

## **TORBAY LOCAL PLAN**

A landscape for success:

The Plan for Torbay – 2012 to 2032 and beyond

PROPOSED SUBMISSION PLAN (FEBRUARY 2014).

# **TORBAY COUNCIL RESPONSE TO REPRESENTATIONS TO PROPOSED ADDITIONAL MODIFICATIONS TO THE SUBMISSION LOCAL PLAN**

## **REPRESENTATIONS BY ADDITIONAL MODIFICATION/POLICY NUMBER**

Torbay Council – April 2015

## **Explanatory note: Torbay Council Response to Proposed Additional Modifications to the Submission Local Plan**

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### **Summary of this document**

This document sets out the Council's comments on the consultation responses to the Proposed Additional Modifications (AMs) to the Torbay Local Plan 2012-32 and beyond "A landscape for success". These were the subject of public consultation between Monday 9<sup>th</sup> February and Monday 23<sup>rd</sup> March 2015.

This document lists representations in order of Additional Modification, and the Council's proposed response to them. Where it is proposed to make further or revised Additional Modifications to the Plan, these are highlighted **yellow**. These are considered to be minor clarifications etc and are not considered to disadvantage other parties or materially change the Plan.

A separate schedule summarises representations by person /organization, which provides only a summary of how the Council intends to address comments made. The more detailed response is set out in this schedule.

Additional Modifications cover matters that are not considered to go to the heart of the Local Plan's soundness, clarify or expand on matters that were already addressed in the Submission Version of the Local Plan or are explanatory text to issues considered in the Main Modifications. As such, changes to Additional Modifications are made at the Council's discretion.

These schedules should be read in conjunction with the Council's response to changes to the Main Modifications (MMs). Main Modifications cover matters that are considered central to the Local Plan's overall strategy and soundness. The Schedules of responses to the Main Modifications therefore consider the strategic matters arising in more detail. The Inspector examining the Local Plan will reach a view Main Modifications in his final report.

Some objections were received on the basis that some Additional Modifications should be considered as Main Modifications. These are mentioned in both sets of schedules.



| Modification Reference | Local Plan policy/para     | Person/ Organisation   | Summary of Representation  | LPA Response   |
|------------------------|----------------------------|--|--|--|
| AM1                    | all                        | No representations   |  |  |
| AM2                    | 1.1.3                      | No representations   |  |  |
| AM3                    | 1.1.5                      | No representations   |  |  |
| AM4                    | 1.1.8                      | Paignton Neighbourhood Forum (704914)  |  |  |
| AM5                    | 1.1.15                     | No representations   |  |  |
| AM6                    | 2.1.2                      | No representations   |  |  |
| AM7                    | 2.2.5                      | No representations   |  |  |
| AM8                    | 2.2.9                      | No representations   |  |  |
| AM9                    | 2.2.11                     | Paignton Neighbourhood Forum (704914)  | Add to additional text at end of additional text in AM9: "and if the constraint originally identified remains valid"   | Agree. This is a "common sense" caveat. <b>Amend wording accordingly.</b> <u>"and if the constraint originally identified remains valid"</u>   |
| AM10                   | 2.2.13                     | Paignton Neighbourhood Forum (704914)  | Update to refer to the 2012 based household projections.   | <b>Agree- update as an updating editorial matter.</b>  |
| AM11                   | 2.3.1                      | No representations   |  |  |
| AM12                   | Aspiration 1               | No representations   |  |  |
| AM13                   | Aspiration 3               | No representations   |  |  |
| AM14                   | Aspiration 5               | No representations   |  |  |
| AM15                   | 4.1.11                     | No representations   |  |  |
| AM16                   | Picture 4.1<br>Key Diagram | Paignton Neighbourhood Forum (704914)<br>Abacus( 844862) (Stride Treglown for(844351)) | <b>Abacus:</b> Clarify designation of land South of White Rock (referred to within SDB1 and SDB3.2 Also applies to AM19  | Agree. <b>The designation sits more appropriately within SDB1.</b> Amend reference accordingly (but see schedule of Main Modifications)  |
| AM17                   | 4.1.20                     | Paignton Neighbourhood Forum (704914)<br>Natural England (400188)                      | <b>PNF:</b> Deliverability of mitigation measures has not been fully tested and may affect overall capacity for development.<br><b>Natural England:</b><br>Refer to the AONB as a significant constraint to development. | Paignton Neighbourhood Forum's comments refer to Torbay's overall capacity for growth. See discussion in Main Modifications.<br><br>Natural England's comments are noted: <b>Reinstate the deleted text at</b> |

