

PAIGNTON NEIGHBOURHOOD FORUM

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



c/o 34 Totnes Road
Paignton
TQ4 5JZ

20 July 2015

By email only to strategic.planning@torbay.gov.uk
Spatial Planning Office, (FAO Pat Steward)
Torbay Council
Electric House
Castle Circus
Torquay
TQ1 3DR

Dear Pat

Submitted Torbay Local Plan – Proposed Replacement Modifications

1. These are the views of the Paignton Neighbourhood Forum on the following proposals published by the Council on 22 June 2015 for response before 9am on 3 August 2015.
 - i) Replacement Main Modifications (RMMs) with Annex 1 and Annex 2
 - ii) Replacement Additional Modifications (RAMs) with Annex 1
 - iii) Changes to the Sustainability Appraisal (SA)
 - iv) Changes to the Regulation Assessment (HRA)
2. They also include comments on the Post Hearing document “*PH19 Technical Paper: Update on Objectively Assessed Need and Job Projections*” that appeared on the Council’s website on 2 July 2015. The scope and purpose of the paper are clear, the status in the consultation stage is not clear, as referred to later below.
3. Conclusions reached are presented here as a single submission because they are inter-related and have been assessed collectively as well as separately.
4. Sub-headings and appendices have again been adopted to assist assessment of each component response 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.
5. Overall, the Forum has found the Replacement Modifications will not make the Local Plan ‘sound’ unless further amendments are made that it is believed would be possible for the Inspector to support without the need to prolong the examination further. To provide a constructive response, full details are set out in this submission with supporting appendices that evidence exactly where, and why, further amendment is considered necessary to achieve the soundness required by NPPF182.

6. As requested, the submission does not stray into other parts of the Local Plan that remain unchanged by the Replacement Modifications proposed. For ease of reference the views of the Forum on the Submitted Plan were first 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 below

Previous Modifications and procedural concerns

7. It is noted the previous Modifications (of February 2015) have been withdrawn as a direct result of an exchange of letters between the Inspector and the Council on 14-21 May 2015 (numbered PH16-18 on the Council's website). The withdrawal has caused a concern to the Forum. It is no longer clear if, and how, the Inspector remains able to consider the Forum's submission in response to the previous Modifications proposed.
8. This is important because the response made at that time (20 March 2015) was the first opportunity the Forum was able to have to raise concerns on the additional information provided to the Inspector by the Council after the Hearing session in November 2014, and on the conclusions being drawn from it by the Inspector.
9. Comments on these Post Hearing document sets (PH1 to PH8 on the Council's website) have therefore been retained in this submission, with updates where necessary, in order to assist the Council and Inspector.
10. The appearance of Post Hearing document PH19 after commencement of the present consultation is a further concern. It is clearly dated and published after the consultation started. It is difficult to see how it can be claimed the content was taken fully into account by the Council before arriving at the Replacement Modifications proposed.
11. It is noted the Inspector has set a deadline of 17 August 2015 to receive all responses made, but only in respect of the Main Modifications (PH18-para.3). The Forum is concerned that conclusions reached on some of the Replacement Additional Modifications (RAMs) justify these being considered as Main Modifications (RMMs) as they go to the heart of the Plan,
12. This submission is therefore being copied in full and concurrently to the Inspector to help save time.

Relevant tests applied

13. In coming to conclusions on the Replacement Modifications the Forum has continued to apply only the following considerations:-
 - The tests of soundness required to be met as defined in NPPF182.
 - NPPF154 which states that 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*).

14. The Forum has also taken account of the Inspector's interim findings in Post Hearing documents PH2, PH4, PH16 and PH18. These have been 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);
- the need for a trigger point for site allocation Development Plan Documents (DPDs) if Neighbourhood Plans fail (PH4-para.7);
- the previous Modifications of February 2015 have not demonstrated that 9,945 homes would be deliverable (PH16-para 3);
- the Plan remains not sound and should be withdrawn or the examination suspended until 2016 for additional evidence (PH16-para 13);
- suspending the examination would allow time for masterplans to progress with more certainty, and allow monitoring to give a better indication of the Council's employment growth strategy which *"is important because the strategy in the Plan is to closely link housing and employment"* (PH16-para.14).

The changed approach

15. The Forum supports the Council's view that further delay on the Local Plan should be avoided if possible. However, this must not be taken to mean the Forum supports avoiding delay as being more important than ensuring there is a sound Local Plan.

16. It is concerning to find the Replacement Modifications seek to resolve the problem of soundness by:

- proposing to include sites stated to have been 'agreed' at the Hearing (PH17-para.13). There were no sites 'agreed' at the Hearing in November 2014, only a list of 'excluded sites' provided to the Inspector by the Council that were not debated. Page 1 of the list states: *"All of them have significant environmental constraints and/or have proven themselves to be difficult to deliver"* (TC4-para.1);
- proposing a total of 8,905 additional homes instead of 8,730 as indicated in the Council's letter to the Inspector of 18 May 2015 (PH17-para.14). This

uplift may appear small but refuels the problem of capacity and deliverability unjustifiably.

- proposing a change in the Plan period. This does not flow from any response made by consultees previously, and has introduced new problems of inconsistencies, justification and effectiveness (TCRMOD-2 page 4/bullet 3).
17. However, the Inspector has confirmed that his agreement to continuing with the examination is without prejudice to his final view pending consideration of the responses made to the Council's change of approach and on the Replacement Modifications proposed (PH18-para.2).
18. Of particular concern is the limited regard the Council has given to the Government's Household Projection to 2037 published on 27 February 2015 by the Department for Communities and Local Government (DCLG). It remains important to note the projections were released after the previous Modifications were published and are materially significant, contrary to the view expressed in PH19 (page3/first bullet point). The projections have been revised to 2021, and extended to 2037. PH19 has acknowledged that they are lower than previously assumed by the Council and the Inspector. The changes are new and relevant evidence not considered by the Hearing or commented on by the Inspector so far. It is the Forum's view that this evidence has not been taken sufficiently into account for the reasons referred to later below.

