further matters of relevance at this point:

- It is noted that post hearing exchanges between the Council and the Inspector occasionally appear to confuse the terms of net job growth and new job growth. The two terms are of course different. There can be new job growth without there being net job growth. Referring only to new job growth gives no indication of the net growth position. The agreed Local Plan Policy is to achieve 5-6,000 net job growth not new job growth. The Forum requests that confusion be avoided.
- There is no base figure included in the Local Plan or Modifications that will enable effective monitoring and Review proposed. From **Appendix 2** herewith attached that contains the table given to the Inspector by the Council, the base figure for 2012 for monitoring is 59,500 jobs. Job growth figures also need to be included in the Modifications to the summary shown in Table 7.1 (*Local Plan Phasing and Review*), to enable effective monitoring of both jobs and homes.
- There is the question of whether or not it is now appropriate to amend the job delivery trajectory, given it has been agreed there is no evidence of net job growth having so far been achieved, even though new homes have been

constructed, and we are halfway through the first 5 year monitoring period (2012-2017). The Forum supports the view of the Council and the Inspector that the tide may start to turn when the South Devon Link Road opens later this year (2015), thus enabling net growth to show through before the first 5 year Review point in 2017. The Forum supports this view, and therefore does not propose any change to the net job growth trajectory. However, it is clear the same cannot be the case with the housing trajectory referred to next below.

b) The Social role

24. The Forum has found the Modifications will not provide a housing delivery trajectory that is 'sound' having examined each of the following:
 - as shown in the submitted Local Plan to achieve 8-10,000 additional homes;
 - as proposed in the Modifications to attain 10,000;
 - as will result from the household projections recently issued by DCLG.
25. Account has also been taken of the NPPF47 requirement to include a 5% addition in the first 5 year period drawn from the supply for future years. The resulting comparison is shown in **Appendix 3** attached herewith.
26. The conclusions reached are:
 - a 'flat line' trajectory would not be 'sound' as it will result in an unjustified rolling 5 year delivery rate that would significantly exceed the FOAN (see Table 1 above) and cause premature Greenfield land release in very sensitive areas of drainage constraint and habitats of protected species;
 - the trajectory proposed in the Modifications no longer follows equally spaced 5 year time periods, thus introduces an unnecessary risk of monitoring confusion at the 5 year Review periods proposed and supported;
 - actual delivery of planning consents in the first 5 year period significantly exceeds the requirement shown in the DCLG projections recently issued, and without a net job addition being achieved.
27. The last conclusion is of particular concern as it provides conclusive evidence that a repeat has already started to occur of the over supply that arose in Torbay from 2001 to 2011 which the evidence supporting the Local Plan confirms resulted in more than 5,000 dwellings being built but only 1,400 increase in population. This is why the Plan area now suffers from a large number of dwellings that have stood vacant for more than 6 months and cause the Council to use scarce resources to bring back into use 150 per year.
28. Having considered each of these factors, and the need to keep a realistic and sustainable balance between FOAN job and homes growth, it is the Forum's conclusion that a 'sound' trajectory would be achieved by adopting the DCLG household projection from 2012:
 - it incorporates the corrections by DCLG to household size change in future years that previously caused the Forum concern (i.e. household growth to 2021 is now significantly less than 4,400 contained in the interim projections issued and less than the 'extrapolated 8,800' assumed by the Council at 2032);

- the projection supports in full the 5-6,000 net additional growth in jobs as evidenced in paragraphs 20-23 above;
 - because an over supply has already occurred, the government’s wish to see a ‘significant boost’ in housing supply has already been met (NPPF47).
29. The resulting trajectory the Forum has found would achieve the ‘soundness’ required is shown in Table 2 below (figures rounded to nearest 5):

Table 2: Housing delivery trajectory

Period	Year	Annually	5 yr Total	Cumulative
Yrs 0-5	2012-17	375	1,875	1,875
Yrs 6-10	2017-22	440	2,200	4,075
Yrs 11-15	2022-27	440	2,200	6,275
Yrs 16-20	2027-32	415	2,075	8,350

Source: Appendix 3

30. The trajectory would remain subject to each 5 year Review, and will provide the soundness lacking in the Modifications proposed because the trajectory shown in Table 2 relates correctly to the FOAN and justifying evidence.
31. The trajectory in Table 2 would also give more time to address the foul water drainage issue that has not been addressed sufficiently so far in either the Inspectors interim findings or the Modifications proposed, as the following evidence demonstrates:
- In the Forum’s letter of 24 October 2014 (see para.5 above) attention has been drawn to the findings of the Council’s Sewer Capacity Study (SD88) that show very significant assumptions have been made about the ability to accommodate the scale of additional development proposed. As a result, the Inspector requested further information from the Council. This has been provided to the Inspector in PH1 at pages 14 and 15 under heading Appendix 6.1 entitled ‘Infrastructure’. The additional information only confirms the evidence given by the Forum at the Hearing and has not addressed the concerns raised.
 - The critically important concern raised by the Council’s Sewer Capacity Study is that the asserted adequacy of sewer capacity to accept additional foul water is actually based on three assumptions that are being accepted as fact without examination of the evidence and robustness:
 - (i) the assumption that spare capacity for foul water in the combined sewer will arise because existing households will use less water and thereby release capacity in existing sewers for additional development – an assumption defined in the report as “a substantial challenge” (SD88 page 3)
 - (ii) the assumption that climate change in combination with ‘urban creep’ caused by soft areas converting to hard surfaces will not increase surface water run-off into existing sewers – an assumption defined in the report as “highly likely to cause significant detriment” (SD88 page 3)
 - (iii) the assumption that a robust strategy can be put in place by the Council to remove surface water from the existing system in order to maintain the current level of service – with no indication given of how this can be achieved by the Council realistically, yet it is clearly fundamental to overcoming the development constraint that exists.

- The clarification supplied in the Post Hearing information has not addressed any of these assumptions, and only superficially refers to other aspects. The Forum remains concerned that there is very clearly a need for some form of Infrastructure Delivery Plan that shows where, when and how this constraint will be overcome if the Modifications continue to propose a substantial number of additional homes.
 - Since the Hearing in November, the issue has grown in significance and salience. A planning application was made to the Council for development of Greenfield land off Yalberton Road that is already allocated for development in the existing Local Plan of 2004 (Application P/2014/0983). On 10 December 2014, South West Water submitted formal objection on the grounds of inadequate sewer capacity. A copy is attached herewith at (Appendix 4). The Inspector must consider this further evidence of the problem the Forum has already drawn attention to.
 - At the Hearing in November, and by letters from the Forum of 24 October and 16 November 2014, attention has been drawn to the foul water flooding that takes place currently at Collaton St Mary, and absence of any indication that the foul drainage problems of the Masterplan area has been addressed, also in the Town Centre.
 - At the Hearing in November, the assumption was clearly being made by developers (and it would appear by the Inspector) that these are matters of construction detail to be resolved by financial contributions in due course to provide the drainage solutions required. This is not the point the Forum has raised. The evidence clearly shows there is a need to plan for trunk sewers or expensive routes that will have to serve a number of new sites. There is no plan of where these need to be located, and they are likely to involve significant viability issues. The Supreme Court ruling of 2009 has determined that Water Undertakers such as South West Water, do not have the lawful right to prevent a developer from connecting to an existing sewer, and it falls to the responsibility of the planning system to address the issue where a problem of capacity exists. This obviously includes Local Plan making (*Barratt Homes Ltd v Welsh Water 2009 UKSC 13*).
32. It is very clear a foul water drainage constraint has been identified, but not yet addressed in the Local Plan capacity considerations. The Modifications seek only to require the provision of drainage information when planning applications are submitted and determined. This does not provide for a properly assessed and co-ordinated solution necessary at the Local Plan level having regard to the situation of actual flooding that already takes place, and was evidenced at the Hearing when the Inspector heard first hand how residents in Collaton St Mary already suffer foul water flooding in their homes.
33. The Modifications similarly have not addressed the environmental capacity constraint to anything like the degree required as referred to next below.
- c) The Environmental role
34. The starting point the Forum has taken into account is that it is unlawful to allow development that harms protected species. NPPF119 similarly makes clear that *“The presumption in favour of sustainable development does not apply where*

development requiring appropriate assessment under the Birds and Habitats Directives is being considered, planned or determined”.

35. The Forum has drawn the Inspector’s attention to the challenge made by Judicial Review of the decision to adopt the Teignbridge Local Plan because of the capacity constraint to development resulting from the South Hams Special Area of Conservation (SAC). It is understood the case has now been referred to the Court of Appeal. The same SAC affects the Torbay Local Plan area and the outcome will be directly of relevance.
36. There was no opportunity at the Hearing to consider the changes agreed by the Council with Natural England outside of the Hearing, nor has there been subsequent opportunity to examine their implications, simply because relevant documents and details have not been made publicly available. As evidenced in PH1 at Appendix 7 the agreement was not reached until the letter from Natural England dated 24 November 2014. The appendices referred to in the letter have not been posted on the Council’s website, though it is understood the amendments agreed have been included in the Council’s proposed Modifications.
37. The Forum has noted that it has taken nearly one year of negotiations between the Council and Natural England to reach the point of agreement. This is a valid mark of how challenging the problem has been, and remains, to resolve the concern about the capacity of the Plan area to accommodate further development without harm to protected species.
38. In response to the proposed Modifications and Habitats Regulation Assessment (HRA), the Forum’s views are:
 - The HRA of the additional sites proposed does not settle the question of the capacity available for development in the further locations identified, especially in respect of the new site proposed off Brixham Road south of White Rock;
 - As a result, there is insufficient evidence that demonstrates beyond reasonable doubt that significant harm will not be caused to protected species recognised to be present in the area;
 - Similarly, there is a large discrepancy between the assumed capacity of the south of White Rock site and the SHLAA. The Modifications say it is 460 homes (MM’s Annex 2 Table 5.14) yet the SHLAA refers only to 250 (T756b). Even taking account of possible boundary differences, the discrepancy is nearly two fold.
 - The same problem has already arisen with the proposed Masterplan for development at Collaton St Mary. As evidenced in the Forum’s letter of 16 November 2014, the capacity assumed by the Council in the submitted Local Plan has proven to be considerably less, and has not yet been settled in respect of impact on protected species.
 - Of particular concern is the issue of ‘in-combination’ impact the law requires must also be addressed when making decisions involving protected species present in the area. It is not accepted by the Forum that the in-combination impact has been recognised either by the Council or the Inspector. The scale of additional development in the area west of Paignton is considerable when having regard to the ‘in-combination’ impact on the South Hams SAC in particular, as shown in **Appendix 5** attached herewith;

- At individual site level, the outcome of the Churston Golf Course Section 78 Appeal (Appeal Ref: APP/X1165/A/13/2205208) has confirmed that 'mitigation' can be accepted only after it has been demonstrated to be actually deliverable. This test has not been passed by the Modifications proposed;
 - In the Modifications proposed, reference is made incorrectly to the last resort being 'compensation' for loss of habitat, and where the development is in the 'public interest'. The European Court has ruled that 'compensation' can be considered an available option only where the proposed development can be demonstrated to be in the 'national interest. (*Judgment of the European Court on 15 May 2014 (Case C-521/12, T.C. Briels and Others v Minister van Infrastructuur en Milieu (Netherlands Government) and supported by the United Kingdom Government)*). There is no provision in law that allows loss of protected habitat in the 'public interest'. The terms used in the Modifications have been incorrectly applied.
39. In response to the Sustainability Appraisal (SA) addition, the Forum's further views are:
- The Inspector has concluded in his initial findings that the further information provided by the Council had not shown that a provision of 10,000 would be unacceptable in terms of sustainability (PH4-para 3). This is unsurprising as the further information provided by the Council to the Inspector at that point (PH1 Appendix 4) was little more than the superficial assessment questioned at the Hearing as being a technique of limited assistance. This remains the Forum's view on the additional information supplied to the Inspector.
 - The more detailed SA documentation provided alongside the proposed Modifications contains more information, and has drawn attention to such issues as the conflict that would arise with previous decisions made by the Secretary of State in respect of the additional site proposed at Brixham Road south of White Rock in particular (Appeal Ref: SW/ P/5183/220/4). The same is the case with previous decisions by the Secretary of State in respect of land within the Masterplan area at Collaton St Mary (Appeal Ref: SW/APP/5183/A/81/15785). In both cases, the Secretary of State intervened and did not support development of the land at these locations for reasons that apply with equal weight today.
 - The Torbay Landscape Character Assessment (SD92b) submitted by the Council as evidence in support of the Local Plan shows the proposed Future Growth Area in the Modification site south of White Rock, and at Collaton St Mary, as "Highly Sensitive". Additionally, both locations are of Grade 1, 2, and upper 3 agricultural quality. To attempt to classify these sites as appropriate for development fails to comply with NPPF47 which states very clearly that Local Plans are required to meet the FOAN "*as far as is consistent with the policies set out in this Framework*". NPPF109 has particular significance here in requiring the protection of valued landscapes and soils. The Inspector agreed at the Hearing (as confirmed by the Hunston Court of Appeal Judgement [2013] EWCA Civ 1610) the assessment is first made of the FOAN, then whether or not it can be met without conflicting with other NPPF requirements. This submission by the Forum has evidenced that the FOAN does not need the development of either of these Greenfield locations, and even if it did, the FOAN does not override other requirements of the NPPF.

Implications if further changes are not made

40. For all the above reasons, it is the Forum's view that the NPPF position in respect of the 'policy-on'/FOAN has clarified significantly since the Hearing in November 2014 as a result of the further evidence that has become available and not yet been considered by the Council or the Inspector.
41. The conclusion, as evidenced above, is that the FOAN from 2012 to 2032 is a net growth of 11,000 population / 8,300 homes / 5,700 jobs. In this submission the Forum has evidenced how this housing trajectory and net jobs trajectory can be met, and Appendix 1 sets out in detail the exact changes required to the published Modifications to make the Plan justified, effective and therefore 'sound'.
42. At this point, it is relevant to note that the three Neighbourhood Forums have already agreed to provide 8,100 additional homes in decisions that each has so far taken, as confirmed in the Forum's letter of 31 March 2014 and referred to by the Inspector at the Hearing.
43. A pro-rata apportionment of the additional 200 homes required would result in Part 5 of the Local Plan needing to be modified to show the following for each Neighbourhood Plan area:

Table 3: Neighbourhood Plan provision

NP Area	Additional homes (31 Mar 2014)	Modified
Torquay NP	3,860	3,955
Paignton NP	3,450	3,535
Brixham NP	790	810
Total	8,100	8,300

(all figures rounded)

44. Such a provision would not require the development of the Greenfield land at Collaton St Mary, nor of a new site south of White Rock. Nor would it require the addition of other sensitive sites that have been added by the proposed Modifications published by the Council, nor the early development of existing sites such as the Yalberton Road currently the subject of an application as referred to at paragraph 31 bullet 4 above. By way of example, the schedule at **Appendix 6** attached herewith illustrates exactly how the Tables in Part 5 of the Plan could be adjusted, and thereby leave each Neighbourhood Plan to assess further the additional sites required in the NP drafts so far prepared, and would remain subject to the 5 yearly Review mechanism already proposed. If this does not commend itself to the Inspector, it would be possible as an alternative for the Council and the respective Forums to agree the details of the sites to achieve the uplift from 8,100 to 8,300 before the Modifications are finalised for Adoption. One way of securing this would be via a meeting of the Local Plan / Neighbourhood Plan Reference Group that the Council chairs that has not met for more than a year.
45. If the Modifications are not amended further, and were to continue as they are, the Forum concludes the consequences would be:
 - The uplift to 10,000 homes and trajectory proposed in the Modifications would not be consistent with the evidence now available and would struggle to meet the 'Wednesbury' test of reasonableness;