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|      |        |  |   | <p><b>4.1.20 as clarification</b> (retain AM17 additional wording in AM17 as well):</p> <p><b>4.1.20 The Sustainability Appraisal and Habitats Regulations Assessment for the Local Plan has not included assessment of the impact of development proposals on greenfield sites identified as having significant constraints, such as in AONB. As such, it will be necessary for any development coming forward on those sites to be assessed in its own right, but also on the cumulative impacts taking account of development on more sustainable / less constrained sites in the Bay.</b></p> |
| AM18 | 4.1.21 | No representations   |   |   |
| AM19 | 4.1.32 | <p>Paignton Neighbourhood Forum (704914)<br/>Natural England (400188)</p> <p>Abacus( 844862) (Stride Treglown for(844351))</p> | <p><b>Natural England:</b> Mitigation strategies should be informed by bat survey evidence using standards set out in the 2010 South Hams Guidance. Masterplans will be informed by mitigation strategies.</p> <p><b>Paignton Neighbourhood Forum</b><br/>All capacities will be treated as provisional until HRAS and drainage infrastructure assessment has been carried out...</p> | <p><b>Add the following text to 4.1.32:</b></p> <p><u>All capacities within the Masterplans will be treated as provisional until HRAs and drainage infrastructure assessment has been carried out, and appropriate mitigation strategies put in place. Mitigation strategies should be informed by bat survey evidence using standards set out in the 2010 South Hams SAC Guidance.</u></p>   |
| AM20 | SS3    | No representations   |   |   |
| AM21 | 4.1.36 | Paignton Neighbourhood Forum (704914)  | <p>Presumption in favour of sustainable development does not apply for developments requiring appropriate assessment under the HRA.</p> <p>NPPF119</p>  | <p>CFonsider that this is already addressed in AM21. Add footnote 9 <u>“and paragraph 119”</u> of the NPPF</p>  |
| AM22 | 4.2.20 | No representations   |   |   |

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| AM23 | SS5    | Paignton Neighbourhood Forum (704914) | Add that cross subsidisation should see to achieve net job growth in accordance with Policy SS1.   | See Schedule of comments on the Main Modifications, with reference to Paignton Neighbourhood Forum's desire for a more jobs led Plan. However it would be difficult to implement the suggested amendment to MM5  |
| AM24 | 4.2.26 | No representations                    |  |  |
| AM25 | 4.2.27 | No representations                    |  |  |
| AM26 | 4.3.17 | No representations                    |  |  |
| AM27 | 4.3.18 | No representations                    |  |  |
| AM28 | 4.3.23 | No representations                    |  |  |
| AM29 | SS7    | Natural England (400188)              | Object that HRA has identified additional recreational pressure on Berry Head. Object to using s106 Obligations to deal with this due to pooling restrictions. Should be addressed through CIL and treated as critical infrastructure. | <p>This matter was the subject of detailed discussions with Natural England at the Proposed Modifications stage. The Council considers that the Changes at AM30, AM43 AM77 and AM121 address the issue of recreational impact on Berry Head at significant length.</p> <p>The Council has agreed to address the issue through developer contributions, be this CIL or S106. Both have pros and cons. Using CIL removes a link with the impact of development, and there are likely to be non-CIL chargeable developments in the Brixham Peninsula that impact on Berry Head. However the pooling restrictions do not apply. See Schedule of comments upon the CIL Draft Charging Schedule.</p> |
| AM30 | 4.3.27 | Natural England (400188)              | As AM29 above.   | As AM29 above.   |

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| AM31 | 4.3.29      | No representations                    |   |   |
| AM32 | 4.3.34      | No representations                    |   |   |
| AM33 | 4.4.3       | No representations                    |   |   |
| AM34 | SS8         | Natural England (400188)              | Support the changes to SS8. These are necessary to making the Plan legally sound and should be treated as Main Modifications. | Support is noted. See schedule of Main Modifications. The Council have no objection to the changes to SS8 being considered as a Main Modification; however the Inspector's Further Findings (paragraph 6) suggested that changes made to reassure bodies such as Natural England could be considered as Additional Modifications. |
| AM35 | 4.4.6       | No representations                    |   |   |
| AM36 | 4.4.7       | No representations                    |   |   |
| AM37 | 4.4.9       | No representations                    |   |   |
| AM38 | SS8.1/HE1   | No representations                    |   |   |
| AM39 | HE1 / SS8.1 | Paignton Neighbourhood Forum (704914) | Replace "should" with "will be required to"   | Agree. Replace "should" with " <u>will be required to</u> " in first line of SS8.1/HE1  |
| AM40 | 6.3.3.1     | No representations                    |   |   |
| AM41 | 6.3.3.11    | No representations                    |   |   |
| AM42 | SS9         | No representations                    |   |   |
| AM43 | 4.4.13      | No representations                    |   |   |
| AM44 | 4.4.15      | Paignton Neighbourhood Forum (704914) | Add reference to new country park proposal at Yalberton Valley.   | There is no formal proposal for a new country park at Yalberton Valley. Although the area has an attractive rural feel, the amount of publically accessible country is limited. Such a proposal could be brought forward in the Neighbourhood Plan, but such an allocation would need to be costed.                               |