Conclusions reached and why

19. In summary, the Forum:
- agrees with the classification of RMMs and RAMs, apart from 4 RAMs (numbers 74, 129,130 and 178) which are RMMs requiring the Inspector's assessment as they go to the heart of the Plan and how it is already being applied;
 - supports nearly all of the RAMs, if the wording proposed remains unchanged;
 - could support all of the RAMs if 8 more were amended further as shown;
 - does not support 11 of the RMMs, without amendment as shown to make them 'sound'.
20. The conclusion reached on each RMM and RAM is shown in **Appendix 1** herewith attached.
21. For quick reference, a colour code is again shown but in a slightly different way:
- **Red** - those RMMs/ RAMs not sound that need amendment;
 - **Yellow** - those changes necessary to make sound, and reason why;
 - **Green** - those supported as 'sound' if they remain unchanged.
22. In summary, 11 RMMs and 8 RAMs are marked 'red' because they fail to meet the NPPF test of 'soundness' for one or more of the following reasons:
- failure to accord with the evidence;
 - inadequate safeguard of the now very clear risk of a significant and unsustainable homes/jobs imbalance;

- insufficient recognition of the delivery limitation that results from the drainage infrastructure problem identified, and duty to assess this in accordance with the Supreme Court decision referred to later below;
 - incomplete assessment of the capacity assumptions made in respect of sites affected by protected species, and other sites now included that are acknowledged to be 'constrained' and in need of further assessment;
 - inadequate provision of a flexible, highly responsive, monitoring mechanism the Inspector has agreed is required;
 - reducing the Plan's end date from "2032 and beyond" to "2030 and beyond" is not justified, inconsistently applied, and has introduced confusion and significant disparities that has affected the housing trajectory and delivery tables to a material and unjustified degree.
23. 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

24. The Forum:
- supports the proposed change to a single figure of 5,500 FTE net job growth by 2032 at an average of 275 per. annum. This replaces 5-6,000 at an average of 250-300 p.a. (RMM1-Policy SS1) The Forum continues to support in full the 'step-change' of job provision proposed, which is essentially the same as in the submitted Local Plan;
 - supports the move to a single figure approach (of 5,500 / 275 p.a.) as it will make monitoring more manageable, thus more NPPF 'effective' and 'sound'.
 - objects to the deletion in SS1 of securing 1,250-1,500 in the first 5 years (RMM1). This is unjustified and inconsistent with the retention of the same quantum in Policy SS4 (RMM3A). If the deletion is confirmed, there must be a corresponding reduction in further homes provision to compensate.
25. The fundamental issue of pace and balance between jobs and homes has from the outset been the Forum's main concern. How and when the growth of jobs will be achieved in sustainable balance with the housing provision remains central to this concern:
- It is clear the Replacement Modifications are still based on a strategy of over-providing the number and rate of additional homes significantly above 'policy off' demographic need, in the belief that it will of itself generate an increase in jobs with homes occupied by working age families. PH19 reaffirms this is the strategy. It remains a fact that no compelling evidence has been presented that supports this theory in the context of Torbay's situation. Without jobs being increased locally, net outward migration will continue, or residents will have to find work much further away contrary to the balance of land use sought by NPPF37. The South Devon Link Road ("South Devon Highway") nearing completion is intended to improve the growth of jobs locally, but it must be recognised could also have the reverse effect if businesses no longer need to locate within Torbay because of improved access, or if net outward commuting results.

- The update in PH19 concludes that the lower household figures now issued by DCLG are only a small difference from those previously assumed (PH19-page3/bullet.1). This fails to recognise that Torbay has suffered a long and consistently over optimistic set of projections for many years as evidenced in **Appendix 2** attached herewith. This evidence was provided to the Hearing via a letter to the Inspector on 24 October 2014. Further downward revisions are highly likely. Nevertheless, it is accepted that decisions on the Plan must be made with the projections as they currently are. For this reason the Forum has given support to the strategy provided that there is also in place a robust and responsive monitoring and review process that can keep the provision of homes and jobs in sustainable balance.
26. Accordingly, in the Forum's previous submission, support was given for basing the Modifications on the combination of DCLG projections alongside the economic evidence presented. Collectively, this shows only 8,300 additional homes are required to 2032 by the 'policy-on' / Full Objectively Assessed Need (FOAN) proposed.
27. This remains the Forum's conclusion from the evidence presented. The evidence provided to the Inspector by the Council, together with the DCLG household projections of February 2015, and PH19 recently issued by the Council, continue to prove this conclusion to be clear and correct:
- 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, and we are already in year 4 of the Plan period. The Inspector wished to ensure the net increase in jobs proposed was soundly evidenced
 - The Council's evidence was provided in PH1 Appendix 3.1a which 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 will continue to exceed births in Torbay, and future growth depends entirely on the assumed rate at which net-inward migration will return. Growth in Torbay 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 as evidenced in **Appendix 3** attached herewith.
 - The Council's Technical Paper SD24 (and recent update in PH19) correctly points out that the population projection to 2032 by ONS is not actually a projection because it 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, it remains the Forum’s view that by aligning the latest projections alongside each other, as shown in **Appendix 4** attached herewith, and summarised below, the position remains clear.

Table 1: Alignment of most recent evidence (Summary of Appendix 3)

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

28. PH19 now seeks to treat the previous economic projection as no more than one of many (PH19-page 3.second bullet point). Whilst true, it remains relevant to note that the PBA work for the Council predates any of the latest ONS and DCLG projections to 2032. The Council very clearly has continued to rely on the Oxford Econometrics projection in the proposed Replacement Modifications. This too at the time (January 2014) did not have the benefit of the ONS and DCLG projections now available. The Job projection being used by the Council in 3.1d continues to assume a more rapid job growth than has so far occurred, but does provide sufficient evidence that a 5,500 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 continue to run the unnecessary risk of challenge.