- Neighbourhood Plans would not be able to resolve the capacity question marks of infrastructure deficiency and HRA issues by October 2015;
 - It would not be possible for site allocation DPDs to resolve the situation without there first being a Public Inquiry to deal with the deliverability objections that it is clear will arise with good reason;
46. Conversely, if the Modifications are adjusted as proposed in this submission there is a realistic prospect of a 'sound' Local Plan being achieved with the minimum of further delay, and followed shortly after by Neighbourhood Plans that provide the integrated coverage as originally intended. It is unfortunate that the Local Plan / Neighbourhood Plan Reference Group chaired by the Council has not met for more than a year, and it would be fair to say has not helped the effort being made by the Forum to achieve synergy between the respective plans.

ii) Proposed Community Infrastructure Levy

47. The Forum had not expected the draft to be published for consultation concurrently with the proposed Local Plan Modifications, but welcomes the opportunity to comment.
48. The draft appears to be proposing that CIL will be levied on smaller schemes, but not on larger schemes for which reliance will be placed on continued use of Section 106 payments or works where they are still lawful under new rules that come into operation in April (2015).
49. The draft charging schedule appears to be proposing that brownfield sites of fewer than 15 dwellings and Greenfield sites of less than 11 dwellings will be charged a CIL Levy at £70 per sq.m., while for larger sites the levy will be zero.
50. If understood correctly, the logic of this appears to be at odds with wanting to encourage the development of brownfield sites before Greenfield as the priority and the Forum would welcome further discussion before coming to a final view.
51. Additionally, it is disappointing to see that no estimate has been included of the overall amount that will be generated. Also, the levy collected will be directed towards only two schemes, the South Devon Link Road already well under way, and a school in Paignton. While appreciating the rules now allow only up to 5 schemes to be identified for pooled funds collected, it is disappointing to see the Link Road identified which already has capital spend approval and with it the funding source in place as required by the Compulsory Purchase Order involved. There is no evidence that the CIL will generate sufficient funds to assist delivery of the Local Plan. For example, there is no reference to an Infrastructure Delivery Plan (IDP) needed to deal with the problem of foul water disposal referred to in paragraph 31 above (bullet 3). Without such an IDP it is clear that a substantial number of additional homes cannot be shown to be deliverable.
52. If it is the intention of the Council to use CIL funds collected to enable the release of funds already committed to the Link Road to be allocated to other items, the Forum would welcome further discussion on the projects that this would involve. It would be a worthy Agenda item for the Local Plan / Neighbourhood Plan Reference Group Chaired by the Council which, as already noted with concern, has not met for more than a year.

iii) Proposed Local Validation List

53. As will already be known by Council's officers, the Forum has already identified the need to change the information submitted with some types of application at the time of first submission, instead of later via conditions, in particular in respect of sewer infrastructure and tree impact.
54. The Forum welcomes the proposal overall, and has the following comments:
- For 'Major Developments', there appears to be a typographical error at a) - typo 'Wining' should be Mining, and the same again under sub heading "Mining operations";
 - Under 'Householder Application for Planning Permission for works or extension to a dwelling - Local Requirements – EIA', as the word "significantly" is open to interpretation it should be replaced with "any". Similarly, add wording "or to any other protected species";
 - Under 'Applications for Outline or Full Planning Permission - Local Requirements – EIA, remove the word "significantly" and replace with "any". Similarly, add after "Greater Horseshoe bats" "or any other protected species"
 - Under Employment Statement/EIA, since the figure of 10 or more houses represents a "Major development" in order to prevent gradual erosion of employment land, the figure of 30 houses in this section should be reduced to 10, also the word "significantly" should be removed to avoid ambiguity;
 - Under 'Flood Risk Assessment', "Development in any flood risk Zone or which would cause run off into such Zones which have drainage problems or where the site is 1 ha or more" would be a safer way of ensuring flooding prevention.
 - Under 'Health Impact Assessment', to align with "Major Development" figure of 30 should be reduced to 10, also the word "significant" should be replaced with "any" preventing any disagreement over what the definition of the word actually means. Add after "expected" "including traffic pollution"
 - Under 'Independent Viability Assessment', if the developer indicates that they cannot afford the minimum affordable housing requirement or any Planning Contribution including section 106, CIL, or infrastructure improvements then the application must be refused. There is no point in having conditions laid down which a developer can circumvent later on by seeking to argue that the necessary contributions cannot be afforded. This could lead to problems, not only for those occupying the resulting houses but also those in the surrounding area. In short if it is unviable then don't build it.
 - Under 'Infrastructure Assessment', traffic flow/congestion should be specifically included.
 - Under 'Noise Impact Assessment', it is not clear in its meaning with regards to "or for sensitive development proposals close to a use". The whole paragraph should be rephrased as "Development proposals that will create an increase in noise causing an adverse effect on nearby houses/facilities of any sort"
 - Under 'Pollution Prevention Plans', demolition on any site anywhere in Torbay should be subject to an investigation of whether there is any risk of pollution.
 - Under 'Retail Impact Assessment', as read does not make sense. It is assumed that it means that any A1 retail goods proposals that are out of town and over 1,000 sq. metres gross area, or A1 convenience retail use of over

500 sq. metres gross floor space also out of town will need a Retail Impact Assessment.

- Under 'Shading Diagrams / Sun path Shading Analysis', "Development Proposals that will overshadow adjoining properties or public space adversely affecting amenities", could benefit from a clearer description of the type of amenities that will expect to be considered.
- Under 'Statement of Community Involvement', amend to "Proposals that are not in accordance with all policies in the adopted Local Plan/Neighbourhood Plan"
- Under 'Topographical Survey', remove the words "major" and "significant" to prevent ambiguity.
- Under 'Travel Plan', "Development proposals that will have a transport implication" needs clarification to avoid ambiguity.
- Under 'Visual Impact Assessment', remove words "Major" and "could".
- Under 'Waste Audit', instead of "significant volumes" a precise maximum volume figure needs to be incorporated to avoid ambiguity.
- Under 'Local Requirements Bat and Breeding Birds', add "and any other protected species."
- Under '9. Bats and breeding bird assessment', add "and any other protected species."
- Under '13. Prior Approval of Proposed Change of use. Flood risk assessment.', change to "Developments in all flood zones and areas where drainage problems exist or where the site area is greater than 1 ha"
- For 14, 16, 17 and 18, as 13 above;
- For '19. Application to extend time limits. Local requirements, remove "significant".

55. The Forum would be very pleased to discuss any or all of the above suggestions further with you, if that would be of assistance.

Yours sincerely

David Watts, Forum Chairman

Enclosures:

- Appendix 1 - Comments on each Local Plan Modification (in 2 parts)
- Appendix 2 - DCLG Household projections to 2037 released 27 February 2015 and summary of Oxford Econometric projection of Jobs
- Appendix 3 - Comparison of Housing Trajectories
- Appendix 4 - Recent objection by South West Water to Application P/2014/0983
- Appendix 5 - "In-combination" sites within Paignton and HRA impact

Appendix 6 - Re-profiled Local Plan Part 5 housing site delivery

Copies to:

Elected Mayor Oliver and all Torbay Councillors,
Local Plan Inspector, via the Programme Officer; Planning Inspectorate

Appendix 1

Paignton Neighbourhood Plan Forum Representations on Proposed Modifications to Torbay Local Plan

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

Part A: Shows the Forum summary view on every Modification proposed so that it can be seen where they interact with each other, by reference to:

- where in the Local Plan structure they will appear;
- how the reference numbers changed between the draft published by the Council on 8 January 2015 and final version published for formal consultation on 9 February 2015, and subsequently corrected on 17 February 2015;
- the classification between Main Modifications (**MMs**) the Inspector will consider and Additional Modifications (**AMs**) the Council will consider;
- conclusions reached by the Forum on each Modification individually, using traffic light colouring for ease of reference:

Green: - supported;

Yellow: - supportable if amended as explained;

Red: - not sound/ requires change as shown;

Part B: Shows the same information for the proposed Main Modifications (**MMs**) only for those in Part 1 that are not sound / require change (coloured Red).

Appendix 1 – Part A

Proposed Modifications to Torbay Local Plan – All

Part 1: Introduction (Pages 1-6)	
Throughout all parts (All square metre measurements) AM1 still AM1 <u>Reason supported:</u> Indicates a necessary factual correction.	AM1 Supported
1.1 The plan in a nutshell Pages 1-4	
Paragraph 1.1.3 (Sustainable, realistic ambition) AM2 still AM2 <u>Reason supported:</u> Indicates the strategy is to accommodate need within environmental and infrastructure limits.	AM2 Supported
Paragraph 1.1.5 (Sustainable, realistic ambition) AM3 still AM3 <u>Reason supported:</u> Indicates the scope of the 5 year major review will include both need and capacity.	AM3 Supported
Paragraph 1.1.8 (Environmental Capacity) AM4 still AM4 Amend: beginning and end of the modified sentence to read: <i><u>"The Council has assessed for example that there is land for around 9,200 homes over the next 20 years as a maximum without breaching environmental limits, and all capacity figures beyond year 6 can only be provisional pending completion of the Neighbourhood Plans"</u></i> Reason: A factual correction.	AM4 Supported in part
Paragraph 1.1.15 (Monitoring) AM5 still AM5 <u>Reason supported:</u> Indicates that both need and capacity will be kept under review.	AM5 Supported
Part 2: Opportunities and challenges (Pages 7-17)	
2.1 The Bay's Unique Selling Points (USP) Pages 7-10	
Paragraph 2.1.2 (What we mean by USP) AM6 still AM6 <u>Reason supported:</u> Indicates the historic environment is an asset to the Bay's economic improvement, not an impediment.	AM6 Supported
2.2 Key issues facing Torbay Pages 10-15	
Paragraph 2.2.5 (Economic recovery and success) AM7 still AM7 <u>Reason supported:</u> Indicates that progress made in job provision will be included in the reviews	AM7 Supported
Paragraph 2.2.9 (Protect and enhance a superb environment) AM8 still AM8 <u>Reason supported:</u> Indicates the range of historic environments involved.	AM8 Supported

<p>Paragraph 2.2.11 (Protect and enhance a superb environment) AM9 still AM9</p> <p>Amend: to add at end of modified sentence so that it reads:</p> <p><i>"This reserve will only be drawn on when demand shows it is needed, having regard to the most up to date evidence of objectively assessed need (see paragraph 7.5.14 below) and if the constraint originally identified remains valid."</i></p> <p>Reason: As worded, the modification proposed does not allow the original constraint to be given any weight on future review. This is unreasonable - e.g. if an existing public car park remains important to town centre or business community needs, any review should allow this constraint to continue.</p>	<p>AM9 Supported in part</p>
<p>Paragraph 2.2.13 (Create more sustainable communities and better places) AM10 still AM10</p> <p>Amend: by adding words that read:</p> <p><i>"Torbay's population growth is driven by (domestic) migration, and the 2012 based population projection assumes there will be a return to net inward migration as the local economy improves. In February 2015, central government (DCLG) updated the household projections to 2021, and extended the projection to 2037. These revised downwards the previous increase to 2021 and show an increase from 2012 to 2032 of 8,342, not 8,800 as previously extrapolated in bullet point 4 below."</i></p> <p>Reason: Factual corrections to ensure there is understanding of the change that has occurred and relevant to the rest of the Plan.</p>	<p>AM10 Supported in part</p>
<p>2.3 The 'big ticket' items promoted in this plan Pages 15-17</p>	
<p>Paragraph 2.3.1 (Economic recovery and success) AM11 still AM11</p> <p>Reason supported: Indicates support of historic assets, natural assets, and quality of new home provision being promoted.</p>	<p>AM11 Supported</p>
<p>Part 3: Vision and ambition (Pages 18-23)</p>	
<p>Paragraph 3.1.7 (Aspiration 1: Secure economic recovery and success) AM12 still AM12</p> <p>Reason supported: Indicates the objective is to ensure there is a balanced provision of housing and employment.</p>	<p>AM12 Supported</p>
<p>Paragraph 3.1.7 (Aspiration 3: Protect and enhance a superb natural and built environment) AM13 still AM13</p> <p>Reason supported: Indicates the assets covered.</p>	<p>AM13 Supported</p>
<p>Paragraph 3.1.7 (Aspiration 5: Respond to climate change) AM14 still AM14</p> <p>Reason supported: Indicates the range of issues that must be addressed.</p>	<p>AM14 Supported</p>
<p>Part 4: Spatial strategy and policies for strategic direction (Pages 24-65)</p>	
<p>4.1 A balanced and sustainable approach to growth Pages 24-33</p>	
<p>Paragraph 4.1.11 (Torbay's capacity for growth and change) AM15 still AM15</p> <p>Reason supported: Indicates support of the historic environment.</p>	<p>AM15 Supported</p>

<p>Picture 4.1 (Key Diagram) AM16 still AM16 (as corrected)</p> <p>Amend: to add <i>“Strategic Policy Areas and Neighbourhood Plan areas.”</i></p> <p>Reason: There is nowhere on the diagram that states where the Neighbourhood Plan areas are located, and through these where additional policies will apply in addition to those of the Local Plan. Thus it will provide developers and decision makers with a more effective (therefore more ‘sound’) referencing.</p>	<p>AM16 Supported in part</p>
<p>Policy SS1 (Growth strategy for a prosperous Torbay) MM1 still MM1</p> <p>Amend: those sentences in the proposed Modifications shown below, to read as follows:</p> <p><i>“The Plan also seeks to identify land for the delivery of 500 homes per annum, equating to about 8,000-10,000 <u>8,300</u> new homes over the Plan period of 2012-2032”</i></p> <p><i>“In the first 5 years, the Plan will enable delivery of 1,250-1,500 net new jobs, and land for around 2,365 <u>1,775</u> new homes equal to 450 <u>355</u> dwellings per year plus 5%”</i></p> <p><i>“If Neighbourhood Plans do not identify sufficient sites to provide the housing requirements of the Local Plan, the council will bring forward sites through site allocations development plan documents, <u>not supplementary planning documents.</u>”</i></p> <p>Reason: The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>The last amendment shown above is required in order to be clear that SPD’s will not be acceptable as a procedure as it will require the full statutory procedure of DPD’s and their associated Public Inquiries should there be grounds for formal objection to the proposals and/or necessary SA and HRA.</p>	<p>MM1 Not sound</p>
<p>Paragraph 4.1.20 (Explanation – Policy SS1) AM17 still AM17</p> <p>Amend: by adding new sentence after the modification proposed to read:</p> <p><i>“It must be noted that deliverability of the assumed ‘mitigation’ measures has not been tested fully and subsequent examination may not confirm the deliverability of the capacity or development assumed.”</i></p> <p>Reason: The recent Section 78 Appeal decision at Churston Golf course (P/2013/0019) has evidenced that even where it is thought ‘mitigation’ is a solution, it must also be demonstrated beyond any doubt that it is deliverable. The high level assessment of the Local Plan does not have the necessary certainty in the very broad level of assessment undertaken.</p>	<p>AM17 Supported in part</p>
<p>Paragraph 4.1.21 (Explanation – Policy SS1) AM18 still AM18</p> <p>Reason supported: Indicates importance of the historic environment.</p>	<p>AM18 Supported</p>