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| AM45 | 4.5.12    | No representations       |  |   |
| AM46 | 4.5.13    | No representations       |  |   |
| AM47 | 4.5.14    | No representations       |  |   |
| AM48 | 4.5.25    | No representations       |  |   |
| AM49 | 4.5.26    | No representations       |  |   |
| AM50 | SS10      | No representations       |  |   |
| AM51 | 4.5.30    | No representations       |  |   |
| AM52 | 4.5.32    | No representations       |  |   |
| AM53 | SS11      | No representations       |  |   |
| AM54 | 4.5.34    | No representations       |  |   |
| AM55 | 4.5.38    | No representations       |  |   |
| AM56 | 4.6.17    | No representations       |  |   |
| MM57 | SDT1      | No representations       |  |   |
| AM58 | 5.1.1     | No representations       | See schedule of Main Modifications   | Additional Modification at paragraph 5.1.1 (AM58) to indicate:<br><br>" <u>Development should avoid additional surface water run-off into combined sewers in accordance with hierarchy set out in Policy ER2.</u> "   |
| AM59 | 5.1.3     | No representations       |  |   |
| AM60 | 5.1.4     | No representations       |  |   |
| AM61 | Table 5.2 | No representations       |  |   |
| AM62 | SDT2      | No representations       |  |   |
| AM63 | 5.1.1.1.  | No representations       |  |   |
| AM64 | SDT3      | Natural England (400188) | Should be a Main Modification. Surveys should be taken in accordance with the 2010 South Hams SAC bat Guidance not just at a at a suitable time of year. | See response to AM34 above with regard to modifications being treated as Main or Additional.<br><br>The 2010 SAC bat guidance is referred to in the Explanation to NC1 (6.3.2.3). Amend AM64 to refer to "...at a suitable time of year, <u>in accordance with Policy NC1</u> " |



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| AM65 | 5.1.2.2   | No representations                    |   |   |
| AM66 | Table 5.5 | No representations                    |   |   |
| AM67 | SDP1      | No representations                    |   |   |
| AM68 | 5.2.2     | No representations                    |   |   |
| AM69 | 5.2.5     | No representations                    |   |   |
| New  | 5.2.1.3   | Environment Agency (843585)           | Mention "wave action" after climate change in line 2.   | Noted. Add "wave action" after climate change in second line of paragraph 5.2.1.3   |
| AM70 | SDP3      | Natural England (400188)              | Refer to Mitigation strategy that should be informed by a sufficiently robust evidence base in accordance with the 2010 Guidance at Collaton St Mary                        | See response to AM34 above with regard to modifications being treated as Main or Additional.<br><br>The matter is covered by changes to AM 70. Add a <u>cross reference to Policy NC1</u> in the text at AM70 for the avoidance of doubt.   |
| AM71 | 5.2.2.1   | No representations                    |   |   |
| AM72 | 5.2.2.5   | No representations                    |   |   |
| AM73 | 5.2.2.7   | No representations                    |   |   |
| AM74 | 5.2.2.10  | Paignton Neighbourhood Forum (704914) | Object to reduction in the requirement for employment land at Yalberton from 50% of the development to 25%. Drainage issues also limit residential development of the area. | Development of the land at Yalberton ("Jackson family" land) is currently the subject of a planning application. Viability of the development is likely to be a key factor. There is a need to increase the delivery of housing in the SDP3 area The recommendations of the Employment Land Review are noted. However the land allocations in table 6.2 of the ELR would lead to an over provision of employment above the identified need for 17 ha. On this basis a reduction in the requirement to be comparable with the former Bookhams/Devonshire park site is considered appropriate in order to secure delivery of the development. |