29. PH19 alludes to a concern that failing to attract and provide for growth of working families will result in an ageing population that will place an unsustainable strain on public services locally (PH19-page.3 third bullet point). It is relevant to note that the Census results to 2011 showed quite the opposite occurred. During the inter-census period (2001-2011), there occurred a large job loss from a major closure. The number of residents over age 75 reduced, contrary to all expectations. The inference being that following the severe loss of more than 5,000 jobs during this period, whole families left Torbay, that included dependant elderly relatives. The change that took place is shown in **Appendix 5**. The purpose being to evidence that the assumption made in PH19 is speculative rather than predictive, and must be viewed accordingly.

30. Two further matters remain relevant at this point:
 - In the Forum’s previous response it was noted that post hearing exchanges between the Council and the Inspector occasionally appeared to confuse the terms of net job growth and new job growth. The two terms are materially 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 net job growth not new job growth. The Forum has noted the proposed Replacement Modifications have taken more account of this, but there is still a need to ensure the various Policy and textual references includes the clarification that the net job growth measure refers to a full time equivalent provision. (FTE). This is clearly stated in some of the policies, but not in others (e.g. RMM1–SS1.para.3).

- There is no base figure in the Local Plan, nor in the proposed Replacement Modifications that will enable effective monitoring and Review of the net FTE job growth being achieved. This is a fundamental requirement that has still not been met. **Appendix 4** herewith attached, refers to the table given to the Inspector by the Council, and the base figure for 2012 for monitoring is 59,500 jobs. Job growth figures also need to be included in the summary shown in Table 7.1 on page 178 (*Local Plan Phasing and Review*), to enable effective monitoring of both jobs and homes. The absence of a baseline figure fails to make the Plan effective, and remains unsound as a result. It is a simple problem to resolve, but appears to be a change the Council is not willing to make.

31. The Forum remains of the view that it would not be 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 continue to be approved, and we are now well over halfway through the first 5 year monitoring period (2012-2017). For the time being, the Forum continues to support the view of the Council and the Inspector that the tide may start to turn when the South Devon Link Road (“South Devon Highway”) opens later this year (2015), thus enabling net growth to show through before the first 5 year Review point in 2017 on the assumption that the new road does not have the reverse effect (see para. 25 above).

32. However, it remains the Forum’s principle concern that the Monitoring and Review process must include that the housing provision will be adjusted downwards if the jobs fail to materialise.

b) The Social role

33. The Replacement Modifications still do not provide a housing delivery trajectory that is ‘sound’ having examined each of the following in comparison:

- as proposed in the Modifications of Policies SS1, SS11 and SS12;
- as proposed in the “Expected Delivery” of Housing Tables in RMM Annex 2;
- as will result from the household projections issued by DCLG (Feb 2015).

34. 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 6** attached herewith.

35. The conclusions reached are:

- there remains a materially significant mismatch between time periods and housing numbers. The problem originates from the Submitted Local Plan, which covers a 24 year delivery period as evidenced in Table 7.1 (LP-page 178). The Table 7.1 headings refer to 5 year periods, but the dates beneath each column heading are 6 year periods. The Replacement Modifications compound the confusion by stating the Plan period for housing delivery is a 20 year provision over a 19 year period, instead of 21 years, and to be

measured in financial years (RMM-Page 4, 3rd bullet point). **Appendix 6** attached herewith includes a comparison of all time periods involved using the assumed municipal financial year period of 1 April to 31 March of the following calendar year. The following conclusions result.

- the trajectory in Modified Policies SS1, SS11 and SS12 and the Modified “expected delivery” trajectory in the Modified housing Tables of RMM Annex 2 and their Part 5 component Strategic Delivery Areas do not match to a significant and unjustifiable extent. As an example, Modified SS12 indicates 2,000 homes in the first 5 years, whereas the Modified Tables indicate an “expected delivery” of 2,247. For years 6-10 (2017/18-2021/22) SS12 indicates 2,300, whereas the Tables indicate 3,057. For the final period of 9 years (2022/23-230/31) SS12 indicates 4,590 whereas the Modified Tables indicate an “expected delivery” of 3,594. The Modifications proposed are not internally consistent and do not provide a ‘sound’ housing trajectory, nor one that is ‘clear’ as confirmed by the Inspector is necessary (see para.14 above).
 - additionally, Modified SS1 indicates that a provision of 8,900 over the revised Plan period equates to an average of 480 homes per annum. Over a 19 year period the average would be 468. Over a 20 year period it would be 445, and over 21 years would be 424. The discrepancy is unexplained.
 - The Modified Policy trajectories and Annex 2 “expected delivery” trajectory would both 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 above inconsistencies render it not possible to operate an ‘effective’ monitoring and Review process at the 5 year Review periods proposed and supported;
 - actual delivery of planning consents in the first 5 year period significantly exceed the requirement shown in the DCLG projections recently issued, and without a net job addition being achieved.
36. 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.
37. Having considered each of these factors, and the need to keep a realistic and sustainable balance between FOAN job and homes growth, it remains the Forum’s conclusion that a ‘sound’ trajectory can only 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 FTE 5,500 net additional growth in jobs as evidenced in paragraphs 26-27 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).
38. The resulting trajectory the Forum has found would achieve the 'soundness' required is shown in Table 2 below (figures rounded to nearest 5). The period shown is to 2031 as now proposed in the Replacement Modifications.

Table 2: Housing delivery trajectory

Period	Year	Annually	5 yr Total	Cumulative
Yrs 0-5	2012-17	355	1,775	1,775 [^]
Yrs 6-10	2017-22	435	2,175	3,950
Yrs 11-15	2022-27	440	2,200	6,150
Yrs 16-19*	2027-31*	430*	1,720*	7,870*

Source: DCLG Table 406 (Torbay UA) (See Appendix 6 & 9 attached herewith)

** 4yr period [^]before addition of NPPF47 5% buffer brought forward from later years*

39. 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.
40. It is also relevant to note that 85% (6,690 rounded) of the DCLG projection for Torbay is driven by the assumed return to growth from net-inward migration. Of the remaining 15% (1,180 rounded) the majority is a provision stated to be required if household size reduces. Over the past 20 years, the household size in Torbay has remained virtually unchanged, thus provides a further buffer of considerable size, even with a lower provision of 7,900 (rounded) compared with 8,900 in the Replacement Modifications.
41. The trajectory in Table 2 would also give more time to address the foul water drainage issue. The Replacement Modifications now recognise there is a problem, but still do not recognise the constraint sufficiently:
- 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). The Replacement Modifications do not address this beyond now requiring more information from developers.