<p>Paragraph 4.1.25 (Sequence and phasing of development) MM2 still MM2</p> <p><u>Amend:</u> by deleting the following sentence:</p> <p><i>“In order to avoid a policy vacuum occurring after year 5 of the Plan (i.e. 2017), the Council will start to prepare site allocation documents if neighborhood plans, which meet the necessary regulations and are in general conformity with the Local Plan, have not been submitted to the Local Authority by October 2015.”</i></p> <p><u>Reason:</u> The proposed Modification is not justified, nor realistic nor consistent with other Modifications proposed. NPPF47 makes no requirement for specific sites to be identified in a Local Plan beyond the first 5 years. For year 6 onwards the Local Plan structure already sets out a specific trajectory for each 5 year period to 2032, together with review dates and criteria that will be used to determine any change necessary. There is no justification for claiming a policy vacuum will arise.</p>	<p>MM2</p> <p>Not Sound</p>
<p>Policy SS2 (Future growth areas) & Policies Map change MM3 still MM3</p> <p><u>Amend:</u> the published Modification where shown below to read as follows:</p> <ol style="list-style-type: none"> 1. <i>Edginswell, Torquay</i> 2. <i>Paignton North and West Area including Collaton St. Mary, Paignton (Great Parks and Yannons)</i> 3. <i>Brixham Road, Paignton (White Rock)</i> 4. <i>Land South of White Rock, Paignton</i> <p><i>“A bespoke Greater Horseshoe Bat (GHB) mitigation plan for all development within the following <u>potential</u> Future Growth Areas must be submitted and approved before planning permission will be granted:</i></p> <p><i>SDP 3.2 Great Parks</i></p> <p><i>SPP 3.3 Totnes Road/Collaton St Mary <u>Claylands</u></i></p> <p><i>SDP 3.4 Brixham Road/Yalberton</i></p> <p><i>SDP3.5 White Rock”</i></p> <p><u>Reason:</u> The change in homes provision is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<p>MM3</p> <p>Not Sound</p>
<p>Policy SS2 (Future growth areas) & Policies Map change New AM19A (as corrected)</p> <p><u>Amend:</u> by adding a sentence at the end of the modified policy that reads:</p> <p><i><u>“All capacities will be treated as provisional until full HRA and drainage infrastructure assessment has been carried out and the results submitted.”</u></i></p> <p><u>Reason:</u> To make it clear to applicants how the policy will be implemented to ensure that it is effective, thus ‘sound’.</p>	<p>AM19A Supported in part</p>

<p>Paragraph 4.1.32 (Explanation – Policy SS2) AM19 still AM19 then AM19B (as corrected)</p> <p>Amend: by adding a sentence at the end of the modified sentence to read:</p> <p><i><u>“All capacities will be treated as provisional until full HRA and drainage infrastructure assessment has been carried out and the results submitted.”</u></i></p> <p>Reason: To make it clear to applicants how the policy will be implemented to ensure that it is effective, thus ‘sound’. By letter dated 21 November 2014, copied also to the Local Plan Inspector via the Programme Officer, the Forum has drawn specific attention to the HRA and drainage infrastructure omissions in respect of the draft Masterplans so far produced for Collaton St Mary and Paignton Town Centre.</p>	<p>AM19B Supported in part</p>
<p>Policy SS3 (Presumption in favour of sustainable development) MM4 now AM20</p> <p>Reason supported: Indicates how the requirements of the NPPF will apply.</p>	<p>AM20 Supported</p>
<p>Paragraph 4.1.36 (Explanation – Policy SS3) AM20 now AM21</p> <p>Amend: by adding a sentence after the proposed modification to read:</p> <p><i><u>“Paragraph 119 of the NPPF states expressly that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds and Habitat Directives is being considered, planned or determined.”</u></i></p> <p>Reason: To state more clearly the circumstances where the presumption in favour of sustainable development will not apply.</p>	<p>AM21 Supported In part</p>
<p>4.2 Aspiration 1: Secure economic recovery and success Pages 34-41</p>	
<p>Paragraph 4.2.20 (Explanation – Policy SS4) AM21 now AM22</p> <p>Reason supported: Indicates support for South Devon College</p>	<p>AM22 Supported</p>
<p>Policy SS5 (Employment space) MM5 now AM23</p> <p>Amend: the published Modification where shown below to read as follows:</p> <p><i><u>“An element of cross subsidisation of employment uses from higher value land uses will be sought, so that net job growth is achieved in accordance with Policy SS1.”</u></i></p> <p>Reason: As worded the published modification lacks clarity of purpose and would put net job increase at risk. It is therefore an MM not an AM.</p>	<p>AM23 Not Sound</p>
<p>Paragraph 4.2.26 (Explanation – Policy SS5) AM22 now AM24</p> <p>Reason supported: Indicates how the policy will operate.</p>	<p>AM24 Supported</p>
<p>Paragraph 4.2.27 (Explanation – Policy SS5) MM6 now AM25</p> <p>Reason supported: Indicates how the policy will operate.</p>	<p>AM25 Supported</p>
<p>4.3 Aspiration 2: Achieve a better connected, accessible Torbay and essential infrastructure Pages 42-48</p>	
<p>Paragraph 4.3.17 (Strategic transport network) AM23 now AM26</p> <p>Reason supported: Indicates the scope of assessment required.</p>	<p>AM26 Supported</p>

<p>Paragraph 4.3.18 (Facilitating sustainable transport) AM24 now AM27</p> <p><u>Reason supported:</u> Indicates the scope of assessment required.</p>	AM27 Supported
<p>Paragraph 4.3.23 (Facilitating sustainable transport) AM25 now AM28</p> <p><u>Reason supported:</u> Indicates the scope of assessment required includes HRA regard.</p>	AM28 Supported
<p>Policy SS7 (Infrastructure, phasing and delivery of development) MM7 now AM29</p> <p><u>Reason supported:</u> Indicates the critical importance of infrastructure and highway safety requirements.</p>	AM29 Supported
<p>Paragraph 4.3.27 (Explanation – Policy SS7) AM26 now AM30</p> <p><u>Reason supported:</u> Indicates the critical importance of green infrastructure requirements and compliance with Habitat Regulations.</p>	AM30 Supported
<p>Paragraph 4.3.29 (Explanation – Policy SS7) MM8 now AM31</p> <p><u>Reason supported:</u> Indicates the critical importance of infrastructure requirements.</p>	AM31 Supported
<p>Paragraph 4.3.34 (Explanation – Policy SS7) MM9 now AM32</p> <p><u>Reason supported:</u> Indicates the critical importance of needing to meet mitigation measures required.</p>	AM32 Supported
4.4 Aspiration 3: Protect and enhance a superb environment Pages 49-52	
<p>Paragraph 4.4.3 (Introduction) AM27 now AM33</p> <p><u>Reason supported:</u> Indicates the relationship to the AONB.</p>	AM33 Supported
<p>Policy SS8 (Natural environment) MM10 now AM34</p> <p><u>Reason supported:</u> Indicates the aspects of critical importance that development will be required to observe.</p>	AM34 Supported
<p>Paragraph 4.4.6 (Explanation – Policy SS8) AM28 now AM35</p> <p><u>Reason supported:</u> Indicates the scope of sites and elements that will be taken into account.</p>	AM35 Supported
<p>Paragraph 4.4.7 (Explanation – Policy SS8) MM11 now AM36</p> <p><u>Reason supported:</u> Indicates the aspects of critical importance that development will be required to observe.</p>	AM36 Supported
<p>Paragraph 4.4.9 (Explanation – Policy SS9 Green Infrastructure) new AM37</p> <p><u>Reason supported:</u> Indicates the interrelationship between the historic and natural environments that exist.</p>	AM37 Supported
<p>Policy 8.1 (Formerly Policy HE1) (Conservation and the historic environment) MM12 now AM38</p> <p><u>Reason supported:</u> Indicates importance of the subject matter.</p>	AM38 Supported

<p>Policy 8.1 (Formerly Policy HE1) (Conservation and the historic environment) MM13 now AM39</p> <p>Amend: by replacing the word “should” with “<i>will be required to</i>” in the proposed modification.</p> <p>Reason: The word ‘should’ is ambiguous here and needs to be more effective thus ‘sound’ by making it clear how the development proposed will be expected to relate to the subject matter of the policy..</p>	<p>AM39 Supported in part</p>
<p>Paragraph 6.3.3.1 (Explanation – Policy HE1) AM30 (was no AM29 ?) now AM40</p> <p>Reason supported: Indicates that Conservation Area additions will be considered.</p>	<p>AM40 Supported</p>
<p>Paragraph 6.3.3.11 (Explanation – Policy HE1) AM31 now AM41</p> <p>Reason supported: Indicates the relationship to the Torbay Heritage Strategy 2011.</p>	<p>AM41 Supported</p>
<p>Policy SS9 (Green infrastructure) MM14 now AM42</p> <p>Reason supported: Indicates the position in respect of trees and woodland creation.</p>	<p>AM42 Supported</p>
<p>Paragraph 4.4.13 (Explanation – Policy SS9) AM32 now AM43</p> <p>Reason supported: Indicates the importance of Green Infrastructure links with Yalberton Valley and other locations.</p>	<p>AM43 Supported</p>
<p>Paragraph 4.4.15 (Explanation – Policy SS9) AM33 now AM44</p> <p>Amend: add to second sentence of AM44 modification to read:</p> <p><i>“as well as to new country park proposals such as at Yalberton valley.”</i></p> <p>Reason: To make clear the scope of the intended policy is to include existing assets that have not previously been recognised, such as at Yalberton valley, thus making the policy justification more clear and plan more ‘sound’.</p>	<p>AM44 Supported in part</p>
<p>4.5 Aspiration 4: Create more sustainable communities and better places Pages 53-61</p>	
<p>Paragraph 4.5.12 (Evidence of requirements) AM34 now AM45</p> <p>Reason supported: Indicates factual updates of lower population growth than previously assumed in the Plan.</p>	<p>AM45 Supported</p>
<p>Paragraph 4.5.13 (Evidence of requirements) AM35 now AM46</p> <p>Reason supported: Indicates factual updates of lower population growth than previously assumed in the Plan.</p>	<p>AM46 Supported</p>
<p>Paragraph 4.5.14 (Evidence of requirements) AM36 now AM47</p> <p>Reason supported: Indicates factual updates.</p>	<p>AM47 Supported</p>
<p>Paragraph 4.5.25 (Phasing of new housing development) AM37 now AM48</p> <p>Reason supported: Indicates that Reviews will allow downward change as well as upward.</p>	<p>AM48 Supported</p>
<p>Paragraph 4.5.26 (Phasing of new housing development) AM38 now AM49</p> <p>Reason supported: Indicates that provision listed may go beyond 2032.</p>	<p>AM49 Supported</p>

<p>Table 4.3 (Source and timing of new homes) MM15</p> <p><u>Amend:</u> paragraph 4.5.6 and replace Table 4.3 as shown below to read:</p> <p><i>“The distribution of new homes is set out in the Strategic Development Policies (SDT1,SDP1,SDB1). The expected approximate housing land supply over 20 years, and possibly beyond is set out in <u>Table 4.3 below:and</u> Policy SS11 “Housing”.</i></p> <table border="1" data-bbox="427 409 987 562"> <thead> <tr> <th>Source</th> <th>Approximate numbers</th> </tr> </thead> <tbody> <tr> <td>Torquay (SDT1)</td> <td>3,955</td> </tr> <tr> <td>Paignton (SDP1)</td> <td>3,535</td> </tr> <tr> <td>Brixham (SDB1)</td> <td>810</td> </tr> <tr> <td>Total</td> <td>8,300</td> </tr> </tbody> </table> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	Source	Approximate numbers	Torquay (SDT1)	3,955	Paignton (SDP1)	3,535	Brixham (SDB1)	810	Total	8,300	<p>MM4</p> <p>Not Sound</p>
Source	Approximate numbers										
Torquay (SDT1)	3,955										
Paignton (SDP1)	3,535										
Brixham (SDB1)	810										
Total	8,300										
<p>Policy SS10 (Sustainable communities) AM39 now AM50</p> <p><u>Reason supported:</u> Indicates that designing out crime and disorder will be a criterion, plus improved wording regarding HMOs.</p>	<p>AM50 Supported</p>										
<p>New paragraph after 4.5.30 (Explanation – Policy SS10) AM40 now AM51</p> <p><u>Reason supported:</u> Indicates that designing out crime and disorder will be a criterion.</p>	<p>AM51 Supported</p>										
<p>Paragraph 4.5.32 (Explanation – Policy SS10) AM41 now AM52</p> <p><u>Reason supported:</u> Indicates that bringing at least 150 vacant dwellings back into use will be an on-going number during the whole of the Local Plan period as agreed orally by the Inspector at the formal Hearing held in November 2014.</p>	<p>AM52 Supported</p>										
<p>Policy SS11 (Housing) MM16 now part MM5 and part AM53</p> <p><u>Amend:</u> by</p> <p>(a) replacement of figure 10,000 in first paragraph with <u>8,300</u>;</p> <p>(b) amend reference Table 4.3/H1 to read Table 4.3 (i.e. delete H1)</p> <p>(c) retitle Table to read: <i>“Table 4.3/H1 Source and timing of new homes (rounded to nearest 5 dwellings) necessary to achieve 40,000 8,300 dwelling trajectory.”</i></p> <p>(d) replace all dwelling numbers for each sub policy with those defined in Appendix 6 attached herewith</p> <p>(e) delete the column and all modifications in that column headed <i>“Notes on change (Modification) from Submission Draft”</i></p> <p>(f) retain the rest of the Modification table as part of Policy SS11</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is ‘sound’</p>	<p>MM5</p> <p>Not Sound</p>										

<p>Policy SS11 (Housing) MM16 now part MM5 and part AM53</p> <p><u>Reason supported:</u> Indicates how the cross link with Policy 12 operates.</p>	<p>AM53 Supported</p>
<p>Paragraph 4.5.34 (Explanation – Policy SS11) AM42 now AM54</p> <p><u>Reason supported:</u> Indicates the housing provision assumptions more clearly</p>	<p>AM54 Supported</p>
<p>Paragraph 4.5.36 (Explanation – Policy SS11) New</p> <p><u>Amend:</u> by replacing the dwelling number to read:</p> <p><i>“A cross-boundary review of strategic housing land availability may be needed as part of a longer term assessment of growth options, particularly if there is evidence of significant employment growth, which would take the requirement above 40,000 <u>8,300</u> homes.”</i></p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<p>MM6 Not Sound</p>
<p>Policy SS12 (Five year housing land supply) MM17 now MM7 (as corrected)</p> <p><u>Amend:</u> the published modifications where shown below to read as follows:</p> <p><i>“The Council will maintain a rolling 5 year supply of specific deliverable sites sufficient to meet a housing trajectory of 40,000 <u>8,300</u> dwellings over the Plan period 2012-32.”</i></p> <p><i>“The trajectory is:</i></p> <p><i>450 <u>355</u> dwellings per year for the period 2012/13 – 2017/18 <u>2012/17</u> (+5% required by the NPPF i.e. 473 <u>373</u> dwellings per year).</i></p> <p><i>500 <u>440</u> dwellings per year for the period (2018/19 – 2023/24) <u>2017/27</u></i></p> <p><i>525 <u>415</u> dwellings per year (minus the 5% brought forward from later in the Plan period if appropriate)”</i></p> <p><i>“2) identify additional sites through new site allocation development plan documents, <u>not supplementary planning documents</u></i></p> <p><i>3) consider favourably applications for new housing consistent with Policy SS2, H4 and other policies of this Plan.”</i></p> <p><i>“ Five year Review of the Local Plan</i></p> <p><i>The Local Plan will be reviewed on a five year basis from adoption, and the housing trajectory adjusted if assessed to be necessary to maintain the delivery of sustainable development, or meet housing needs. Further details of criteria to be considered at the five year five year review are set out at Section 7.5</i></p> <p><i>An early review of the Local Plan’s housing trajectory will be triggered where there is evidence that the provision of housing will not keep pace with the need to provide for economic growth, or where the growth of housing is <u>not being accompanied by net job growth in accordance with the trajectory of Policy SS1</u>”</i></p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<p>MM7 Not Sound</p>