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|      |            |                                       |   | Paignton Neighbourhood Forum's argument for a stronger mechanism linking jobs to homes has been discussed in the Main Modifications and elsewhere in the Examination.   |
| AM75 | Table 5.12 | Paignton Neighbourhood Forum (704914) | Delete Modification to Kings Ash House – should be retained as a possible housing site until further assessed.  | The Kings Ash House site is in the ownership of the Council and the TDA intend it to remain in employment use. Therefore it is considered appropriate to delete reference to it as a possible housing site.         |
| AM76 | SDB1       | Natural England (400188)              | Mitigation measures are only required for St Marys Industrial site and Kings Barton. Confirmation is required that these can be delivered without affecting the viability of the sites. | Issue of viability is noted. The wording to SDB1 was the subject of negotiations with natural England. However if these mitigation measures cannot be delivered viably., then development could not legally proceed |
| AM77 | 5.3.1      | No representations                    |   |   |
| AM78 | 5.3.2      | No representations                    |   |   |
| AM79 | 5.3.4      | No representations                    |   |   |
| AM80 | Table 5.14 | No representations                    |   |   |
| AM81 | SDB3       | No representations                    |   |   |
| AM82 | 5.3.2.1    | No representations                    |   |   |
| AM83 | 5.3.2.2    | No representations                    |   |   |
| AM84 | Table 5.17 | No representations                    |   |   |
| AM85 | Table 5.18 | No representations                    |   |   |
| AM86 | 6.1.1.1    | No representations                    |   |   |
| AM87 | 6.1.1.2    | No representations                    |   |   |
| AM88 | 6.1.1.3    | No representations                    |   |   |
| AM89 | TC2        | No representations                    |   |   |
| AM90 | 6.1.1.4    | No representations                    |   |   |
| AM91 | 6.1.1.11   | No representations                    |   |   |

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| AM92  | 6.1.1.20 | Theatres Trust  | Object that cultural facilities should be protected in line with para 70 of the NPPF  | This does not relate to a Main Modification. Paragraph 6.1.1.20 (AM92) mentions the role of theatres and TO1 encourages the investment in such facilities. . Policy SS10 may also be relevant. However, the Council do not believe that NPPF 70 would justify a policy requiring the retention of theatres.  |
| AM93  | TO1      | No representations  |   |  |
| AM94  | 6.1.2.3  | No representations  |   |  |
| AM95  | 6.1.2.5  | No representations  |   |  |
| AM96  | 6.1.2.6  | No representations  |   |  |
| AM97  | TO3      | No representations  |   |  |
| AM98  | 6.1.2.26 | No representations  |   |  |
| AM99  | 6.1.2.27 | Paignton Neighbourhood Forum (704914)<br>Natural England (400188) | Object to inclusion of “and the public benefit it generates overrides the ecological benefit .<br><br>Compensatory measures can only be approved where development is in the national interest. | Noted. Amend paragraph 6.1.2.27 as follows, necessary to make the paragraph legally compliant:<br><br><u>Where harm to a protected species of European significance cannot be avoided and the public benefit it generates overrides the ecological benefit, compensatory measures can only be allowed where the Secretary of State is able to confirm the development is necessary in the national interest....(as per existing text).</u> |
| AM100 | 6.1.2.28 | Natural England (400188)  | Change “may” to “will” require a licence to carry out works affecting marine mammals or their habitats. EIA.  | Noted. Change last line of additional test in 6.1.2.28 as follows: “...a licence <del>may</del> <u>will</u> be required to carry out works affecting marine mammals or their habitats”.  |
| AM101 | 6.1.2.29 | No representations  |   |  |
| AM102 | TA2      | No representations  |   |  |
| AM103 | TA3      | No representations  |   |  |

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| AM104 | C1       | Paignton Neighbourhood Forum (704914)<br>Natural England (400188)<br>Home Builders Federation (844154) | Paignton Neighbourhood Forum:<br>Add that the impact on other protected species such as Girl Buntings should be assessed.<br>Natural England: Welcome modifications to Policy C1 but identifying additional significant sites does not comply with this policy.<br>HBF: comments relate to AM142/AM143 (see below) | Policy C1 already mentions other important habitats, and cross refers to Policy NC1. Adding a further reference to cilr buntings would not add to the Plan.<br>Natural Enngland's comments relate to their objection to the main Modifications (Q.V.) rather than the changes to C1 per se.   |
| AM105 | 6.3.1.2  | No representations   |  |   |
| AM106 | 6.3.1.4  | No representations   |  |   |
| AM107 | 6.3.1.6  | No representations   |  |   |
| AM108 | 6.3.1.8  | Paignton Neighbourhood Forum (704914)  | Refer to HRA assessments   | It is not considered that referring to HRA at this point of the plan would add anything to the Plan. HRA is covered elsewhere in the Plan.  |
| AM109 | C2       | No representations   |  |   |
| AM110 | 6.3.1.15 | No representations   |  |   |
| AM111 | C3.3     | No representations   |  |   |
| AM112 | 6.3.1.21 | No representations   |  |   |
| AM113 | C4       | Natural England (400188)<br>Woodland Trust (843602)  | Natural England: Maintenance of hedgerows may be essential to maintain the integrity of the South Hams SAC and may affect the quantity of development that is achievable, e.g. at St Marys Industrial site and Summer Lane, Brixham.<br>Woodland Trust: Refer to expansion of woodland in Policy C4                | Add text to end of paragraph 6.3.1.24:<br><br><u>Maintenance of hedgerows may be essential to maintain the integrity of the South Hams SAC and must be considered at an early stage of the planning process, in accordance with Policies SS8 Natural environment and NC1 "Biodiversity and Geodiversity".</u><br><br>It is considered that the final sentence of policy C4 supports the expansion of woodland.<br>Make a further modification to refer to |