(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). The Modifications now recognise the issue, but not the consequences for assumed development capacity.

(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. This remains the position in the Replacement Modifications proposed.

- The clarification supplied in the Post Hearing information, and changes made in the Replacement Modifications, have not addressed these assumptions sufficiently at the Plan making level. 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 provision of 8,900 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 7**). The application remains undetermined. The Inspector must consider this further evidence of the problem that the Forum has already drawn attention to.
- Additionally, the Environment Agency has more recently declared Torbay to be a “Critical Drainage Area”. This has been confirmed in a planning ‘Newsflash’ from the Council on 26 June 2015, less than a week after the Replacement Modifications were published for consultation.
- At the Hearing in November 2014, 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*).

42. It is very clear a foul water drainage constraint has been identified, but not yet addressed sufficiently 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 making 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.
43. The Modifications similarly have not addressed the environmental capacity constraint that continues to exist as evidenced next below.

c) The Environmental role

44. The starting point the Forum has continued to take 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”*.
45. The Forum supports the improvements made in various parts of the Replacement Modifications, and especially in respect of the capacity constraint resulting from the South Hams Special Area of Conservation (SAC).
46. This is important because there was no opportunity at the Hearing to consider the changes agreed by the Council with Natural England outside of the Hearing, nor was there a subsequent opportunity to examine their implications, simply because relevant documents and details were not 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 were not posted on the Council’s website, though it is understood the amendments agreed at that time, and more recently, have now been included in the Replacement Modifications proposed.
47. However, it has taken nearly 18 months of negotiations between the Council and Natural England to reach the current 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 8,900 without harm to protected species and other capacity ‘constraints’ that have yet to be overcome.
48. In respect of the capacity proposed and Habitats Regulation Assessment (HRA) changes, the Forum’s further views are:
 - The HRA changes proposed do not settle the question of the capacity available for development in the further locations identified, especially in respect of Collaton St Mary. There continues to be insufficient evidence that demonstrates beyond reasonable doubt that significant harm will not be caused to protected species recognised to be present in the area;
 - 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, even at the reduced total of 430.

- 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 yet been fully resolved. Nor is it accepted that survey work required for HRA purposes could be completed in less than 18 months from now given the requirement that habitat surveys must span at least the period from April until October in any year. The scale of additional development in the area west of Paignton remains considerable when having regard to the ‘in-combination’ impact on the South Hams SAC in particular, as shown in **Appendix 8** 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 Replacement Modifications proposed, and will be challenging in the Collaton St Mary area in particular.
 - The most recent letter to the Inspector from the Council refers to the Council approving the draft Masterplan for Paignton Town centre as an SPD on 1st June 2015. It would be far from correct to assume this provides certainty of capacity and delivery. The Inspector will be aware that import deliverability concerns have been raised in respect of the Masterplan as evidenced in the letter copied to the Inspector on 21 November 2014. These concerns remain.
49. In response to the Sustainability Appraisal (SA) changes, the Forum’s further views are:
- The Inspector has acknowledged in his latest findings that it has not been possible to evidence that the previous Modification proposal of 9,945 is deliverable (PH16-para 3). It is the Forum’s conclusion that the same applies to the Replacement proposal of 8,900.
 - The Torbay Landscape Character Assessment (SD92b) submitted by the Council as evidence in support of the Local Plan shows the proposed Future Growth Area at Collaton St Mary, as “Highly Sensitive”. Additionally, the location is of Grade 1, 2, and upper 3 agricultural quality. To continue to classify Collaton St Mary as appropriate for the scale development proposed 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

50. For all the above reasons, it remains 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, especially in respect of the DCLG household projections not previously available to the end of the Plan period.

51. The conclusion, as evidenced above, is that the FOAN from 2012 to 2032 continues to be a net growth of 11,000 population / 8,300 homes / 5,500 jobs. By reducing the Plan period to 2030/31 as now proposed by the Council, the corresponding DCLG household FOAN requirement becomes 7,900 (rounded). In this submission the Forum has attempted to be constructive by evidencing how this housing and net jobs trajectory can be met, and **Appendix 1** sets out in detail the exact amendments needed to make the Plan justified, effective and therefore 'sound'.
52. At this point, it is relevant to note that the three Neighbourhood Forums have already agreed there is realistic capacity 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.
53. A pro-rata apportionment of change to the reduced Plan period requirement of 7,900 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 (19 yrs)
Torquay NP	3,860	3,765
Paignton NP	3,450	3,365
Brixham NP	790	770
Total	8,100	7,900

(All figures rounded)

54. Such a provision would not require the development of the Greenfield land at Collaton St Mary, nor of the site previously proposed south of White Rock now withdrawn. Nor would it require the addition of other sensitive sites that have been added in by the proposed Replacement 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 41 (bullet point 4) above.
55. By way of example, the schedule at **Appendix 9** attached herewith illustrates how the main Policies and Tables in Part 5 of the Plan could be amended to meet the DCLG requirement, 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.
56. 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 change to 7,900 in more detail for the Strategic Delivery Policies (SDT/SDP/SDB) before the Replacement 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.
57. If the Modifications are not amended further, and were to continue as they are, the Forum concludes the consequences would be:
 - The significant disparities identified in the trajectory are such that to approve them without properly considered amendment would struggle to meet the 'Wednesbury' test of reasonableness;

- Having regard to the Inspectors findings to date, there would only remain the option of the Local Plan having to be withdrawn, leaving the Neighbourhood Plans to continue their path to Adoption without an up to date Local Plan in place, using the shared evidence base that has been jointly adopted.
58. 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.