<p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	
<p>Paragraph 4.5.38 (Explanation – Policy SS12) AM43 now AM55</p> <p><u>Reason supported:</u> Indicates the requirement will be as in NPPF47.</p>	<p>AM55 Supported</p>
<p>Paragraph 4.5.40 (Explanation – Policy SS12) New incorporating previous MM18 below.</p> <p><u>Amend:</u> the published modification to be read as amended below by the additions underlined and deletions scored through:</p> <p><i>"It is important that the provision of new homes keeps pace with the likely provision of jobs and that a shortage of homes does not impede job creation or deter inward investment. <u>Equally, it is important to ensure that the provision of new homes does not run too far ahead of the net growth in jobs.</u> On this basis, the ongoing relationship between new homes and jobs will be reviewed on a yearly basis. If evidence suggests that a shortage of homes is in danger of curtailing growth, <u>or an imbalance in net job growth is arising</u>, additional land provision will be identified <u>adjusted</u> through a Local Plan review. Examples of evidence that could trigger this review are:</i></p> <ul style="list-style-type: none"> • <i>An increase of more than 250 net new FTE jobs per annum for two consecutive years (based on BRES data from a job base of 59,500 FTE's at 2012).</i> • <i>An over provision of more than 100 homes in any rolling five year period</i> <p><i>The Local Plan enables and expects Neighbourhood Plans to come forward and allocate land to assist meeting housing needs after the first five years – i.e. expected requirements from April 2017. The Local Plan identifies a pool of sites, based on a Strategic Housing Land Availability Assessment, which could provide a suitable selection of sites for development subject to further scrutiny through the neighbourhood planning process (see Appendix D). Neighbourhood Plans are at a draft stage of preparation for the Brixham, Paignton and Torquay areas which will cover 100% of the administrative area of Torbay. It is expected that these three Neighbourhood Plans will, drawing on the pool, allocate sufficient housing land to enable delivery of the growth strategy outlined in Policy SS1 and Table 4.3.</i></p> <p><i>Should Neighbourhood Plans not be adopted (made) by the Council, for example an emerging Neighbourhood Plan is found <u>by the Independent Assessor</u> to not be in general conformity with the strategic policies of the Local Plan and/or does not pass the Examination or Referendum process, then under those circumstances the Council undertakes to produce a Site Allocations DPD <u>not SPD</u>, to allocate land to meet housing needs later in the Plan period. Sufficient land is allocated within the Local Plan to meet housing needs during the first five years, so either Neighbourhood Plans and/or a Site Allocations DPD will allocate sites to contribute to providing clarity over housing supply after April 2017.</i></p> <ul style="list-style-type: none"> • <i>Economic projections showing an increase in FTE jobs of more than 250 FTE per year sustained over a five year period.</i> • <i>Population projections or mid year estimates indicate an increase of working age population (aged18-65) of more than 250 people per year over a five year period.</i> • <i>Evidence of market signals (as set out in Planning Practice Guidance) indicating a high level of unmet demand for housing.</i> <p><i>Where monitoring indicates a danger of a shortfall <u>or over supply</u> against the five year supply or overall trajectory, action to identify additional sites, <u>or sites to be held in reserve</u>, will commence in the first year of a shortfall <u>or oversupply</u> being identified, to ensure that a rolling five year supply can be maintained, as set out in SS12 <u>and sustainable balance of jobs and homes as set out in Policy SS1.</u></i></p> <p><i>To deliver the second phase of the Local Plan and avoid a policy vacuum after 2017, the</i></p>	<p>MM8 Not Sound</p>

<p>Council will assess the proposed emerging Neighbourhood Plans when submitted to the Council, under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012, to check that Plan proposals endorse and implement the strategy in the Local Plan. If Neighbourhood Plans are not submitted to the Council in a form that it is in general conformity with the Local Plan by October 2015, the Council will commence production of site allocations development plan documents, in order to provide sufficient time to produce and adopt any Site Allocations DPDs that may be required.”</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>The last paragraph of the published Modification is shown deleted because it is unjustified to claim there would be a policy vacuum in 2017 for the reason given in response to Modifications proposed to Paragraph 4.1.25 above.</p>	
<p>Paragraph 4.5.41 (Explanation – Policy SS12) was MM18 now replaced by MM8 above</p> <p>See Paragraph 4.5.40 above</p>	
<p>4.6 Aspiration 5: Respond to climate change Pages 62-64</p>	
<p>Paragraph 4.6.17 (Explanation – Policy SS13) AM44</p> <p><u>Reason supported:</u> Indicates that green infrastructure is also important to the economy.</p>	<p>AM56 Supported</p>
<p>Part 5: Strategic Delivery Areas – a policy framework for Neighbourhood Plans (Pages 65-89)</p>	
<p>TORQUAY Pages 66-72</p>	
<p>Refer to the views of the Torquay Neighbourhood Plan Forum in respect of:-</p>	
<p>Policy SDT1 (Torquay) MM19 now part MM9 (as corrected) and part AM57</p>	<p>MM9</p>
<p>Paragraph 5.1.1 (Explanation – Policy SDT1) AM45 now AM58</p>	<p>AM58</p>
<p>Paragraph 5.1.3 (Explanation – Policy SDT1) AM46 now AM59</p>	<p>AM59</p>
<p>Paragraph 5.1.4 (Explanation – Policy SDT1) AM47 now AM60</p>	<p>AM60</p>
<p>Paragraph 5.1.8 (Table 5.1 SDT1 Source of new employment within Torquay) AM48 now n/c</p>	<p>-</p>
<p>Paragraph 5.1.8 (Table 5.2 SDT1 Source of housing in Torquay) AM48 now AM61 and MM9+Annex2.</p>	<p>MM9+ Annex 2</p>
<p>Policy SDT2 (Torquay Town Centre and Harbour) MM20 now AM62</p>	
<p>Paragraph 5.1.1.1 (Explanation – Policy SDT2) AM49 now AM63</p>	
<p>Policy SDT3 (Torquay Gateway) MM21 now AM64</p>	
<p>Paragraph 5.1.2.2 (Explanation – Policy SDT3) AM50 now AM65</p>	
<p>Paragraph 5.1.2.2 (Table 5.6 SDT3 Torquay Gateway Key sites for housing) AM51 now AM66 relating to Table 5.5 SDT3 Torquay Gateway Key sites for employment.</p>	
<p>PAIGNTON Pages 73-82</p>	
<p>Policy SDP1 (Paignton) MM22 now part MM10+Annex2 and AM67 below.</p> <p><u>Amend:</u> the last paragraph of the Modification proposed, to read:</p> <p><i>“Paignton will provide a minimum of 30,100 sq m (net) of employment floor space and around 4,375 3,535 new homes over the Plan period. Subject to further assessment of known capacity constraints of protected species and foul water disposal, the expected delivery pace and sequence of delivery are set out in Tables 5.7 and 5.8 below and Policies SDP2-SDP4. See also Policy W5.”</i></p>	<p>MM10+ Annex 2 Not Sound</p>

<p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	
<p>Policy SDP1 (Paignton) MM22 remainder now AM67</p> <p><u>Reason supported:</u> Indicates requirement to safeguard protected species.</p>	AM67 Supported
<p>Paragraph 5.2.2 (Explanation – Policy SDP1) AM52 now AM68</p> <p><u>Reason supported:</u> Indicates the importance of existing historic and environmental identity.</p>	AM68 Supported
<p>Paragraph 5.2.5 (Explanation – Policy SDP1) AM53 now AM69</p> <p><u>Reason supported:</u> Indicates requirement to safeguard protected species.</p>	AM69 Supported
<p>Paragraph 5.2.5 (Table 5.8 SDP1 Source of housing within Paignton) MM22 now MM10+Annex2 above</p> <p><u>Amend:</u> by retaining the Table number and heading and thereafter replace Table 5.8 with Appendix 6 attached herewith as the replacement Table 5.8 for Paignton.</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p> <p>The new site shown in the published Modifications (off Brixham Road south of White Rock) is not a supported site as it would damage the AONB and result in other unsustainable outcomes as confirmed by the Secretary of State when making his previous decision on a "called in" planning application (Appeal Ref: SW/P/5183/220/4). See the attached covering letter for further details at paragraph 39.</p>	As M10+ Annex 2 Not Sound
<p>Paragraph 5.2.1.9 (Table 5.10 SDP2 Paignton Town Centre and Seafront - Key sites for housing) MM22 now MM10+Annex2 above</p> <p><u>Amend:</u> by retaining Table number and heading, and thereafter replace Table 5.10 with Appendix 6 section SDP2 attached herewith as the Table 5.10 for Paignton.</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	As M10+ Annex 2 Not Sound
<p>Policy SDP3 (Paignton North and Western Area) MM23 now AM70</p> <p><u>Reason supported:</u> Indicates requirement to safeguard protected species.</p>	AM70 Supported
<p>Paragraph 5.2.2.1 (Explanation – Policy SDP3) AM54 now AM71</p> <p><u>Reason supported:</u> Indicates continued commitment to Great Parks</p>	AM71 Supported

<p>Paragraph 5.2.2.5 (Explanation – Policy SDP3) AM55 now AM72</p> <p><u>Reason supported:</u> Indicates the approach intended towards habitat enhancement.</p>	<p>AM72 Supported</p>
<p>Paragraph 5.2.2.7 (Explanation – Policy SDP3) AM56 now AM73</p> <p><u>Reason supported:</u> Indicates the approach intended towards flood risk prevention.</p>	<p>AM73 Supported</p>
<p>Paragraph 5.2.2.10 (Explanation – Policy SDP3) MM24 now AM74</p> <p><u>Amend:</u> the published modification to read:</p> <p><i>“The Local Plan promotes them for mixed use development comprising a significant element of residential development to assist in the short to medium term supply of housing. As a broad guide, around 25% of the former Nortel site (Devonshire Park) and a third 25% <u>not less than 50% of the Yalberton Road (Jackson Land) will be sought for employment uses, and 75% not more than 50% for residential”</u></i></p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>The Jackson Land is Greenfield and allocated for employment use in the existing ‘saved’ Local Plan Adopted in 2004. The Employment Land Review prepared by consultants for the Council in support of the new Local Plan made clear that 50% of the Jackson Land should be retained for employment. It lies immediately opposite the Yalberton Industrial Estate and is the site that South West Water has objected to on foul water capacity grounds as evidenced in Appendix 4 herewith attached. The Forum has given support to reallocating not more than 50% to housing development and has placed delivery of the site to later years in view of the significant foul drainage constraint that must be resolved.</p>	<p>AM74 Not Sound</p>
<p>Paragraph 5.2.2.11 (Table 5.12 SDP3 Paignton North and Western Area Key sites for housing) MM23 and AM57 now MM11+Annex2 and AM75 below</p> <p><u>Amend:</u> by retaining Table number and heading, and thereafter replace Table 5.12 with Appendix 6 section SDP3 attached herewith as Table 5.12 for Paignton.</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is ‘sound’</p>	<p>MM11+ Annex 2</p> <p>Not Sound</p>
<p>Paragraph 5.2.2.11 (Table 5.12 SDP3 Paignton North and Western Area Key sites for housing) MM23 and AM57 – now MM11+Annex2 above and AM75</p> <p><u>Amend:</u> delete reference in proposed Modification to Kings Ash House.</p> <p><u>Reason:</u> Reference to the Nortel site is supported, but it is premature to delete Kings Ash House for the stated reason that it is ‘likely’ to be retained. Leave in list of sites until further assessed.</p>	<p>AM75 Supported in part</p>
<p>BRIXHAM Pages 83-89</p>	
<p>Refer to the views of the Brixham Neighbourhood Plan Forum in respect of:-</p>	
<p>Policy SDB1 (Brixham Peninsula) MM25 now MM12 and AM76</p>	<p>MM12+ AM76</p>

Paragraph 5.3.1 (Explanation – Policy SDB1) MM26 now AM77	AM77
Paragraph 5.3.2 (Explanation – Policy SDB1) AM58 now AM78	AM78
Paragraph 5.3.4 (Explanation – Policy SDB1) AM59 now AM79	AM79
Paragraph 5.3.6 (Table 5.14 SDB1 Source of housing within Brixham Peninsula) AM60 now MM12+Annex 2 and AM80	MM12+ AM80
Policy SDB3 (Brixham Urban Fringe and Area of Outstanding Natural Beauty) MM27 now AM81	AM81
Paragraph 5.3.2.1 (Explanation – Policy SDB3) MM28 now AM82	AM82
Paragraph 5.3.2.2 (Explanation – Policy SDB3) AM61 now AM83	AM83
Paragraph 5.3.2.3 (Table 5.17 SDB3 Brixham Urban Fringe and AONB Key sites for employment) AM62 now AM84	AM84
Paragraph 5.3.2.3 (Table 5.18 SDB3 Brixham Urban Fringe and AONB Key sites for housing) AM63 now AM85	AM85
Part 6: Policies for managing change and development in Torbay (Pages 90-170)	
Aspiration 1: Secure economic recovery and success Pages 90-103	
Paragraph 6.1.1.1 (Explanation – Policy TC1: Town Centres) AM64 now AM86	AM86 Supported
<u>Reason supported:</u> Indicates the wider role supported in Town Centres.	
Paragraph 6.1.1.2 (Explanation – Policy TC1: Town Centres) AM65 now AM87	AM87 Supported
<u>Reason supported:</u> As Paragraph 6.1.1.1 above.	
Paragraph 6.1.1.3 (Explanation – Policy TC1: Town Centres) AM66 now AM88	AM88 Supported
<u>Reason supported:</u> As Paragraph 6.1.1.1 above.	
Policy TC2 (Torbay retail hierarchy) MM29 now AM89	AM89 Supported
<u>Reason supported:</u> Indicates the local centre role intended for Great Parks and White Rock.	
Paragraph 6.1.1.4 (Explanation – Policy TC2: Torbay retail hierarchy) AM67 now AM90 instead of amendment to Paragraph 6.1.1.6	AM90 Supported
<u>Reason supported:</u> Indicates factual reference to the BID locations and their purpose	
Policy TC3 (Retail development) MM30 now MM13	MM13 Supported
<u>Reason supported:</u> Meets the request of the Forum for the threshold to be reduced from 1,000 sq m gross to 500 sq m gross (see Forum representations of 31 March 2014)	
Paragraph 6.1.1.11 (Explanation – Policy TC3) AM68 now AM91	AM91 Supported
<u>Reason supported:</u> As Policy TC3 above.	
Paragraph 6.1.1.20 (Explanation – Policy TC5: Evening and night time economy) AM69 now AM92	AM92 Supported
<u>Reason supported:</u> As Paragraph 6.1.1.1 above.	
Policy TO1 (Tourism, events and culture) MM31 now AM93	AM93 Supported
<u>Reason supported:</u> Indicates support for sustainable tourism.	
Paragraph 6.1.2.3 (Explanation – Policy TO1) AM70 now AM94	AM94 Supported
<u>Reason supported:</u> Indicates the all year round tourism objective.	