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|       |            |                          |  | expansion of woodland in 6.3.1.23: "...there may be other areas of woodland worthy of designation <u>expansion</u> and protection"   |
| AM114 | 6.3.1.22   | No representations       |  |  |
| AM115 | 6.3.1.24   | No representations       |  | See suggested addition at AM113 in response to Natural England and the Woodland Trust.   |
| AM116 | 6.3.1.25   | Natural England (400188) | Traditional orchards are a priority habitat under the Natural England and Rural Communities Act 2006, Section 41. The Authority has a duty to conserve and enhance priority habitats in their functions.   | Add sentence to modified text at 6.3.1.25:<br>...as well as being an excellent form of sustainable food production.<br><u>Traditional orchards are a priority habitat under Section 41 of the Natural England and Rural Communities Act 2006. The Authority has a duty to conserve and enhance priority habitats when undertaking their functions. On this basis proposals affecting orchards...</u> |
| AM117 | 6.3.1.32   | No representations       |  |  |
| AM118 | C5         | No representations       |  |  |
| AM119 | Policy NC1 | Natural England (400188) | Changes to NC1 should be considered as a Main Modification as it is required for historic soundness.<br><br>Revise wording on SSSIs to accord with the NPPF para 118 permission should normally be refused unless development, at this site, clearly outweighs both the impacts on the features of the site that make it a SSSI and the broader network of | See schedule of Main Modifications. The Council have no objection to the changes to NC1 being considered as a Main Modification; however the Inspector's Further Findings (paragraph 6) suggested that changes made to reassure bodies such as Natural England could be considered as Additional Modifications.<br><br>Policy NC1 has been the subject of extensive revisions in negotiation         |

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|  |  |  | SSSIs | <p>with Natural England. The additional text on nationally important sites and species follows NPPF Para 118 closely. Amend slightly to accord with NPPF and read more clearly.</p> <p>Development on or likely to have an adverse effect on sites of nationally important sites, such as Sites of Special Scientific Interest, will only be permitted in exceptional circumstances where the following can be met:</p> <ul style="list-style-type: none"> <li>i) The benefits from development <u>clearly</u> outweigh the impacts on the site and broader <u>impacts on the national network of SSSIs</u> or other nature conservation interests; and</li> <li>ii) Nature conservation impacts can be fully mitigated/compensated.</li> </ul> |
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| AM120 | 6.3.2.1 | Paignton Neighbourhood Forum (704914)<br>Natural England (400188) | <p>Paignton Neighbourhood Forum:<br/>Add a further sentence to AM120 (para AM120): "Where harm involves protected species of European significance, it must be noted that compensation can only be considered where it can be shown that the development proposals is in the national interest".</p> <p>Natural England: Agree with wording of AM120 but cannot locate a plan which identifies sites and features of ecological value.</p> | <p>Add following text to AM120 (first paragraph of 6.3.2.1):</p> <p><u>Where harm involves protected species of European significance, it must be noted that compensation can only be considered where it can be shown that the development proposals is in the national interest".</u></p> <p>The Local Plan Policies Map identifies sites of nature conservation importance.</p> |
| AM121 | 6.3.2.2 | Paignton Neighbourhood Forum (704914)<br>Natural England (400188) | <p>Paignton Neighbourhood Forum: Add sentence to indicate that any SPD would be additional to any development plan document produced in Policy SS1.</p> <p>Natural England: Torbay is the competent authority for HRA. The Council has an existing duty to develop a detailed management plan addressing management and visitor use of Berry Head.</p>   | <p>It is not considered that the scope of the SPD needs to be further clarified.</p> <p>The wording of AM121 was the subject of extensive discussions with Natural England. Whilst there is an existing requirement to prepare a management plan, such a plan is also related to, and must address, development pressure. Recommend no change to AM121.</p>                        |
| AM122 | 6.3.2.3 | Natural England (400188)  | <p>Welcome additional text, but developer contributions alone are unlikely to be sufficient to mitigate impact within sensitive areas or in-combination effects. Individual development and masterplans will need to design development to include retention of hedges, dark corridors, enhancements etc. off site</p>   | <p>Amend last paragraph of AM122 (para 6.3.2.3)<br/>...Where appropriate developer contributions <u>and other design solutions</u> will be sought towards mitigating these effects.</p>  |