Yours sincerely

David Watts, Forum Chairman

Enclosures:

- Appendix 1 - Comments on each Local Plan Modification (in 2 parts)
- Appendix 2 - ONS population projections for Torbay and actuality since 2001
- Appendix 3 - The impact of Migration assumptions on Torbay's future growth
- Appendix 4 - DCLG Household projections to 2037 released 27 February 2015 and summary of Oxford Econometric projection of Jobs
- Appendix 5 - Age group changes in Torbay 2001-2011
- Appendix 6 - Comparison of Housing Trajectories
- Appendix 7 - Objection by South West Water to Application P/2014/0983
- Appendix 8 - "In-combination" sites within Paignton and HRA impact
- Appendix 9 - Re-profiled RMM Table 4.3 and 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 Replacement Modifications to Torbay Local Plan

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

Part A: Sets out the Forum summary view on each of the proposed Replacement Main Modifications (**RMMs**) which the Council has asked the Inspector to consider because they go to the heart of the Plan.

Part B: Sets out the Forum summary view on each of the Proposed Additional Modifications (**RAMs**) which the Council consider to be “minor” amendments..

In Part A and B, the following information has been included:

- where in the Local Plan structure the Modification would appear;
- response made by the Forum to the previous Modification proposed in February 2015, and withdrawn by the Council;
- conclusions reached by the Forum on each Modification individually, using traffic light colouring for ease of reference:

Red: - not ‘sound’
Yellow - exact amendment necessary to make ‘sound’
Green - supported as ‘sound’

Plan Period

The Modifications state that Financial Year time periods apply, but give no further explanation (TCRMOD-2 page 4.bullet point 3). This submission has used the Local Government financial year that starts on 1 April annually and ends on 31 March of the following year.

Appendix 1 – Part A

Proposed Replacement Main Modifications (RMM's)

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) previously MM1 not supported as sound</p> <p>Amend: the Replacement Modification wording shown in full below to read as follows:</p> <p>“Policy SS1 Growth Strategy for a prosperous Torbay</p> <p><i>The Local Plan promotes a step change in Torbay’s economic performance. It supports urban regeneration that creates sustainable living, working and leisure environments, supported by high quality infrastructure. This will be achieved within the Bay’s built and natural environmental capacity, ensuring the environment continues to be a driver of economic success and that there is investment in the Bay’s environmental assets.</i></p> <p><i>Development should will be expected to reinforce Torbay’s role as a main urban centre and premier resort. All development should will be required to contribute to safeguarding or enhancing the area’s natural and built environment. [see Reason 1 below]</i></p> <p><i>All development will make full and appropriate use of opportunities for low carbon and renewable energy technologies, consistent with the need to reduce Torbay’s carbon footprint, and provide resilience to climate change.</i></p> <p><i>The Plan supports the creation of at least 5,000 5,500 net additional FTE jobs (equating to an average of around 275 FTE jobs per annum) and delivery of at least 17 hectares of employment land over the next 20 years, with an emphasis on bringing employment space forward as early as possible in the Plan period. [see Reason 2 below] The Plan also seeks to identify land for the delivery of around 480 homes per annum, equating to about 8,900 7,900 new homes over the Plan period of 2012-2030-2031 in accordance with the trajectory indicated in Policy SS12 below. [see Reason 3 below]</i></p> <p>Existing Commitments</p> <p><i>In the first 5 years (2012-17), the Plan will enable delivery of 1,375 net new jobs and land for around 2,000 1,775 new homes equal to 355 dwellings per year plus 5% to accord with NPPF requirements. Most of This growth will come forward on committed sites – with planning permission or allocated - and on urban brownfield sites, including windfall sites These are shown in Appendix D (first table) and will be updated as part of the Council’s annual monitoring activity. [see Reason 4 below].</i></p> <p>Identified Sites</p> <p><i>In years 6-10 of the Plan, development will come from completion of committed sites and developable sites identified in Neighbourhood Plans. The pool of developable housing sites is included in Appendix D to this Plan. If Neighbourhood Plans do not identify sufficient sites to provide the growth requirement of the Local Plan progress to Adoption, the Council will bring forward sites through site allocations Development Plan Documents. [see Reason 5 below]</i></p> <p><i>If it appears that a shortfall or over provision in five year supply of deliverable sites is likely to arise, the Council will bring forward additional sites adjust the trajectory either upwards or downwards as indicated in Policy SS12 below. [see Reason 6 below]</i></p> <p>Strategic Delivery Areas</p>	<p>RMM1</p> <p>Not Sound</p>

Strategic Delivery Areas, shown outlined in red on the Key Diagram, are the foci for delivery of growth and change in the Bay over the Plan period. They provide strategic and sustainable locations for new employment space, homes and infrastructure. Future Growth Areas (see Policy SS2) are located within these SDAs. There will be some initial delivery of development in Future Growth Areas, within the first 10 years, if required to meet demand for new employment space and homes. Development in these areas will be set out in detail via masterplanning, concept plans and/or in Neighbourhood Plans. They will deliver a balance of jobs, homes and infrastructure, including green infrastructure. Future Growth Areas are shown **for information** on the Policies Map. **[see Reason 7 below]**.

The focus areas for delivery of improvements to AONB, countryside, green infrastructure, as well as sport, leisure and recreation, are also illustrated (outlined in green) in the Key Diagram (See Figure 4.1).

Major development proposals, **outside the built-up area and Future Growth Areas** will need to be the subject of environmental assessment. **[see Reason 8 below]** This will need to take account of the impacts of the proposed development itself and the cumulative impact of development.

The Plan will be reviewed at regular intervals to ensure that the growth strategy remains sustainable and conforms to the requirements of the NPPF, or subsequent Government policy

Communities will have a greater influence in determining how development in their area will look and feel **and locate**, specifically through the new framework of Neighbourhood Plans. **[see Reason 9 below]**

Reasons: Overall the Replacement Modification contains changes not justified by the evidence submitted, is not realistic in deliverability, contain numerical errors that are materially relevant, and not consistent with other Replacement Modifications proposed.

However, it is the Forums view that the amendments indicated above collectively would overcome these deficiencies and enable the Plan to become NPPF 'sound' for the following reasons:

Reason 1): Replacing "should" with "will be expected to" and "will be required to" removes ambiguity and is consistent with the same change accepted by the Council in RAM39.