<p>Paragraph 6.1.2.5 (Explanation – Policy TO1) AM71 now AM95</p> <p><u>Reason supported:</u> Indicates the support includes new 4 or 5 star hotels</p>	<p>AM95 Supported</p>
<p>Paragraph 6.1.2.6 (Explanation – Policy TO1) AM72 now AM96</p> <p><u>Reason supported:</u> Indicates the approach intended in Core Tourism Investment Areas.</p>	<p>AM96 Supported</p>
<p>Policy TO3 (Marine economy) MM32 now AM97</p> <p><u>Reason supported:</u> Indicates the approach intended at Paignton Harbour.</p>	<p>AM97 Supported</p>
<p>Paragraph 6.1.2.26 (Explanation – Policy TO3) MM33 now AM98</p> <p><u>Reason supported:</u> As Policy TO3 above.</p>	<p>AM98 Supported</p>
<p>Paragraph 6.1.2.27 (Explanation – Policy TO3) AM73 now AM99 (as corrected)</p> <p><u>Amend:</u> by adding at the end of the paragraph as modified a further sentence that reads:</p> <p><i>“Where the impact involves a protected species of European significance, compensatory measures can only be allowed where the Secretary of State is able to confirm the development is necessary in the ‘national interest’, which is a much stricter test than ‘public benefit’.</i></p> <p><u>Reason:</u> the Judgment of the European Court on 15 May 2014 (Case C-521/12, T.C. Briels and Others v Minister van Infrastructuur en Milieu (Netherlands Government) and supported by the United Kingdom Government), confirmed that compensatory measures can only be approved where it is in the national interest – not simply where it derives ‘public benefit’. The policy in the Local plan needs to clarify that this is the test that will be applied where impact on protected species and habitats are involved.</p>	<p>AM99 Supported in part</p>
<p>Paragraph 6.1.2.28 (Explanation – Policy TO3) AM74 now AM100</p> <p><u>Reason supported:</u> Indicates the range of environmental safeguards that will be applied</p>	<p>AM100 Supported</p>
<p>Paragraph 6.1.2.29 (Explanation – Policy TO3) AM75 now AM101</p> <p><u>Reason supported:</u> Indicates the importance of conservation at Paignton Harbour.</p>	<p>AM101 Supported</p>
<p>Aspiration 2: Achieve a better connected, accessible Torbay and essential infrastructure Pages 104-109</p>	
<p>Policy TA2 (Development access) AM76 now AM102</p> <p><u>Reason supported:</u> Indicates the traffic criteria that will be applied in assessments to be made.</p>	<p>AM102 Supported</p>
<p>Policy TA3 (Parking requirements) MM34 now AM103</p> <p><u>Reason supported:</u> Indicates that assessment will include provision for commercial vehicles as requested. (see Forum representations of 31 March 2014)</p>	<p>AM103 Supported</p>
<p>Aspiration 3: Protect and enhance a superb environment Pages110-126</p>	

<p>Policy C1 (Countryside and the rural economy) MM35 now AM104</p> <p>Amend: to add a further sentence at the end of the modified policy to read:</p> <p><i>"The impact on other protected species such as Girl Buntings, will also be assessed."</i></p> <p>Read: to make the plan more effective, and therefore 'sound' by drawing attention to other known species of particular significance that exist within the Local Plan area.</p>	<p>AM104 Supported in part</p>
<p>Paragraph 6.3.1.2 (Explanation – Policy C1) AM77 now AM105</p> <p>Reason supported: Indicates importance of safeguarding Green Wedges</p>	<p>AM105 Supported</p>
<p>Paragraph 6.3.1.4 (Explanation – Policy C1) AM78 now AM106</p> <p>Reason supported: Indicates the importance of country parks</p>	<p>AM106 Supported</p>
<p>Paragraph 6.3.1.6 (Explanation – Policy C1) AM79 now AM107</p> <p>Reason supported: Indicates the importance of lighting solutions and protected bats.</p>	<p>AM107 Supported</p>
<p>Paragraph 6.3.1.8 (Explanation – Policy C1) AM80 now AM108</p> <p>Amend: add a further sentence at the end of the modified paragraph to read:</p> <p><i>"This consideration will be applied in addition to any consideration arising from any outcome of further HRA detailed assessments necessary."</i></p> <p>Reason: to make the plan more effective, therefore 'sound' by making it clear the context of landscape assessment is in addition to any HRA assessment.</p>	<p>AM108 Supported in part</p>
<p>Policy C2 (The coastal landscape) and Policies Map change MM36 now AM109</p> <p>Reason supported: Indicates that seascape is included.</p>	<p>AM109 Supported</p>
<p>Paragraph 6.3.1.15 (Explanation – Policy C2) AM79 now AM110</p> <p>Reason supported: Indicates the particular link with Policy TO3 (Marine economy).</p>	<p>AM110 Supported</p>
<p>Policy C3 (Coastal change management) MM37 now AM111</p> <p>Reason supported: Indicates the importance of safeguarding the integrity of protected sites and coastal assets.</p>	<p>AM111 Supported</p>
<p>Paragraph 6.3.1.21 (Explanation – Policy C3) AM82 now AM112</p> <p>Reason supported: As Policy C3 above.</p>	<p>AM112 Supported</p>
<p>Policy C4 (Trees, hedgerows and natural landscape features) MM38 now AM113</p> <p>Reason supported: Indicates the approach to be taken in protecting assets.</p>	<p>AM113 Supported</p>
<p>Paragraph 6.3.1.22 (Explanation – Policy C4) AM83 now AM114</p> <p>Reason supported: Indicates the importance of existing features and habitats.</p>	<p>AM114 Supported</p>
<p>Paragraph 6.3.1.24 (Explanation – Policy C4) AM84 now AM115</p> <p>Reason supported: As Paragraph 6.3.1.22 above.</p>	<p>AM115 Supported</p>

<p>Paragraph 6.3.1.25 (Explanation – Policy C4) AM85 now AM116</p> <p><u>Reason supported:</u> As Paragraph 6.3.1.22 above.</p>	AM116 Supported
<p>Policy C5 (Urban Landscape Protection Areas) AM87 now AM118</p> <p><u>Reason supported:</u> Indicates a cross reference correction to the Policies Map.</p>	AM118 Supported
<p>Paragraph 6.3.1.32 (Explanation – Policy C5) AM86 now AM117</p> <p><u>Reason supported:</u> Indicates that a more balanced approach will be taken.</p>	AM117 Supported
<p>Policy NC1 (Biodiversity and geodiversity) MM39 now AM119</p> <p><u>Reason supported:</u> Indicates importance of safeguarding protected species and their habitats.</p>	AM119 Supported
<p>Paragraph 6.3.2.1 (Explanation – Policy NC1) AM88 now AM120</p> <p><u>Amend:</u> to add a further sentence that reads:</p> <p><i>“Where harm involves protected species of European significance, it must be noted that compensation can only be considered where it can be shown the development proposed is necessary in the ‘national interest’.”</i></p> <p><u>Reason:</u> Same as AM99 above.</p>	AM120 Supported in part
<p>Paragraph 6.3.2.2 (Explanation – Policy NC1) MM40 now AM121</p> <p><u>Amend:</u> add sentence between the last two paragraphs of the proposed modification to read:</p> <p><i>“Any SPD produced will be in addition to any Development Plan Document produced in Policy SS1”</i></p> <p><u>Reason:</u> To clarify how the proposed SPD sits with the proposed DPD modification arising out of agreement reached with Natural England and referred to in Policy SS1.</p>	AM121 Supported in part
<p>Paragraph 6.3.2.3 (Explanation – Policy NC1) MM41 now AM122</p> <p><u>Reason supported:</u> As Policy NC1 above.</p>	AM122 Supported
<p>Paragraph 6.3.2.4 (Explanation – Policy NC1) AM89 now AM123</p> <p><u>Reason supported:</u> As Policy NC1 above.</p>	AM123 Supported
<p>Paragraph 6.3.2.5 (Explanation – Policy NC1) MM42 now AM124</p> <p><u>Reason supported:</u> As Policy NC1 above.</p>	AM124 Supported
<p>Paragraph 6.3.2.7 (Explanation – Policy NC1) AM90 now AM125</p> <p><u>Reason supported:</u> Indicates the importance of sewer outfall on habitats.</p>	AM125 Supported
<p>Paragraph 6.3.2.10 (Explanation – Policy NC1) AM91 now AM126</p> <p><u>Reason supported:</u> Indicates the criteria that will be supported.</p>	AM126 Supported

<p>Paragraph 6.3.3.17 (Explanation – Policy HE2: Listed Buildings) AM92 now AM127</p> <p><u>Reason supported:</u> Indicates a factual clarification.</p>	AM127 Supported
<p>Aspiration 4: Create more sustainable communities and better places (Pages 127-153)</p>	
<p>Paragraph 6.4.1.1 (Explanation – Policy H1: Applications for new homes) AM93 now AM128</p> <p><u>Reason supported:</u> Indicates when a site allocation DPD will be produced.</p>	AM128 Supported
<p>Policy H2 (Affordable housing) MM43 now AM129</p> <p><u>Amend:</u> to delete all published Modifications to the policy.</p> <p><u>Reason:</u> There are sufficient safeguards in the policy as originally submitted that will be effective in ensuring affordable housing will only be a requirement of development proposals that are otherwise viable. Maximizing the opportunity for affordable housing to be achieved remains justified, but there is no compelling evidence that justifies the modification published.</p>	AM129 Not sound
<p>Paragraph 6.4.1.7 (Explanation – Policy H2) MM44 now AM130 (as corrected)</p> <p><u>Amend:</u> to delete all published Modifications to the policy.</p> <p><u>Reason:</u> As stated in response to Policy H2 above.</p>	AM130 Not sound
<p>Paragraph 6.4.1.9 (Explanation – Policy H2) AM94 now AM131</p> <p><u>Reason supported:</u> Indicates the design approach required.</p>	AM131 Supported
<p>Paragraph 6.4.1.15 (Explanation – Policy H2) AM95 now 132</p> <p><u>Reason supported:</u> Indicates the viability approach that will be used.</p>	AM132 Supported
<p>Policy H3 (Self build affordable housing and exception sites) AM96 now AM133</p> <p><u>Reason supported:</u> Indicates more clearly how the policy will operate.</p>	AM133 Supported
<p>Paragraph 6.4.1.19 (Explanation – Policy H3) AM97 now AM134</p> <p><u>Reason supported:</u> Indicates factual position on current situation.</p>	AM134 Supported
<p>Paragraph 6.4.1.24 (Explanation – Policy H3) AM98 now AM135</p> <p><u>Reason supported:</u> Indicates how the policy will operate.</p>	AM135 Supported
<p>Policy H4 (Houses in Multiple Occupation - HMOs) MM45 now AM136</p> <p><u>Reason supported:</u> Indicates words missed out in error of how the policy will operate.</p>	AM136 Supported
<p>Paragraph 6.4.1.31 (Explanation – Policy H4) AM99 now AM137</p> <p><u>Reason supported:</u> Indicates cross reference on how the policy will operate.</p>	AM137 Supported
<p>Paragraph 6.4.1.43 (Explanation – Policy H6: Housing for people in need of care) AM100 now AM138</p> <p><u>Reason supported:</u> Indicates how the policy will operate.</p>	AM138 Supported
<p>Policy DE1 (Design) MM46 now AM139</p> <p><u>Reason supported:</u> Indicates the importance of designing out crime and disorder.</p>	AM139 Supported

Paragraph 6.4.2.4 (Explanation – Policy DE1) AM101 now AM140 <u>Reason supported:</u> As Policy DE1 above.	AM140 Supported
Paragraph 6.4.2.5 (Explanation – Policy DE1) AM102 now AM141 <u>Reason supported:</u> Indicates how the policy will operate.	AM141 Supported
Policy DE3 (Development amenity) AM103 now AM142 <u>Reason supported:</u> Indicates that amenity space must be useable.	AM142 Supported
Paragraph 6.4.2.10 (Explanation – Policy DE3) AM104 now AM143 <u>Reason supported:</u> Indicates how long the policy will operate.	AM143 Supported
Paragraph 6.4.2.14 (Table 6.1 Dwelling size and floorspace standards) AM105 now AM144 <u>Reason supported:</u> Indicates how long the policy will operate.	AM144 Supported
Paragraph 6.4.2.19 (Explanation – Policy DE3) AM106 now AM145 <u>Reason supported:</u> Indicates how long the policy will operate.	AM145 Supported
Policy DE5 (Domestic extensions) MM47 now AM146 <u>Reason supported:</u> Indicates the importance that will be given to shared sewers.	AM146 Supported
Paragraph 6.4.2.30 (Explanation – Policy DE5) AM107 now AM147 <u>Reason supported:</u> As Policy DE5 above.	AM147 Supported
Paragraph 6.4.3.5 (Explanation – Policy SC1: Healthy Bay) AM108 now AM148 <u>Reason supported:</u> Indicates availability of further guidance.	AM148 Supported
Paragraph 6.4.3.7 (Explanation – Policy SC1: Healthy Bay) AM109 now AM149 <u>Reason supported:</u> Indicates availability of proposed further guidance.	AM149 Supported
Policy SC2 (Sport, leisure and recreation) MM48 now AM150 <u>Reason supported:</u> Indicates the Policy now accords with NPPF74.	AM150 Supported
Paragraph 6.4.3.10 (Explanation – Policy SC2: Sport leisure and recreation) AM110 now AM151 <u>Reason supported:</u> Indicates a factual clarification.	AM151 Supported
Paragraph 6.4.3.17 (Explanation – Policy SC3: Education, skills and local labour) AM111 now AM152 <u>Reason supported:</u> Indicates support for South Devon College.	AM152 Supported
Paragraph 6.4.3.21 (Explanation – Policy SC3: Education, skills and local labour) AM112 now AM153 <u>Reason supported:</u> Indicates how the policy will also operate via informal means.	AM153 Supported
Paragraph 6.4.3.25 (Explanation – Policy SC4: Sustainable food production) AM113 now AM154 <u>Reason supported:</u> Indicates the importance of local orchards.	AM154 Supported

Aspiration 5: Respond to climate change (Pages 154-170)	
<p>Paragraph 6.5.1.6 (Explanation – Policy ES1: Energy) AM114 now AM155</p> <p>Reason supported: Indicates a factual informative.</p>	AM155 Supported
<p>Policy ER1 (Flood Risk) MM49 and MM50 now AM156</p> <p>Reason supported: Indicates application of the Policy.</p>	AM156 Supported
<p>Paragraph 6.5.2.3 (Explanation – Policy ER1) MM50 an MM51 now AM157</p> <p>Reason supported: As Policy ER1 above.</p>	AM157 Supported
<p>Paragraph 6.5.2.6 (Explanation – Policy ER1) AM115 now AM158</p> <p>Reason supported: Indicates a factual update.</p>	AM158 Supported
<p>Paragraph 6.5.2.12 (Explanation – Policy ER1) AM116 now AM159</p> <p>Reason supported: As Paragraph 6.5.2.6 above.</p>	AM159 Supported
<p>Paragraph 6.5.2.13 (Explanation – Policy ER1) MM51 now AM160</p> <p>Reason supported: Indicates the importance of Policy ER1 and how it will be applied.</p>	AM160 Supported
<p>Paragraph 6.5.2.14 (Explanation – Policy ER1) AM117 now AM161</p> <p>Reason supported: As Paragraph 6.5.2.13</p>	AM161 Supported
<p>Paragraph 6.5.2.17 (Explanation – Policy ER1) MM52 now AM162</p> <p>Reason supported: Indicates how the policy will be applied.</p>	AM162 Supported
<p>Policy ER2 (Water management) MM53 now AM163</p> <p>Amend: add new sentence at the end of the modified policy to read:</p> <p><i>"Where the disposal of foul water is involved, proposals must also meet the requirement of Policy W5 dealing with waste water disposal."</i></p> <p>Reason: to make the plan more effective, thus 'sound' by drawing attention to the importance of resolving critically important drainage infrastructure problems and constraints known to exist in areas where the combined sewer system of surface and foul water disposal is not adequate.</p>	AM163 Supported in part
<p>Paragraph 6.5.2.18 (Explanation – Policy ER2) AM118 now AM164</p> <p>Reason supported: Indicates why and how the policy will be applied.</p>	AM164 Supported
<p>Paragraph 6.5.2.20 (Explanation – Policy ER2) AM119 now AM165</p> <p>Reason supported: Indicates the scope of the policy.</p>	AM165 Supported
<p>Paragraph 6.5.2.21 (Explanation – Policy ER2) MM54 now AM166</p> <p>Reason supported: Indicates the importance of Policy ER2 and how it will be applied</p>	AM166 Supported