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|       |          |  | foraging will need to be deliverable and retained in perpetuity.  |   |
| AM123 | 6.3.2.4  |  |   |   |
| AM124 | 6.3.2.5  | Natural England (400188)<br>RSPB (468952)  | RSPB Support changes in AM124. NC1 or paragraph 6.3.2.5 should be amended further to note that Torbay Council will facilitate delivery of off-site compensation for cirl buntings.  |   |
| AM125 | 6.3.2.7  | No representations   |   |   |
| AM126 | 6.3.2.10 | No representations   |   |   |
|       |          | No representations   |   |   |
| AM127 | 6.3.3.17 | No representations   |   |   |
| AM128 | 6.4.1.1  | No representations   |   |   |
| AM129 | H2       | Paignton Neighbourhood Forum (704914)<br>South West HARP Planning Consortium (847469) (Tetlow King for)<br>Home Builders Federation (844154) | SW HARP: Object to increase in affordable housing threshold. Should be treated as a Main Modification.<br><br>HBF: Affordable housing contributions on sites of 6-10 dwellings in countryside should be taken as deferred contributions in accordance with Commons statement 28 Nov 2015. | Note that the change to affordable housing thresholds was in response to change to national Planning Practice Guidance and made following legal advice that the Council should comply with it.<br><br>HBF: Agree that affordable housing thresholds for dwellings on 6-10 dwellings in rural areas should be cash payments commuted until the completion of units within the development-PPG23b-012. Add wording to table in H2 on 6-10 units on greenfield sited: 15% through commuted payment <u>payable on the completion of units within the development.</u> |
| AM130 | 6.4.1.7  | Paignton Neighbourhood Forum (704914)  | Delete modifications to policy.   | This relates to changes to the affordable housing threshold. See AM129 above.   |



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| AM131 | 6.4.1.9    | No representations  |  |  |
| AM132 | 6.4.1.15   | No representations  |  |  |
| AM133 | H3         | No representations  |  |  |
| AM134 | 6.4.1.19   | No representations  |  |  |
| AM135 | 6.4.1.24   | Home Builders Federation (844154)   | Define self build housing.   | Paragraph 6.4.1.19 provides an informal definition of self build housing. Add a definition of self build to Appendix A: Glossary of terms.<br><br><b><u>Self Build Housing</u></b><br><u>The Planning Practice Guidance applies the term self build (or custom build) to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor. Self builders must own the property and occupy it as their principal residence for a minimum of three years after the work is completed. See also Policy H3 of the Local Plan</u> |
| MM136 | H4         | No representations  |  |  |
| AM137 | 6.4.1.31   | No representations  |  |  |
| AM138 | 6.4.1.43   | No representations  |  |  |
| AM139 | DE1        | Police Architectural Liaison Officer (425628): support<br>Sport England (501495): support | Support noted.<br>Sport England have a developers checklist for active design. | Add a reference to Sport England's developer checklist at para 6.4.2.4 (see AM140 below)   |
| AM140 | 6.4.2.4    | No representations- see Sport England's comment on DE1 above.                             |  | Add to end of 6.4.2.4 (AM140):<br><u>Design to encourage active lifestyles such as walking and cycling can have health benefits. Sport England provide guidance and a developer checklist of Active Design considerations.</u>   |
| AM141 | 6.4.2.5    | No representations  |  |  |
| AM142 | Policy DE3 | No representations  |  |  |
| AM143 | 6.4.2.10   | Home Builders Federation (844154)   | HBF:SPDs should not add burdens to developers.                                 | Noted. The minimum standards in DE3are included as advisory  |