Reason 2): Deleting the figure of "5,000", inserting "at least" before "5,500", and deleting "an average of around" is consistent with the single figure approach proposed for housing in the same Policy and the trajectory by Oxford Econometrics that the Local Plan has expressly adopted. Inserting "FTE" where shown is necessary to ensure that monitoring is unambiguous, effective, and therefore NPPF 'sound'.

Reason 3): Deleting "around 480 homes per annum, equating to about 8,900", is necessary because the term "around" is too vague for effective monitoring, the figure of 480 is numerically not correct by a significant degree, and the evidence submitted by the Council confirms that 8,900 is not NPPF deliverable. Inserting "7,900", accords with the DCLG household growth projection which has not been demonstrably assessed by the Council beyond acknowledging that it includes growth the Plan is seeking to achieve and is very clearly a figure that would be used at Section 78 Appeals in the event of the Local Plan not becoming 'sound'.

Deleting "2030" and replacing with "2031" as the delivery period is the only justifiable date that is consistent with the published RMM Schedule (page 4) and text of the Policy itself which both state that the Plan period for housing delivery is 19 years. Failure to correct this error inflates the rolling 5 year requirement and would cause greenfield and constrained sites to be brought forward prematurely without sustainable justification. The Plan period therefore runs from 1st April 2012 until 31 March 2031. It then becomes the 19 year delivery

period, as claimed in TCRMOD-2 page 4 bullet point 3..

Inserting the words "*in accordance with the trajectory as indicated in Policy SS12 below.*" removes ambiguity on the homes trajectory proposed by the Replacement Modification which is important because it is not a straight line trajectory. Monitoring will become effective, and therefore 'sound' as sought by the Inspector.

Reason 4): Inserting "*1,375 net new jobs and land for*" and replacing "2,000" with "*1,775*" homes and "*equal to 355 dwellings per year plus 5% to accord with NPPF requirements*" reconnects the link and delivery of 'balance' between jobs and homes provision that has been unjustifiably uncoupled as a result of the proposed Replacement Modification. Deleting the proposed addition "Most of" is justified as the first 5 year provision has already been achieved. Adding these words unjustifiably encourages earlier development of further greenfield and constrained sites to be brought forward prematurely unjustifiably.

Reason 5): Deleting "*identify sufficient sites to provide the growth requirement of the Local Plan*" and inserting "*progress to Adoption*" recognises that it is progress of the Neighbourhood Plans that matters to the trigger of any alternative DPD approach by the Council. Neighbourhood Plans are required to be in general conformity with the strategic policies of an Adopted Local Plan in order to satisfy the 'basic conditions' test. No further elaboration in Policy SS1 is necessary or justifiable. Capital letters are also required for the term Development Plan Document as they have formal meaning and preparation processes in planning legislation.

Reason 6): Inserting "*or over provision*", deleting "*bring forward additional sites*" and inserting "*adjust the trajectory either upwards or downwards*" is necessary because the Replacement Modification (and letter PH17-para 17 to the Inspector) refers only to adding to the pace of site delivery. It fails to include that downward revision of the trajectory will also be adopted where justified. This was agreed would be the case by the Council and the Inspector at the Hearing in November 2014. It is important to include this in Policy SS1 because it drives all features of the overall strategy and monitoring of the Plan.

Reason 7): The words "*for information*" appear in the submitted Plan, but are not referred to in the proposed Replacement Modification. This inconsistency needs to be resolved as the terminology continues to imply the defined '*Future Growth Areas*' are for illustration only and remain subject to confirmation via Neighbourhood Plans or site specific DPDs proposed in default of Neighbourhood Plans. See also the response below in respect of Annex 1 regarding the boundary shown for Collaton St Mary.

Reason 8): Deleting "*outside the built up area and Future Growth Areas*" is necessary because RAM17 now acknowledges that Sustainability Appraisal and Habitat Regulation Assessment have only been undertaken to Local Plan making level. This applies equally within the Future Growth Areas designated, as confirmed by RAM19. The words must be deleted as it would be lawfully incorrect to fetter the ability of the Council as Local Planning Authority or the Secretary of State to require more detailed assessments in due course whether inside or outside of the area.

Reason 9): Inserting "*locate*" is necessary in this overarching Policy as the subordinate Policies later on clearly intend that Neighbourhood Plans are expected to address this aspect.

See also paragraph 24 to 49 of the covering letter attached herewith for full details.

<p>Paragraph 4.1.25 (Sequence and phasing of development) previously MM2 not supported as sound</p> <p>Amend: 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 March 2016."</i></p> <p>Reason: The proposed Replacement Modification is not justified. 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. As there is no justification it is not 'sound' for the text to claim in the Modification that a policy vacuum will arise. The text that would remain is sufficient to show that DPD's will be produced by the Council if Neighbourhood Plans do not materialise.</p>	<p>RMM2</p> <p>Not Sound</p>
<p>Policy SS2 (Future growth areas) & Policies Map change previously MM3 not supported as sound</p> <p>Amend: the proposed Replacement Modification where shown below to read as follows:</p> <p>a) Retain the first paragraph of the Submitted Local Plan Policy that reads;</p> <p><i>"Future Growth Areas are located within Strategic Delivery Areas (See Policy SS1) and are shown on the Policies Map. They show broad locations in which the Council, community and landowners will work together, through neighbourhood planning and / or master planning, to identify in more detail the sites, scale of growth, infrastructure (including green infrastructure) and delivery mechanisms required to help deliver the Local Plan."</i></p> <p>b) Amend the proposed Replacement Modification words to read:</p> <p><i>"Future Growth Areas are proposed in the following locations subject to confirmation in Neighbourhood Plans or Development Plan Documents:</i></p> <p>:</p> <ol style="list-style-type: none"> 1. Edginswell, Torquay 2. Paignton North and West Area including Collaton St. Mary, Paignton 3. Brixham Road, Paignton <p>c) Retain the second paragraph of the Submitted Local Plan Policy that reads:</p> <p><i>"Development delivered within each of the Future Growth Areas must be integrated with existing communities, reflect the landscape character of the area as informed by Torbay's Landscape Character Assessment, timed in accordance with provision of essential infrastructure, be informed by ecological surveys and flood risk assessment and should be consistent with the levels of growth set out in Policies SDT1, SDP1 and SDB1, and their related SD policies."</i></p> <p>d) Amend the proposed Replacement Modification words to read as follows:</p> <p><i>".....The mitigation plans must demonstrate how the site will be developed to include how mitigation proposals will be delivered in perpetuity in order to sustain....."</i></p> <p>Reasons: The RMM does not make clear that the words in a) and c) above will be retained. Their exclusion would not be justified. They provide clarity on the Policy scope purpose and how it will be implemented. Amendment b) is necessary because the draft Masterplan for Collaton St Mary confirmed there is much less capacity for development than assumed in the Submitted Local Plan, and further reduction will be necessary to deal with acknowledged drainage constraints, required habitat protection, and access limitations. Amendment d) is</p>	<p>RMM3</p> <p>Not sound</p>