<p>Policy W5 (Waste water disposal) MM55 now AM167</p> <p>Amend: add further sentence after the proposed modification at defined point 3 to read:</p> <p><i><u>"Where there is reason to believe there is a problem of sewer capacity available to receive the development proposed, applications for approval will be required to provide evidence of surveys undertaken and that demonstrate sufficient capacity exists at the time the application is first made for approval of the development proposed, and will not be left until a later stage of consideration through the application of conditional approval."</u></i></p> <p>Reason: To make the plan effective by making it clear that drainage details will be required when submitting the first application where there is reason to believe problems are likely to arise. This is a critically important requirement given the scale of the problem known to exist in the Bay, and the Supreme Court decision in 2009 requiring the planning system to assess and resolve such problems (see attached covering letter paragraphs 31 to 32 especially)</p>	<p>AM167 Supported in part</p>
<p>Paragraph 6.5.3.25 (Explanation – Policy W5) AM120 now AM168</p> <p>Reason supported: Indicates the correct term is a 'combined' sewer.</p>	<p>AM168 Supported</p>
<p>Paragraph 6.5.3.26 (Explanation – Policy W5) MM56 now AM169</p> <p>Amend: by altering the proposed modification to read:</p> <p><i><u>"The Council, in partnership with South West Water commissioned the Assessment of Future Sewer Capacity in Torbay (AECOM 2014) to consider the deliverability of the Torbay Local Plan within Torbay's sewer capacity. This confirms that the Local Plan is deliverable within the strategic sewer network's capacity if the assumptions made in the report prove to be correct, that</u></i></p> <ul style="list-style-type: none"> <i><u>• use of water by households will reduce significantly;</u></i> <i><u>• climate change and 'urban creep' from loss of soft surfaces does not increase run off into existing sewers;</u></i> <i><u>• a robust means is achieved by the council of extracting existing surface water from combined sewers serving the area</u></i> <p><i><u>New development should will be required to have separate foul and storm water drainage systems shown in planning applications when they are submitted for approval in any area where there is a known capacity problem for accommodating further foul water flow. In addition Water Sensitive Urban Design (WSUDs) and Sustainable Urban Drainage (SuDs) is recommended to reduce the impact of climate change and urban creep (hardstandings etc)</u></i></p> <p>Reason: The published modification does not sufficiently reflect the importance of the assumptions made in the Sewer Study, as now evidenced by the objection from South West Water to the site at Yalberton Road referred to in Appendix 4 herewith attached. This information post dates the Local Plan Hearing in November 2014 and is evidences that a significant problem of capacity exists due to the constraint on capacity now reached in the combined sewer network. The Supreme Court Judgement in 2009 made it abundantly clear that where capacity problems exist, it is for the planning system to address them. This includes the Local Plan making stage. The problem being that the assumptions made in the Torbay Sewer Study are not being questioned sufficiently in terms of their robustness and implications if found not to be correct. See paragraph 31 and 32 of the covering letter attached herewith.</p>	<p>AM169 Not Sound</p>
<p>Paragraph 6.5.3.27 (Explanation – Policy W5) MM57 now AM170</p> <p>Reason supported: Indicates the importance of Policy W5 and how it will be applied</p>	<p>AM170 Supported</p>
<p>Paragraph 6.5.3.28 (Explanation – Policy W5) MM58 now AM171</p> <p>Reason supported: Indicates the importance of Policy W5 and how it will be applied</p>	<p>AM171 Supported</p>

<p>Paragraph 6.5.4.9 (Explanation – Policy M3: Preserving and safeguarding of limestone resources and key local building stone) AM121 now AM172</p> <p><u>Reason supported:</u> Indicates a necessary spelling correction.</p>	<p>AM172 Supported</p>																																																																					
<p>Part 7: Delivery and monitoring (Pages 171-178)</p>																																																																						
<p>7.4 Funding Pages 173-176</p>																																																																						
<p>Paragraph 7.4.11 (S106 Obligations) AM122 now AM173</p> <p><u>Reason supported:</u> Indicates that green infrastructure is included.</p>	<p>AM173 Supported</p>																																																																					
<p>Paragraph 7.4.12 (S106 Obligations) AM123 now AM174</p> <p><u>Reason supported:</u> Indicates how the process will be applied.</p>	<p>AM174 Supported</p>																																																																					
<p>Paragraph 7.4.16 (New Homes Bonus) AM124 now AM175</p> <p><u>Reason supported:</u> Indicates a factual clarification.</p>	<p>AM175 Supported</p>																																																																					
<p>Paragraph 7.4.23 (Bridging the funding gap) AM125 now AM176</p> <p><u>Amend:</u> add sentence at the end of the proposed modification to read:</p> <p><i><u>“Development proposals will not be approved where there is no equalization agreement or S106 contribution and puts at risk the net increase in job provision of Policy SS1.”</u></i></p> <p><u>Reason:</u> to make the plan more effective, therefore ‘sound’ in ensuring the net increase in jobs is achieved.</p>	<p>AM176 Supported in part</p>																																																																					
<p>7.5 Monitoring and review Pages 176-178</p>																																																																						
<p>Paragraph 7.5.14 (Five Year Local Plan review) MM59 now AM177</p> <p><u>Reason supported:</u> Indicates critically important considerations that will be applied – including downward as well as upward adjustment of growth</p>	<p>AM177 Supported</p>																																																																					
<p>Paragraph 7.5.18 (Table 7.1 Local Plan Phasing and Review) AM126 now AM178</p> <p><u>Amend:</u> by replacing the content of Table 7.1 to read</p> <p>Table 7.1 Local Plan Phasing and Review</p> <table border="1" data-bbox="261 1346 1291 1850"> <thead> <tr> <th>Plan phase</th> <th>Years 0-5</th> <th></th> <th>Years 6-10</th> <th></th> <th>Years 11-15</th> <th></th> <th>Years 16-20</th> </tr> </thead> <tbody> <tr> <td>Year</td> <td>2012/13 – 2016/17</td> <td></td> <td>2017/18 – 2021/22</td> <td></td> <td>2022/23 – 2026/27</td> <td></td> <td>2027/28- 2031/32</td> </tr> <tr> <td>Torquay</td> <td>860</td> <td></td> <td>1,131</td> <td></td> <td>1,013</td> <td></td> <td>1,001</td> </tr> <tr> <td>Paignton</td> <td>842</td> <td></td> <td>872</td> <td></td> <td>864</td> <td></td> <td>957</td> </tr> <tr> <td>Brixham</td> <td>173</td> <td></td> <td>197</td> <td></td> <td>323</td> <td></td> <td>117</td> </tr> <tr> <td>Expected total Housing numbers</td> <td>1,875</td> <td rowspan="2" style="writing-mode: vertical-rl; transform: rotate(180deg);">Five year review</td> <td>2,200</td> <td rowspan="2" style="writing-mode: vertical-rl; transform: rotate(180deg);">Five year review</td> <td>2,200</td> <td rowspan="2" style="writing-mode: vertical-rl; transform: rotate(180deg);">Five year review</td> <td>2,075</td> </tr> <tr> <td>Cumulative</td> <td>1,875</td> <td>4,075</td> <td>6,275</td> <td>8,300</td> </tr> <tr> <td>Expected total Net FTE job increase numbers</td> <td>1,250- 1,500</td> <td></td> <td>1,250- 1,500</td> <td></td> <td>1,250- 1,500</td> <td></td> <td>1,250- 1,500</td> </tr> <tr> <td>Cumulative</td> <td>1,250- 1,500</td> <td></td> <td>2,500- 3,000</td> <td></td> <td>3,750- 4,500</td> <td></td> <td>5,000- 6,000</td> </tr> </tbody> </table>	Plan phase	Years 0-5		Years 6-10		Years 11-15		Years 16-20	Year	2012/13 – 2016/17		2017/18 – 2021/22		2022/23 – 2026/27		2027/28- 2031/32	Torquay	860		1,131		1,013		1,001	Paignton	842		872		864		957	Brixham	173		197		323		117	Expected total Housing numbers	1,875	Five year review	2,200	Five year review	2,200	Five year review	2,075	Cumulative	1,875	4,075	6,275	8,300	Expected total Net FTE job increase numbers	1,250- 1,500		1,250- 1,500		1,250- 1,500		1,250- 1,500	Cumulative	1,250- 1,500		2,500- 3,000		3,750- 4,500		5,000- 6,000	<p>AM178 Not Sound</p>
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<p><u>Reason:</u> to enable key monitoring bench marks of the plan to be seen more easily, thus more effective and thereby 'sound.</p> <p><u>In addition:</u> <u>Amend</u> Picture 1.1 on page 2 of Local Plan to show :</p> <p>a) recalibrated "Demo /natural change = baseline need of <u>8,300</u>"; b) delete "Absolute capacity" line shown; c) rename: "20 year capacity" to read "Absolute capacity" and leave at 9,200.</p> <p><u>Reason</u> to accord with the DCLG Household projection published on 27 February 2015 and covering letter attached herewith. See paragraphs 1 to 46 especially.</p>	
<p>Appendices A to G (Pages i – xxxix)</p>	
<p>Appendix A (Glossary of Terms) AM127 now AM179</p> <p><u>Reason supported:</u> Indicates definitions of Heritage Asset and Historic Environment.</p>	<p>AM179 Supported</p>
<p>Appendix C (Schedule of Supporting documents - Aggregates) AM128 now AM180</p> <p><u>Reason supported:</u> Indicates a factual clarification.</p>	<p>AM180 Supported</p>
<p>Appendix D (Pool of housing sites) and Policies Map - New MM14</p> <p><u>Amend:</u> delete all sites added by the published modifications and remove all reference to the them from the proposed modifications to the Policies Map.</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	<p>MM14</p> <p>No Sound</p>
<p>Appendix E (Regionally Important Geological Site (RIGS) Policies Map - New AM 181</p> <p><u>Amend:</u> to clarify why the change is being made by the Council and to include Yalberton Valley in the RIGS list being amended, using the information pack previously supplied by the Yalberton Valley Community Forum to planning officers of the Council.</p> <p><u>Reason:</u> to make the plan more effective, and thereby 'sound'.</p>	<p>AM181 Supported In part</p>
<p>Appendix Car Parking Requirements AM1 now AM182</p> <p><u>Reason supported:</u> Indicates how the standard will be applied.</p>	<p>AM182 Supported</p>
<p>Key Diagram and Policies Map Booklet</p>	
<p><u>Amend:</u> delete all reference and notation showing the two Collaton St Mary areas as Future Growth Areas for housing and related development.</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p>	<p>MMAnnex1 & AMAnnex1 Not Sound</p>

Appendix 1 – Part B

Proposed Main Modifications (MMs) requiring change

Part 4: Spatial strategy and policies for strategic direction (Pages 24-65)	
4.1 A balanced and sustainable approach to growth Pages 24-33	
<p>Policy SS1 (Growth strategy for a prosperous Torbay) MM1 still MM1</p> <p><u>Amend:</u> those sentences in the proposed Modifications shown below, to read as follows:</p> <p><i>“The Plan also seeks to identify land for the delivery of 500 homes per annum, equating to about 8,000-10,000 <u>8,300</u> new homes over the Plan period of 2012-2032”</i></p> <p><i>“In the first 5 years, the Plan will enable delivery of 1,250-1,500 net new jobs, and land for around 2,365 <u>1,775</u> new homes equal to 450 <u>355</u> dwellings per year plus 5%”</i></p> <p><i>“If Neighbourhood Plans do not identify sufficient sites to provide the housing requirements of the Local Plan, the council will bring forward sites through site allocations development plan documents, <u>not supplementary planning documents.</u>”</i></p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>The last amendment shown above is required in order to be clear that SPD’s will not be acceptable as a procedure as it will require the full statutory procedure of DPD’s and their associated Public Inquiries should there be grounds for formal objection to the proposals and/or necessary SA and HRA.</p>	<p>MM1</p> <p>Not sound</p>
<p>Paragraph 4.1.25 (Sequence and phasing of development) MM2 still MM2</p> <p><u>Amend:</u> by deleting the following sentence:</p> <p><i>“In order to avoid a policy vacuum occurring after year 5 of the Plan (i.e. 2017), the Council will start to prepare site allocation documents if neighborhood plans, which meet the necessary regulations and are in general conformity with the Local Plan, have not been submitted to the Local Authority by October 2015.”</i></p> <p><u>Reason:</u> The proposed Modification is not justified, nor realistic nor consistent with other Modifications proposed. NPPF47 makes no requirement for specific sites to be identified in a Local Plan beyond the first 5 years. For year 6 onwards the Local Plan structure already sets out a specific trajectory for each 5 year period to 2032, together with review dates and criteria that will be used to determine any change necessary. There is no justification for claiming a policy vacuum will arise.</p>	<p>MM2</p> <p>Not Sound</p>

<p>Policy SS2 (Future growth areas) & Policies Map change MM3 still MM3</p> <p><u>Amend:</u> the published Modification where shown below to read as follows:</p> <ol style="list-style-type: none"> 5. <i>Edginswell, Torquay</i> 6. <i>Paignton North and West Area including Collaton St. Mary, Paignton (Great Parks and Yannons)</i> 7. <i>Brixham Road, Paignton (White Rock)</i> 8. <i>Land South of White Rock, Paignton</i> <p><i>“A bespoke Greater Horseshoe Bat (GHB) mitigation plan for all development within the following <u>potential</u> Future Growth Areas must be submitted and approved before planning permission will be granted:</i></p> <p><i>SDP 3.2 Great Parks</i></p> <p><i>SPP 3.3 Totnes Road/Collaton St Mary Claylands</i></p> <p><i>SDP 3.4 Brixham Road/Yalberton</i></p> <p><i>SDP3.5 White Rock”</i></p> <p><u>Reason:</u> The change in homes provision is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<p>MM3</p> <p>Not Sound</p>										
<p>4.2 Aspiration 1: Secure economic recovery and success Pages 34-41</p>											
<p>Policy SS5 (Employment space) MM5 now AM23</p> <p><u>Amend:</u> the published Modification where shown below to read as follows:</p> <p><i>“An element of cross subsidisation of employment uses from higher value land uses will be sought, <u>so that net job growth is achieved in accordance with Policy SS1.</u></i></p> <p><u>Reason:</u> As worded the published modification lacks clarity of purpose and would put net job increase at risk. It is therefore an MM not an AM.</p>	<p>AM23</p> <p>Not Sound</p>										
<p>4.5 Aspiration 4: Create more sustainable communities and better places Pages 53-61</p>											
<p>Table 4.3 (Source and timing of new homes) MM15</p> <p><u>Amend:</u> paragraph 4.5.6 and replace Table 4.3 as shown below to read:</p> <p><i>“The distribution of new homes is set out in the Strategic Development Policies (SDT1,SDP1,SDB1). The expected approximate housing land supply over 20 years, and possibly beyond is set out in <u>Table 4.3 below:and</u> Policy SS11 “Housing”.</i></p> <table border="1" data-bbox="423 1520 987 1671" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;"><i>Source</i></th> <th style="text-align: left;"><i>Approximate numbers</i></th> </tr> </thead> <tbody> <tr> <td><i>Torquay (SDT1)</i></td> <td style="text-align: right;"><i>3,955</i></td> </tr> <tr> <td><i>Paignton (SDP1)</i></td> <td style="text-align: right;"><i>3,535</i></td> </tr> <tr> <td><i>Brixham (SDB1)</i></td> <td style="text-align: right;"><i>810</i></td> </tr> <tr> <td style="text-align: center;"><i>Total</i></td> <td style="text-align: right;"><i>8,300</i></td> </tr> </tbody> </table> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<i>Source</i>	<i>Approximate numbers</i>	<i>Torquay (SDT1)</i>	<i>3,955</i>	<i>Paignton (SDP1)</i>	<i>3,535</i>	<i>Brixham (SDB1)</i>	<i>810</i>	<i>Total</i>	<i>8,300</i>	<p>MM4</p> <p>Not Sound</p>
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<i>Total</i>	<i>8,300</i>										