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|       |           |                                   | House sizes will need to be justified by viability assessment of impact   | standards only. It is noted that viability assessment would be required if they were intended to operate as required standards.   |
| AM144 | Table 6.1 | Home Builders Federation (844154) | SPDs should not add burdens to developers.<br>House sizes will need to be justified by viability assessment of impact                 | See AM133 above.  |
| AM145 | 6.4.2.19  | No representations                |   |   |
| MM146 | DE5       | No representations                |   |   |
| AM147 | 6.4.2.30  | No representations                |   |   |
| AM148 | 6.4.3.5   | No representations                |   |   |
| AM149 | 6.4.3.7   | No representations                |   |   |
| AM150 | SC2       | Sport England (501495): support   |   |   |
| AM151 | 6.4.3.10  | No representations                |   |   |
| AM152 | 6.4.3.17  | No representations                |   |   |
| AM153 | 6.4.3.21  | No representations                |   |   |
| AM154 | 6.4.3.25  | No representations                |   |   |
| AM155 | 6.5.1.6.  | Home Builders Federation (844154) | Policy ES1 should be rechecked against housing standards review etc to ensure it conforms to it.                                      | Noted. This will need to be addressed as an editorial matter when finalized (see AM155).  |
| AM156 | ER1       | Natural England (400188)          | Support the Modification, but is necessary for the Plan's soundness in terms of the cSAC and should therefore be a main Modification. | See schedule of Main Modifications. The Council have no objection to the changes to ER1 being considered as a Main Modification; however the Inspector's Further Findings (paragraph 6) suggested that changes made to reassure bodies such as Natural England could be considered as Additional Modifications. |
| AM157 | 6.5.2.3   | No representations                |   |   |
| AM158 | 6.5.2.6,  | No representations                |   |   |
| AM159 | 6.5.2.12  | No representations                |   |   |
| AM160 | 6.5.2.13  | No representations                |   |   |
| AM161 | 6.5.2.14  | No representations                |   |   |
| AM162 | 6.5.2.17  | No representations                |   |   |

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| AM163 | ER2      | Paignton Neighbourhood Forum (704914)<br>Natural England (400188)<br>Woodland Trust (843602) | Natural England: Support the Modification, but it is necessary for the Plan's soundness in terms of the cSAC and should therefore be a main Modification.<br><br>Paignton Neighbourhood Forum:<br><br>Woodland Trust: Mention that trees can be beneficial to sustainable drainage. | See schedule of Main Modifications. The Council have no objection to the changes to ER2 being considered as a Main Modification; however the Inspector's Further Findings (paragraph 6) suggested that changes made to reassure bodies such as Natural England could be considered as Additional Modifications.<br><br>There is already a cross reference to Policy W5 at 6.5.2.22. However, it is considered that a reference in the Policy is helpful.<br><br><u>Add to criteria 4 of Policy ER2 (see also Policy W5 Waste water disposal).</u><br><br>Add reference to trees as part of AM166 below |
| AM164 | 6.5.2.18 | No representations   |   |  |
| AM165 | 6.5.2.20 | No representations   |   |  |
| AM166 | 6.5.2.21 | Woodland Trust (843602)  | Woodland Trust: Mention that trees can be beneficial to sustainable drainage.   | Add reference to trees as part of Sustainable drainage at 6.5.2.21 : :<br>...sustainable drainage systems such as swales, soakaways, <u>tree planting</u> , infiltration basins, filter drains and rain gardens etc....  |
| AM167 | W5       | Paignton Neighbourhood Forum (704914)<br>Natural England (400188)                            | Natural England: object that additional sites identified in MM9/MM14 may have additional impact on Hope Nose CSO with consequent impact on SAC.<br><br>Paignton Neighbourhood Forum:  | Natural England's Support to changes to W5 are noted. Their concerns relate to additional housing in the Main Modifications. See schedule of representations to the Main Modifications.  |

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|       |          |                                       | <p>Request additional text in W5:</p> <p>“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.”</p> | <p>Paignton Neighbourhood Forum: Additional text at AM170 has sought to require details of how waste water will be dealt with at application stage. Amend AM170/Par6.5.3.26 as follows:</p> <p>...all planning applications should be supported by details of how the proposed development will be drained and waste water dealt with, without risking additional combined sewer overflows or other harm to the sewerage system. <u>Such details, and details of mitigation measures will be required at application stage, and not left to consideration through conditional approval.</u> Details should be proportionate to the scale of the proposal.</p> |
| AM168 | 6.5.3.25 | No representations                    |   |   |
| AM169 | 6.5.3.26 | Paignton Neighbourhood Forum (704914) | <p>Expand text on AECOM Sewer capacity Study:</p> <p>"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</p>   | <p>Amend paragraph 6.5.3.26 as follows:</p> <p>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.</p>   |