required to ensure the Churston Appeal decision (APP/X1165/A/13/2205208) is effective in all locations where mitigation works are proposed.

See paragraph 48 of the covering letter attached herewith for full details.

4.2 Aspiration 1: Secure economic recovery and success Pages 34-41

Policy SS4 (The economy and employment) new together with RAM23

RMM3A

Amend: the proposed Replacement Modification by

Not sound

a) replace the figures and date quoted to read:

“The Local Plan supports the creation of at least ~~5,000-6,000~~ 5,500 net additional jobs by ~~2030~~ 2030/31 with an emphasis on delivering ~~1,250-1,500~~ 1,375 net new jobs in the first 5 years of the Plan period.”

b) confirm that all other words in Policy SS4 will be retained (along with RAM23).

Reason: a) To be consistent with Policy SS1 (RMM1) above, and b) for the avoidance of doubt as the description of RMM3A is not expressly clear and deletion of the remainder of the Policy would not be justified..

See paragraphs 24 to 32of the covering letter attached herewith for full details

4.5 Aspiration 4: Create more sustainable communities and better places Pages 53-61

Table 4.3 (Source and timing of new homes) MM15

RMM4

Amend: by replacing Table 4.3 with the following:

Not Sound

Table 4.3 Source of new homes 2012/31 (rounded to nearest 5 dwellings)

<i>Period (years)</i>	<i>A</i>	<i>B</i>	<i>0-19</i>
<i>Year</i>			<i>2012-31</i>
<i>SDT1 - Torquay</i>	<i>3,200</i>	<i>565</i>	<i>3,765</i>
<i>SDP1 - Paignton</i>	<i>2,860</i>	<i>505</i>	<i>3,365</i>
<i>SDB1 - Brixham</i>	<i>655</i>	<i>115</i>	<i>770</i>
<i>Torbay Total</i>	<i>6,715</i>	<i>1,185</i>	<i>7,900</i>

*A – To accommodate net growth of jobs**

*B – to accommodate household size reduction**

** Subject to confirmation from Monitoring & Review*

Reason: The change in homes provision in the Replacement Modifications is not justified, nor realistic, nor consistent with other Modifications proposed. A provision of 7,900 is the maximum FOAN justifiable to 2031 in light of the latest DCLG household projections which the Replacement Modifications have not taken sufficiently into account.

See paragraph 18 and Appendix 9 of the covering letter attached herewith for full details.

<p>Policy SS11 (Housing) previously MM5 not supported as sound and part AM53 supported</p> <p>Amend: by</p> <p>a) replace the figure in the Replacement Modification where shown below:</p> <p><i>“In accordance with Policy SS1, provision will be made for 8,900 7,900 new homes over the Plan period or beyond, so long as these can be provided without harm to the economy or environment, including sites protected under European legislation.</i></p> <p>b) replace all housing tables in the Plan with those defined in Appendix 9 attached herewith</p> <p>c) replace the housing figure of 8-10,000 with 7,900 throughout the Submitted Plan.</p> <p>Reason: a) and b) to be consistent with Policy SS1 (RMM1) above, and c) to avoid confusion to subsequent implementation and monitoring of the Plan..</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith for full details.</p> <p>Footnote: All figures shown amended and in Appendix 9 herewith attached are internally consistent with all other amendments shown in this submission to ensure the trajectory is ‘sound’</p>	<p>RMM5</p> <p>Not Sound</p>
<p>Paragraph 4.5.36 (Explanation – Policy SS11) New</p> <p>Amend: the proposed Replacement Modification to read:</p> <p><i>“Development in Torbay is nearing the area’s total capacity. A cross-boundary review of strategic housing land availability will be undertaken as part of a longer term assessment of growth options, particularly if there is evidence of significant employment growth, which would generate a demand for additional housing. The 2012 based DCLG Household Projections indicate 7,550 7900 additional households in Torbay between 2012-30 2012-31. These figures are not based upon short term migration trends <u>over the past 12 years</u> but assume that inwards migration will return to pre-2008 levels later in the Plan period. This strongly implies that economic success is built into the household projections. <u>To add for a further provision would be double counting.</u> Therefore it is not expected that there will be a jobs generated housing demand above the Local Plan level for at least the first 15 years of the Plan (i.e. before the late 2020s), and possibly <u>much</u> later”</i></p> <p>Reason: The change in homes provision in the Replacement Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith for full details.</p>	<p>RMM6</p> <p>Not Sound</p>
<p>Policy SS12 (Five year housing land supply) previously MM7 not supported as sound</p> <p>Amend: the Replacement Modification, shown in full 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 8,900 7,900 dwellings over the Plan period 2012-32 2012-31, including an allowance for windfall sites.”</i></p> <p>The trajectory is:</p> <p>400 355 dwellings per year for the period 2012/13 - 2016/17 (+5% NPPF requirement).</p> <p>460 430 dwellings per year for the period 2017/18 - 2021/22</p> <p>510 435 dwellings per year for the period 2022/23 - 2030/31</p> <p><i>New housing will be monitored to ensure that it is matched by the <u>net FTE growth of jobs</u> and provision of infrastructure, particularly infrastructure that would support job creation. Five year supply of housing land will be updated annually as part of the Council’s Housing</i></p>	<p>RMM7</p> <p>Not Sound</p>