<p>Policy SS11 (Housing) MM16 now part MM5 and part AM53</p> <p><u>Amend:</u> by</p> <p>(a) replacement of figure 10,000 in first paragraph with <u>8,300</u>;</p> <p>(b) amend reference Table 4.3/H1 to read Table 4.3 (i.e. delete H1)</p> <p>(c) retitle Table to read <i>“Table 4.3/H1 Source and timing of new homes (rounded to nearest 5 dwellings) necessary to achieve 40,000 8,300 dwelling trajectory..”</i></p> <p>(d) replace all dwelling numbers for each sub policy with those defined in Appendix 6 attached herewith</p> <p>(e) delete the column and all modifications in that column headed <i>“Notes on change (Modification) from Submission Draft”</i></p> <p>(f) retain the rest of the Modification table as part of Policy SS11</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is ‘sound’</p>	<p>MM5</p> <p>Not Sound</p>
<p>Paragraph 4.5.36 (Explanation – Policy SS11) New</p> <p><u>Amend:</u> by replacing the dwelling number to read:</p> <p><i>“A cross-boundary review of strategic housing land availability may be needed as part of a longer term assessment of growth options, particularly if there is evidence of significant employment growth, which would take the requirement above 40,000 <u>8,300</u> homes.”</i></p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<p>MM6</p> <p>Not Sound</p>
<p>Policy SS12 (Five year housing land supply) MM17 now MM7 (as corrected)</p> <p><u>Amend:</u> the published modifications where shown below to read as follows:</p> <p><i>“The Council will maintain a rolling 5 year supply of specific deliverable sites sufficient to meet a housing trajectory of 40,000 <u>8,300</u> dwellings over the Plan period 2012-32.”</i></p> <p><i>“The trajectory is:</i></p> <p><i>450 <u>355</u> dwellings per year for the period 2012/13 – 2017/18 <u>2012/17</u> (+5% required by the NPPF i.e. 473 <u>373</u> dwellings per year).</i></p> <p><i>500 <u>440</u> dwellings per year for the period (2018/19 – 2023/24) <u>2017/27</u></i></p> <p><i>525 <u>415</u> dwellings per year (minus the 5% brought forward from later in the Plan period if appropriate)”</i></p> <p><i>“2) identify additional sites through new site allocation development plan documents, <u>not</u> supplementary planning documents</i></p> <p><i>3) consider favourably applications for now housing consistent with Policy SS2, H1 and other policies of this Plan.”</i></p>	<p>MM7</p> <p>Not Sound</p>

<p><i>“ Five year Review of the Local Plan</i></p> <p><i>The Local Plan will be reviewed on a five year basis from adoption, and the housing trajectory adjusted if assessed to be necessary to maintain the delivery of sustainable development, or meet housing needs. Further details of criteria to be considered at the five year five year review are set out at Section 7.5</i></p> <p><i>An early review of the Local Plan’s housing trajectory will be triggered where there is evidence that the provision of housing will not keep pace with the need to provide for economic growth, or where the growth of housing is not being accompanied by net job growth in accordance with the trajectory of Policy SS1”</i></p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is ‘sound’</p>	
<p>Paragraph 4.5.40 (Explanation – Policy SS12) New incorporating previous MM18 below.</p> <p><u>Amend:</u> the published modification to be read as amended below by the additions underlined and deletions scored through:</p> <p><i>“It is important that the provision of new homes keeps pace with the likely provision of jobs and that a shortage of homes does not impede job creation or deter inward investment. <u>Equally, it is important to ensure that the provision of new homes does not run too far ahead of the net growth in jobs.</u> On this basis, the ongoing relationship between new homes and jobs will be reviewed on a yearly basis. If evidence suggests that a shortage of homes is in danger of curtailing growth, <u>or an imbalance in net job growth is arising</u>, additional land <u>provision</u> will be identified <u>adjusted</u> through a Local Plan review. Examples of evidence that could trigger this review are:</i></p> <ul style="list-style-type: none"> <i>• An increase of more than 250 net new FTE jobs per annum for two consecutive years (based on BRES data from a job base of 59,500 FTE’s at 2012).</i> <i>• <u>An over provision of more than 100 homes in any rolling five year period</u></i> <p><i>The Local Plan enables and expects Neighbourhood Plans to come forward and allocate land to assist meeting housing needs after the first five years – i.e. expected requirements from April 2017. The Local Plan identifies a pool of sites, based on a Strategic Housing Land Availability Assessment, which could provide a suitable selection of sites for development subject to further scrutiny through the neighbourhood planning process (see Appendix D). Neighbourhood Plans are at a draft stage of preparation for the Brixham, Paignton and Torquay areas which will cover 100% of the administrative area of Torbay. It is expected that these three Neighbourhood Plans will, drawing on the pool, allocate sufficient housing land to enable delivery of the growth strategy outlined in Policy SS1 and Table 4.3.</i></p> <p><i>Should Neighbourhood Plans not be adopted (made) by the Council, for example an emerging Neighbourhood Plan is found <u>by the Independent Assessor</u> to not be in general conformity with the strategic policies of the Local Plan and/or does not pass the Examination or Referendum process, then under those circumstances the Council undertakes to produce a Site Allocations DPD <u>,not SPD,</u> to allocate land to meet housing needs later in the Plan period. Sufficient land is allocated within the Local Plan to meet housing needs during the first five years, so either Neighbourhood Plans and/or a Site Allocations DPD will allocate sites to contribute to providing clarity over housing supply after April 2017.</i></p> <ul style="list-style-type: none"> <i>• Economic projections showing an increase in FTE jobs of more than 250 FTE per year sustained over a five year period.</i> 	<p>MM8</p> <p>Not Sound</p>

<ul style="list-style-type: none"> • Population projections or mid year estimates indicate an increase of working age population (aged 18-65) of more than 250 people per year over a five year period. • Evidence of market signals (as set out in Planning Practice Guidance) indicating a high level of unmet demand for housing. <p>Where monitoring indicates a danger of a shortfall <u>or over supply</u> against the five year supply or overall trajectory, action to identify additional sites, <u>or sites to be held in reserve</u>, will commence in the first year of a shortfall <u>or oversupply</u> being identified, to ensure that a rolling five year supply can be maintained, as set out in SS12 <u>and sustainable balance of jobs and homes as set out in Policy SS1</u>.</p> <p>To deliver the second phase of the Local Plan and avoid a policy vacuum after 2017, the Council will assess the proposed emerging Neighbourhood Plans when submitted to the Council, under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012, to check that Plan proposals endorse and implement the strategy in the Local Plan. If Neighbourhood Plans are not submitted to the Council in a form that it is in general conformity with the Local Plan by October 2015, the Council will commence production of site allocations development plan documents, in order to provide sufficient time to produce and adopt any Site Allocations DPDs that may be required."</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>The last paragraph of the published Modification is shown deleted because it is unjustified to claim there would be a policy vacuum in 2017 for the reason given in response to Modifications proposed to Paragraph 4.1.25 above.</p>	
<p>Part 5: Strategic Delivery Areas – a policy framework for Neighbourhood Plans (Pages 65-89)</p>	
<p>TORQUAY Pages 66-72</p>	
<p>Refer to the views of the Torquay Neighbourhood Plan Forum in respect of:-</p>	
<p>Policy SDT1 (Torquay) MM19 now part MM9 (as corrected) and part AM57</p>	MM9
<p>PAIGNTON Pages 73-82</p>	
<p>Policy SDP1 (Paignton) MM22 now part MM10+Annex2 and AM67 below.</p> <p><u>Amend:</u> the last paragraph of the Modification proposed, to read:</p> <p><i>"Paignton will provide a minimum of 30,100 sq m (net) of employment floor space and around 4,375 3,535 new homes over the Plan period. Subject to further assessment of known capacity constraints of protected species and foul water disposal, the expected delivery pace and sequence of delivery are set out in Tables 5.7 and 5.8 below and Policies SDP2-SDP4. See also Policy W5."</i></p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p>	<p>MM10+ Annex 2 Not Sound</p>

<p>Paragraph 5.2.5 (Table 5.8 SDP1 Source of housing within Paignton) MM22 now MM10+Annex2 above</p> <p><u>Amend:</u> by retaining the Table number and heading and thereafter replace Table 5.8 with Appendix 6 attached herewith as the replacement Table 5.8 for Paignton.</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p> <p>The new site shown in the published Modifications (off Brixham Road south of White Rock) is not a supported site as it would damage the AONB and result in other unsustainable outcomes as confirmed by the Secretary of State when making his previous decision on a "called in" planning application (Appeal Ref: SW/P/5183/220/4). See the attached covering letter for further details at paragraph 39.</p>	<p>As M10+ Annex 2</p> <p>Not Sound</p>
<p>Paragraph 5.2.1.9 (Table 5.10 SDP2 Paignton Town Centre and Seafront - Key sites for housing) MM22 now MM10+Annex2 above</p> <p><u>Amend:</u> by retaining Table number and heading, and thereafter replace Table 5.10 with Appendix 6 section SDP2 attached herewith as the Table 5.10 for Paignton.</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	<p>As M10+ Annex 2</p> <p>Not Sound</p>
<p>Paragraph 5.2.2.10 (Explanation – Policy SDP3) MM24 now AM74</p> <p><u>Amend:</u> the published modification to read:</p> <p><i>"The Local Plan promotes them for mixed use development comprising a significant element of residential development to assist in the short to medium term supply of housing. As a broad guide, around 25% of the former Nortel site (Devonshire Park) and a third 25% not less than 50% of the Yalberton Road (Jackson Land) will be sought for employment uses, and 75% not more than 50% for residential"</i></p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>The Jackson Land is Greenfield and allocated for employment use in the existing 'saved' Local Plan Adopted in 2004. The Employment Land Review prepared by consultants for the Council in support of the new Local Plan made clear that 50% of the Jackson Land should be retained for employment. It lies immediately opposite the Yalberton Industrial Estate and is the site that South West Water has objected to on foul water capacity grounds as evidenced in Appendix 4 herewith attached. The Forum has given support to reallocating not more than 50% to housing development and has placed delivery of the site to later years in view of the significant foul drainage constraint that must be resolved.</p>	<p>AM74</p> <p>Not Sound</p>

<p>Paragraph 5.2.2.11 (Table 5.12 SDP3 Paignton North and Western Area Key sites for housing) MM23 and AM57 now MM11+Annex2 and AM75 below</p> <p><u>Amend:</u> by retaining Table number and heading, and thereafter replace Table 5.12 with Appendix 6 section SDP3 attached herewith as Table 5.12 for Paignton.</p> <p><u>Reason:</u> The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	MM11+ Annex 2 Not Sound
BRIXHAM Pages 83-89	
Refer to the views of the Brixham Neighbourhood Plan Forum in respect of:-	
Policy SDB1 (Brixham Peninsula) MM25 now MM12 and AM76	MM12+ AM76
Paragraph 5.3.6 (Table 5.14 SDB1 Source of housing within Brixham Peninsula) AM60 now MM12+Annex 2 and AM80	MM12+ AM80
Part 6: Policies for managing change and development in Torbay (Pages 90-170)	
Aspiration 1: Secure economic recovery and success Pages 90-103	
Policy TC3 (Retail development) MM30 now MM13 <u>Reason supported:</u> Meets the request of the Forum for the threshold to be reduced from 1,000 sq m gross to 500 sq m gross (see Forum representations of 31 March 2014)	MM13 Supported
Aspiration 4: Create more sustainable communities and better places (Pages 127-153)	
Policy H2 (Affordable housing) MM43 now AM129 <u>Amend:</u> to delete all published Modifications to the policy. <u>Reason:</u> There are sufficient safeguards in the policy as originally submitted that will be effective in ensuring affordable housing will only be a requirement of development proposals that are otherwise viable. Maximizing the opportunity for affordable housing to be achieved remains justified, but there is no compelling evidence that justifies the modification published.	AM129 Not sound
Paragraph 6.4.1.7 (Explanation – Policy H2) MM44 now AM130 (as corrected) <u>Amend:</u> to delete all published Modifications to the policy. <u>Reason:</u> As stated in response to Policy H2 above.	AM130 Not sound
Aspiration 5: Respond to climate change (Pages 154-170)	
Paragraph 6.5.3.26 (Explanation – Policy W5) MM56 now AM169 <u>Amend:</u> by altering the proposed modification to read: <i>“The Council, in partnership with South West Water commissioned the Assessment of Future Sewer Capacity in Torbay (AECOM 2014) to consider the deliverability of the Torbay Local Plan within Torbay’s sewer capacity. This confirms that the Local Plan is deliverable within the strategic sewer network’s capacity <u>if the assumptions made in the report prove to be correct, that</u></i> <ul style="list-style-type: none"> • <i>use of water by households will reduce significantly;</i> • <i>climate change and ‘urban creep’ from loss of soft surfaces does not increase run off</i> 	AM169 Not Sound

into existing sewers;

- a robust means is achieved by the council of extracting existing surface water from combined sewers serving the area

New development should will be required to have separate foul and storm water drainage systems shown in planning applications when they are submitted for approval in any area where there is a known capacity problem for accommodating further foul water flow. In addition Water Sensitive Urban Design (WSUDs) and Sustainable Urban Drainage (SuDs) is recommended to reduce the impact of climate change and urban creep (hardstandings etc)

Reason: The published modification does not sufficiently reflect the importance of the assumptions made in the Sewer Study, as now evidenced by the objection from South West Water to the site at Yalberton Road referred to in Appendix 4 herewith attached. This information post dates the Local Plan Hearing in November 2014 and is evidence that a significant problem of capacity exists due to the constraint on capacity now reached in the combined sewer network. The Supreme Court Judgement in 2009 made it abundantly clear that where capacity problems exist, it is for the planning system to address them. This includes the Local Plan making stage. The problem being that the assumptions made in the Torbay Sewer Study are not being questioned sufficiently in terms of their robustness and implications if found not to be correct. See paragraph 31 and 32 of the covering letter attached herewith.

Part 7: Delivery and monitoring (Pages 171-178)

7.5 Monitoring and review Pages 176-178

Paragraph 7.5.18 (Table 7.1 Local Plan Phasing and Review) AM126 now AM178

Amend: by replacing the content of Table 7.1 to read

Table 7.1 Local Plan Phasing and Review

Plan phase	Years 0-5		Years 6-10		Years 11-15		Years 16-20
Year	2012/13 – 2016/17		2017/18 – 2021/22		2022/23 – 2026/27		2027/28- 2031/32
Torquay	860		1,131		1,013		1,001
Paignton	842		872		864		957
Brixham	173		197		323		117
Expected total Housing numbers	1,875	Five year review	2,200	Five year review	2,200	Five year review	2,075
Cumulative	1,875		4,075		6,275		8,300
Expected total Net FTE job increase numbers	1,250- 1,500		1,250- 1,500		1,250- 1,500		1,250- 1,500
Cumulative	1,250- 1,500		2,500- 3,000		3,750- 4,500		5,000- 6,000

Reason: to enable key monitoring bench marks of the plan to be seen more easily, thus more effective and thereby 'sound.