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|       |          |  | <p>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></p> <ul style="list-style-type: none"> <li>• <u>use of water by households will reduce significantly;</u></li> <li>• <u>climate change and 'urban creep' from loss of soft surfaces does not increase run off into existing sewers;</u></li> <li>• <u>a robust means is achieved by the council of extracting existing surface water from combined sewers serving the area.</u></li> </ul> <p>New development <del>should</del> <u>will be required</u> to have separate foul and storm water drainage systems <u>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.</u></p> | <p>This confirms that the Local Plan is deliverable within the strategic sewer network's capacity. <u>However the Study requires water efficiency measures, and reduction in water run off from urban creep to be achieved.</u> <u>Consequently</u> new development should have separate foul and storm water drainage systems. In addition Water Sensitive Urban Design (WSUDs) and Sustainable Urban Drainage (SuDs) are recommended to reduce the impact of climate change and urban creep (hardstandings etc)....</p> <p>The second part of PNF's requested text is covered in AM170 (paragraph 6.5.33.27 below):</p> |
| AM170 | 6.5.3.27 |  |   | Amend AM170/Par6.5.3.26 as follows, in response to Paignton neighbourhood Forum's comments on AM 170 above:   |

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|       |          |                                       |  | ...all planning applications should be supported by details of how the proposed development will be drained and waste water dealt with, without risking additional combined sewer overflows or other harm to the sewerage system. <u>Such details, and details of mitigation measures will be required at application stage, and not left to consideration through conditional approval.</u> Details should be proportionate to the scale of the proposal. |
| AM171 | 6.5.3.28 | Natural England (400188)              | Wording should state that the Council will continue to meet the Water Framework Obligations. "Seek to ensure no deterioration" is not sufficiently robust wording. | The Water Framework Directive is mentioned in (Submission Plan) text at Paragraph 6.5.3.28. Amend AM171 as follows:<br><br><u>This will help meet Water Directive Framework objectives Obligations. The Council will seek to ensure no deterioration to and preferably an improvement of bathing water and marine habitats. that development does not undermine these.</u>   |
| AM172 | 6.5.4.9  | No representations                    |  |  |
| AM173 | 7.4.11   | No representations                    |  |  |
| AM174 | 7.4.12   | No representations                    |  |  |
| AM175 | 7.4.16   | No representations                    |  |  |
| AM176 | 7.4.23   | Paignton Neighbourhood Forum (704914) | Add sentence that development will not be approved where there is not equalisation agreement or S106 contribution and puts at risk the net                         | See response to Paignton neighbourhood Forum's objections to Main Modifications regarding their wish to see a more rigid "jobs first   |

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|       |            |                                       | increase in jobs provision of Policy SS1.   | "approach. It is considered that the recommended wording to AM176 would constitute such a policy and, in the Council's view would go beyond the scope of the NPPF.  |
| AM177 | 7.5.14     | Natural England (400188)              | Additional evidence to assess landscape impacts should include LVIV, landscape assessments, the 2010 South Hams Greater Horseshoe Bat Guidance etc. | Add to final bullet point of 7.5.14: (Including assessment of visual impact, biodiversity (including the 2010 GHG Guidance). However the Council do not consider it is necessary to include the full list of specific considerations listed by Natural England at this point in the Plan. Tyhese would go beyond those listed for economic and social considerations mentioned elsewhere in Para 7.5.14   |
| AM178 | Table 7.1  | Paignton Neighbourhood Forum (704914) | Replace table with revised table showing cumulative total of 6,000 dwellings and full objectively assessed need at 8,300 dwellings.                 | See Schedule of representations to Main Modifications. Table 7 will be dependent upon the final housing figures and therefore dependent on MM1 etc.   |
| AM179 | Appendix A | Home Builders Federation (844154)     | In line with HBF's comment on AM135 above, add reference to self build housing to the glossary.   | In accordance with AM 135 above, define Self Build Housing:<br><b><u>Self Build Housing</u></b><br><u>The Planning Practice Guidance applies the term self build (or custom build) to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor. Self builders must own the property and occupy it as their principal residence for a minimum of three years after the work is completed. See also Policy H3 of the Local Plan</u> |
| AM180 | Appendix C |                                       |   |   |
| AM181 | Appendix E | Paignton Neighbourhood Forum (704914) | Include Yalberton Valley as a RIGS  | Yalberton Valley is not (currently) a   |

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|       |   |                    | site. | RIGS) site. |
| AM182 | Appendix G<br>car parking<br>requirements | No representations |       |             |