

# **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 PERSON/ORGANISATION**

Torbay Council 22<sup>nd</sup> April 2015

<b>Representations on Additional Modifications</b>					
<b>ID</b>	<b>File No.</b>	<b>Person /Organisation Consultee</b>	<b>Policy No. (Object unless otherwise stated)</b>	<b>Summary of Representation</b>	<b>LPA Response</b>
<b>National organisations</b>					
843585	NO1	Environment Agency	SDP1/5.2.1.3	Mention the importance of protecting town centre/harbour sites from wave action.	Make a further Additional Modification at 5.2.1.3 to mention wave action.
494352	NO2	Marine Management Organisation		No comments	
400188	NO3	Natural England	Concomitant objections to AM17, AM19, AM29, AM 30, AM34, AM64, AM70, AM76, AM99, AM100, AM104, AM113, AM116, AM119, AM120, AM121, AM122, AM124, AM 156, AM 163, AM 167, AM171, AM177,	<p>See objections to Main Modifications (SA/HRA MM1, MM3, MM9, MM10, MM11, MM14) Insufficient consideration of in-combination effects of additional sites. Concerns about White Rock (biodiversity, agricultural land etc) , St Marys Campsite, Churston Golf Club, Sladnor Park. Concerns about impact of CSOs on marine candidate Special Area of Conservation.</p> <p>AM29,30, and 34,64,70 should be Main Modifications as they do to the heart of the Local Plan.</p> <p>AM17-19, AM177 and SA. The AONB should be noted as a significant constraint to development.</p> <p>AM29-30: Object to using S106 to mitigate impact of recreation on Berry head due to s106 pooling. Should be a CIL item.</p> <p>AM99: Revise text on IROPI</p>	<p>Detailed comments on environmental protection etc. Some can be incorporated as further Additional Modifications (see schedule of representations on Additional Modification by Modification number.</p> <p>However, the net effect of Natural England's comments is an objection to the Main Modifications to increase housing numbers, due to Torbay's environmental constraints. See schedule of Main Modifications.</p> <p>Comments on recreational pressure on Berry Head. The Local Plan undertakes to address this through developer contributions. The issue is whether this is CIL or S106. Both approaches have pitfalls. Most development in Brixham will probably not be CIL chargeable. Consider that it is best to resolve this matter as part of the proposed CIL Charging Schedule/S106 SPD.</p>

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				AM167: Additional sites identified in Torquay may lead to combined sewer outfalls.	
425628	NO4	Police Architectural Liaison Officer, Devon and Cornwall Police	AM139	Support references to fear of crime, disorder and ASB	Support welcomed. Add a reference to Sport England's developer checklist at para 6.4.2.4 (As an addition to AM140).
468952	NO5	RSPB	AM124	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.	Agree. Make a further Additional Modification to 6.3.2.5 to note this.
501495	NO6	Sport England	AM139 AM150	Support changes to refer to active design.	Support noted. Add reference to Sport England checklist at para 6.4.2.4 as part of AM140.
400123	NO7	Theatres Trust	AM92 TO1	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.
843602	NO8	Woodland Trust	AM113 AM163 AM166	AM113: Refer to expansion of woodland AM163: (Policy ER2). Mention that tress can be beneficial to sustainable drainage.	Amend AM113 to include-e expansion of tree cover. Amend AM166 (para 6.5.2.21) to refer to the role of trees in sustainable drainage schemes.
<b>Neighbourhood Forums, Community Partnerships, Neighbouring Parishes and Amenity Societies</b>					
704914	AFC1	<b>Paignton Neighbourhood Forum</b>	MM1 etc AM4 AM9 AM10 AM16	Objections to overall growth levels (see schedule of Main Modifications). Some comments to main Modifications are related to comments on overall growth rate/capacity e.g. AM17, AM23, AM178,	See responses to objections to Main Modifications. A number of Additional Modifications can be made to clarify some of the minor matters raised.

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			AM17 AM19A AM19B AM21 AM23 AM39 AM44  AM74 AM75 AM99 AM104 AM108 AM120 AM121 AM129 AM130 AM163 AM167 AM169 AM176 AM178 AM181 AM Annex 1 (Policies Map)	AM4: Add that 9,200 dwellings is a maximum that can be accommodated within environmental capacity. AM10 (para 2.2.13): Refer to the 2012 based (2015) household projections AM16 : Key Diagram also relates to Neighbourhood Plan areas AM16, AM18A, AM108: Mention the need for further HRA details and testing. AM21: Refer to para 119 of the NPPF AM44: Propose a new Country Park at Yalberton Valley AM74: Object to reduction in requirement for employment at Yalberton-employment should be 50% of the site AM75: Retain reference to Kings Ash House as a potential housing site. AM99: Refer to national interest at 6.1.2.27, rather than public benefit AM129, AM130: Object to change to affordable housing threshold  AM163, AM167, AM169: Strengthen the requirements on developments relating to sewer capacity.  Include Yalberton Valley as a RIGS site.	
<b>Business Sector/Organisations/Social Enterprise Sector</b>					
847469	B1	South West HARP Planning Consortium (Tetlow King for)	AM129	See also objection to Main Modifications. Change to affordable housing threshold should be treated as a Main Modification and accompanied by an increase in overall housing numbers. PPG 2-029	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.
<b>Development Industry - Housing</b>					

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844154	HB1	Home Builders Federation	AM129 ANM135 AM104 AM144 AM155	<p>See also objection to Main Modifications (objection to MM1 etc on growth levels)</p> <p>AM129: 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.</p> <p>AM135: Define self build housing</p> <p>SPDs should not add burdens to developers. House sizes will need to be justified by viability assessment of impact</p> <p>Policy ES1 should be rechecked against housing standards review etc to ensure it conforms to it.</p>	<p>Include definition of self build housing in the glossary.</p> <p>Revise affordable housing requirement for sites of 6-10 dwellings in the countryside in line with PPG.</p> <p>Need to test the viability of house sizes is noted. Viability issues need to be tested through forthcoming SPD/CIL charging schedule.</p>
844315 Consultee 844351 Agent	HB2	Waddeton Park (PCL Planning for)	MM11	Include additional land within boundary of SS2.3/SDP3.4	See response to Main Modifications.
844862 consultee 844863 Agent	HB3	Abacus (Stride Treglown for)	AM16 AM19	<p>See also support for designation of land South of White Rock in the Main Modifications (MM3)</p> <p>Clarify designation of land South of White Rock (referred to within SDB1 and SDB3.2)</p> <p>The designation sits more appropriately within SDB1</p>	Noted. Clarify Policy designation (as part of SDB1). However note that the site is affected by Main Modifications.
<b>Private Individuals -</b>					
903058	PI1	Mrs V Deacon	-	General comments re. Paignton/Crossways.	Do not relate to the Modifications.