In addition:

Amend Picture 1.1 on page 2 of Local Plan to show :

- recalibrated "Demo /natural change = baseline need of 8,300";
- delete "Absolute capacity" line shown;
- rename: "20 year capacity" to read "Absolute capacity" and leave at 9,200.

Reason to accord with the DCLG Household projection published on 27 February 2015 and covering letter attached herewith. See paragraphs 1 to 46 especially.

AM178
Not
Sound

Appendices A to G (Pages i – xxxix)	
<p>Appendix D (Pool of housing sites) and Policies Map - New MM14</p> <p><u>Amend</u>: delete all sites added by the published modifications and remove all reference to the them from the proposed modifications to the Policies Map.</p> <p><u>Reason</u>: The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 1 to 46 of the covering letter attached herewith for full details.</p> <p>All figures shown amended are internally consistent with all other amendments shown in this submission to ensure the trajectory is 'sound'</p>	<p>MM14</p> <p>No Sound</p>
Key Diagram and Policies Map Booklet	
<p><u>Amend</u>: delete all reference and notation showing the two Collaton St Mary areas as Future Growth Areas for housing and related development.</p> <p><u>Reason</u>: The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p>	<p>MMAnnex1 & AMAnnex1 Not Sound</p>

End of Appendix 1 - Part B

APPENDIX 2

Comparison of most recent projections

Torbay UA: ED600027

Year	ONS		DCLG Households (000's)	Oxford Econometrics		
	Net Migration (000's)	Pop		Net Migration (000's)	Pop (000's)	Jobs (000's)
2011*		131,193	59.087	0.0	131.4	57.8
2012		131,500	59.404	0.5	131.7	59.5
2013	0.3	131,800	59.690	0.8	132.2	61.1
2014	0.3	132,200	60.041	0.8	132.8	61.8
2015	0.3	132,700	60.427	0.8	133.3	62.2
2016	0.3	133,200	60.850	0.8	133.8	62.6
2017	0.3	133,700	61.267	0.7	134.2	63.0
2018	0.4	134,200	61.699	0.7	134.7	63.4
2019	0.4	134,800	62.141	0.7	135.1	63.7
2020	0.4	135,400	62.585	0.7	135.4	64.0
2021	0.4	136,000	63.025	0.6	135.8	64.3
2022	0.4	136,600	63.461	0.6	136.1	64.5
2023	0.4	137,300	63.905	0.6	136.4	64.6
2024	0.4	137,900	64.350	0.6	136.7	64.7
2025	0.4	138,500	64.791	0.6	136.9	64.8
2026	0.4	139,100	65.229	0.6	137.1	64.9
2027	0.4	139,600	65.677	0.6	137.4	65.0
2028	0.5	140,200	66.113	0.6	137.5	65.0
2029	0.5	140,800	66.531	0.6	137.7	65.1
2030	0.5	141,400	66.953	0.6	137.8	65.2
2031	0.5	142,000	67.363			
2032	0.5	142,500	67.746			
2033	0.5	143,100	68.134			
2037	0.5	143,600	68.510			
2035	0.5	144,100	68.889			
2036	0.5	144,600	69.269			
2037	0.5	145,100	69.651			

Source

* Census year

ONS - Sub-national population projection (2012 based) issued 29 May 2014

DCLG - Household projection Table 406 (2012 based) issued 27 Feb 2015

Oxford Econometrics - Jobs projection (Jan 2014) issued by Torbay Council 9 Feb 2015

Summary

Year	ONS		DCLG Households (000's)	Oxford Econometrics		
	Net Migration (000's) p.a.	Pop		Net Migration (000's) p.a.	Pop (000's)	Jobs (000's)
2012		131,500	59.404	0.5	131.7	59.5
2017	0.3	133,700	61.267	0.7	134.2	63.0
2022	0.4	136,600	63.461	0.6	136.1	64.5
2027	0.4	139,600	65.677	0.6	137.4	65.0
2032	0.5	142,500	67.746			
20 yr Growth		11,000	8.342			5.485

APPENDIX 3

Trajectory comparison Policy SS1 & SS12 (5yr)

Year	Submitted Plan Dwellings p.a.		Draft Mods Dwellings p.a.			Forum (DCLG based) Dwellings p.a.		
	Lower	Upper	p.a.	+ 5%	p.a. Tot	p.a.	+ 5%	p.a. Tot
2012-13	400	500	450	23	473	355	18	373
2013-14	400	500	450	23	473	355	18	373
2014-15	400	500	450	23	473	355	18	373
2015-16	400	500	450	23	473	355	18	373
2016-17	400	500	450	23	473	355	18	373
2017-18	400	500	450	23	473	440		440
2018-19	400	500	500		500	440		440
2019-20	400	500	500		500	440		440
2020-21	400	500	500		500	440		440
2021-22	400	500	500		500	440		440
2022-23	400	500	500		500	440		440
2023-24	400	500	500		500	440		440
2024-25	400	500	525		525	440		440
2025-26	400	500	525		525	440		440
2026-27	400	500	525		525	440		440
2027-28	400	500	525		525	415		415
2028-29	400	500	525		525	415		415
2029-30	400	500	525		525	415		415
2030-31	400	500	525		525	415		415
2031-32	400	500	525		525	415		415

If job growth from 2016

Year	Submitted Plan Dwellings		Draft Mods Dwellings			Forum (DCLG based) Dwellings		
	Lower	Upper	p.a.	+ 5%	p.a. Tot	p.a.	+ 5%	p.a. Tot
2012-17	2,000	2,500	2,250	113	2,363	1,775	89	1,864
2017-22	2,000	2,500	2,450	23	2,473	2,200	0	2,200
2022-27	2,000	2,500	2,575	0	2,575	2,200	0	2,200
2027-32	2,000	2,500	2,625	0	2,625	2,075	0	2,075
Total	8,000	10,000	9,900	135	10,035	8,250	89	8,339

Inc.excluded sites

Period	Cumulative					
	Submitted		Draft Mods		DCLG #	
Yr 5	2,000	2,500	2,250	2,363	1,775	1,864
Yr 10	4,000	5,000	4,700	4,835	3,975	4,064
Yr 15	6,000	7,500	7,275	7,410	6,175	6,264
Yr 20	8,000	10,000	9,900	10,035	8,250	8,339

Profile of DCLG HH Projections issued 27 Feb 2015
 (already includes return to job growth/net migration increase)
 (Compares with 8,100 3 x NPs decisions 31 March 2014)

APPENDIX 4

Objection from South West Water 10 December 2014

Planning

From: Developer Services Planning [DeveloperServicesPlanning@southwestwater.co.uk]
Sent: 10 December 2014 12:38
To: Planning
Cc: Diamond, Matthew
Subject: RE: Planning Consultation P/2014/0983/MOA Land South of Yalberton Road (Yannons Farm), Paignton

I refer to the above application and would advise that South West Water are not satisfied that the public foul drainage network has capacity to support the development without causing downstream property flooding. As such should your Council be mindful to approve the application the following condition needs to be imposed;

Foul Drainage

No development shall commence until:

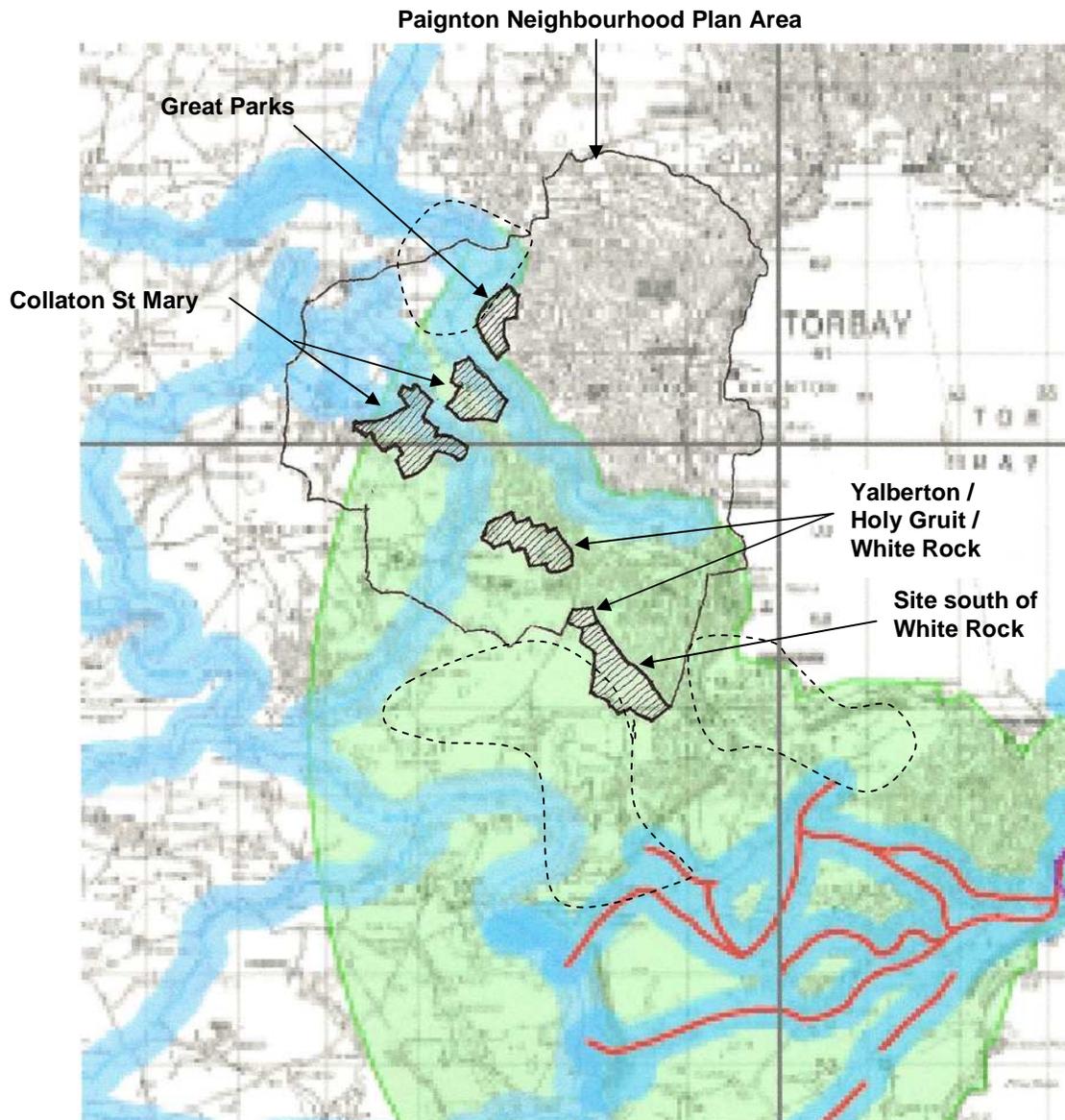
- a) a detailed survey and evaluation of the public foul sewerage network has taken place (at the Owner's expense) to identify improvements necessary to be funded in advance and executed to accommodate the discharge of foul sewage from the Development; and
- b) the Owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary).

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

Martyn Dunn
Development Coordinator
01392 443702
South West Water, Peninsula House, Rydon Lane, Exeter, EX2 7HR

APPENDIX 5

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



Source:

Map Extract: South Hams Special Area of Conservation – Natural England: June 2010

Key:

Blue - Greater Horseshoe Bat 'Flyways'

Red – Flight paths recorded by radio tracking

Green – Sustenance Zone / Area

 Cirl Buntings (Source: Baker Associates SHLAA Report Volume 2 Map 3 Sep 2008)

APPENDIX 6

Re-profile of Modifications & Annex 2 Housing Tables

Policy SS1 / Table 4.3 / Policy 11, Policy 12

Part 5 - Strategic Delivery Areas - A policy framework for Neighbourhood Plans

Torquay - Tables 5.2 / 5.4 / 5.6 and 7.1

Paignton - Tables 5.8 / 5.10 / 5.12 and 7.1

Brixham - Tables 5.14 / 5.16 / 5.18 / and 7.1

Policy	Estimated delivery year				Total
	0-5	6-10	11-15	15-20	
	2012-17	2017-22	2022-27	2027-32	
SDT1 - Torquay	860	1,131	1,013	1,001	4,005
SDP1 - Paignton	842	872	864	957	3,535
SDB1 - Brixham	173	197	323	117	810
Total Torbay	1,875	2,200	2,200	2,075	8,350

Policy	Estimated delivery year				Total
	0-5	6-10	11-15	15-20	
	2012-17	2017-22	2022-27	2027-32	
TORQUAY					
SDT1 - Source of housing					
SDT2 - Town Centre & Harbour					
* Torre Marine	75				75
* SHLAA deliverable urban		175	214	55	444
* Other sites 6+		75	74	140	289
* Town Hall Car Park					0
* Temperence Street					0
* Lower Union Lane					0
* Terrace Car Park					0
* Sheddon Hill					0
* Meadfoot Car Park					0
* Brunswick Square					0
SDT2	75	250	288	195	808
SDT3 - Torquay Gateway					
* Scotts Meadow	90	65			155
* Edginswell		140	200	210	550
* SHLAA deliverable urban		19			19
* Other sites 6+	23				23
SDT3	113	224	200	210	747
SDT4 - Babbacombe/St.Marychurch					
* Babbacombe/St.Marychurch	28	127	100		255
* Steps Cross Playing Field					0
* Chilcot Close					0
SDT4	28	127	100	0	255
SHLAA sites elsewhere in SDT1					
* Slander Park Maidencombe	447	205	100	271	1,023
SHLAA sites elsewhere in SDT1	447	205	100	271	1,023
Windfalls	197	325	325	325	1,172
Total Torquay SDT1	860	1,131	1,013	1,001	4,005

PAIGNTON					
SDP1 - Source of housing					
SDP2 - Town Centre & Seafront					
* Courtland Road	45				45
* Crossways				150	150
* Hyde Rd/Torbay Rd (13242)					0
* Queens Park					0
* SHLAA deliverable urban		22	100		122
* SHLAA constrained urban:				20	20
* SHLAA constrained urban (additions):					
— Victoria Square MSCP					0
— Station Lane Car Park					0
— Paignton Harbour / Car Park					0
— Preston Garden Car Park					0
— Churchward Car Park					0
* Non identified sites 6+ (Seaford Hotel)	23				23
SDP2	68	22	100	170	360
SDP3 - North & Western Area					
* SDP3.1 Preston Down Road					0
* SDP3.2 Great Parks	44	265	100	76	485
* SDP3.3 Totnes Road (Future Growth Area)					0
* SDP3.4 Yannons/Holy Gruit/Devonshire Pk	150		329	361	840
* SDP3.5 White Rock	125	175	50		350
SDP3	319	440	479	437	1,675
SHLAA sites elsewhere in SDP1	334	150	25	90	599
Windfalls	121	260	260	260	901
Total Paignton SDP1	842	872	864	957	3,535

BRIXHAM					
SDB1 - Source of housing					
SDB2 - Town Centre & Waterfront					
* Town Centre & Waterfront		20	45	2	67
* Sholestone overflow Car Park					0
SDB2	0	20	45	2	67
SDB3 - Urban Fringe & AONB					
* SDB3.1 Urban Fringe & AONB	9				9
* SDB3.2 Berry Head / Sharkham	94	105	29	25	253
* SDB3.2 St Mary's Campsite					0
SDB3	103	105	29	25	262
New proposal south of White Rock					0
SHLAA sites elsewhere within SDB1	4	7	184	25	220
Windfalls	66	65	65	65	261
Total Brixham SDB1	173	197	323	117	810