<p>Land Monitor.</p> <p>Monitoring within the five year period</p> <p>Sites comprising the Council's five year supply will be published annually as part of the Authority Monitoring Report.</p> <p>Housing completions and permissions will be monitored on an annual basis to ensure that a rolling supply of deliverable sites sufficient to meet the five year requirement, and to meet any shortfall within five years, is maintained (see Appendix D).</p> <p>Where the supply of specific deliverable sites (plus windfall allowance) falls below this figure, and the trajectory of net FTE growth in jobs has been achieved, or Neighbourhood Plans do not identify sufficient sites to meet Local Plan requirements in years 6-10 of the housing trajectory, the Council will, either:</p> <ol style="list-style-type: none"> 1). bring forward housing land from later stages of the Plan, working closely with land owners, developers and Neighbourhood Forums; or 2). identify additional sites through new site allocation Development Plan Documents, or 3). consider favorably applications for new housing, consistent with Policy SS2, H1 and other policies of this Plan. <p>New housing leading to the 5 year supply figure being exceeded will be permitted where:</p> <ol style="list-style-type: none"> i. the proposal would bring social, regeneration or employment benefits, including through the provision or funding for infrastructure ii. the proposals would not lead to serious infrastructure shortfalls, or imbalance with FTE net job growth; and iii. the proposals is consistent with other policies in the Local Plan. <p>Five year Review of the Local Plan</p> <p>The Local Plan will be reviewed on a five year basis from adoption, and the housing trajectory adjusted if assessed by the Council to be necessary to meet objectively assessed needs. Further details of criteria to be considered at review are set out at Section 7.5</p> <p>An early review of the Local Plan's housing trajectory will be triggered where there is evidence of a potential imbalance between jobs and homes."</p> <p>Reason: As RMM1 above, the change in homes provision in the Replacement Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith for full details.</p> <p>Footnote: 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) previously MM8 not supported as sound</p> <p>Amend: the Replacement Modification, shown in full below, to read as follows</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. Equally, it is important to ensure that the provision of new homes does not run too far ahead of the net growth in jobs. 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, or if FTE net job growth is not occurring, additional land provision will be identified adjusted through a Local Plan review. Examples of evidence that could trigger this review are:</i></p> <ul style="list-style-type: none"> • An increase of more than 275 net new FTE jobs per annum for two consecutive years (based on BRES/NOMIS data and job monitoring base of 59,500 FTE's at 2012). 	<p>RMM8</p> <p>Not Sound</p>

- Economic projections showing an increase in FTE jobs of more than 275 FTE per year sustained over a five year period.
- Population projections or mid year estimates indicate an increase of working age population (aged 18–65) of more than 275 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.

Where monitoring indicates a danger of a shortfall, **or over supply**, against the five year supply or overall trajectory, action to identify additional sites, **or sites to be held in reserve** will commence in the first year of a shortfall **or oversupply** being identified, to ensure that a rolling five year supply can be maintained, as set out in SS12 **and a sustainable balance of jobs and homes as set out in Policy SS1.**

The Local Plan enables and expects Neighbourhood Plans to come forward and allocate land to assist meeting growth 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.

Should Neighbourhood Plans not be adopted (made) by the Council, for example an emerging Neighbourhood Plan is found **by the Independent Assessor** 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 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 from April 2017.

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 31 March 2016, 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."

Reason: The change in homes provision and monitoring bias in the Replacement Modifications is not justified, nor realistic, nor consistent with other Modifications proposed.

See paragraphs 24 to 49 of the covering letter attached herewith for full details.

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 Modification proposed to Paragraph 4.1.25 in RMM2 above.

Part 5: Strategic Delivery Areas – a policy framework for Neighbourhood Plans (Pages 65-89)

TORQUAY Pages 66-72

Refer to the views of the Torquay Neighbourhood Plan Forum in respect of:-

Policy SDT1 (Torquay) previously **MM9** and part AM57

RMM9

PAIGNTON Pages 73-82	
<p>Policy SDP1 (Paignton) previously MM10+Annex2 not supported as sound and AM67 supported.</p> <p>Amend: the last paragraph of the Replacement Modification proposed, to read:</p> <p><i>“Paignton will provide a minimum of 30,100 sq m (net) of employment floor space and around 4,290 3,365 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>Amend: Table 5.8 SDP1, Table 5.10 SDP2, and Table 5.12 SDP3 as shown in Appendix 9 attached herewith</p> <p>Reason: The change in homes provision in the published Modifications is not justified, nor realistic, nor consistent with other Modifications proposed that now recognise there remains uncertainty about capacity actually available as more detailed assessment will be required.</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith for full details.</p> <p>Footnote: All figures shown amended in Table 5.8, 5.10 and 5.12 are internally consistent with all other amendments shown in this submission to ensure the trajectory is ‘sound’</p>	RMM10+ Annex 2 Not Sound
<p>Policy SDP3 (Table 5.12 Paignton North and Western Area) and Annex 1 Policies Map New</p> <p>Amend: by removing all reference to both of the Future Growth Areas at Collaton St Mary.</p> <p>Reason: To remove the very clear mismatch that now exists in the Plan. Table 5.12, as amended from 836 to 430 in reflection of the draft Masterplan outcome, no longer matches with the Policies Map on sheets 23, 24, 26 and 27. The change in Plan period in the Replacement Modifications also means the area will not be required to meet the provision of 7,900 by 2031.</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith for full details.</p>	RMM11+ Annex 1 Not Sound
BRIXHAM Pages 83-89	
Refer to the views of the Brixham Neighbourhood Plan Forum in respect of:-	
Policy SDB1 (Brixham Peninsula) previously MM12 and AM76	RMM12+ RAM76
Part 6: Policies for managing change and development in Torbay (Pages 90-170)	
Aspiration 1: Secure economic recovery and success Pages 90-103	
<p>Policy TC3 (Retail development) previously MM13 supported</p> <p>Reason supported: 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)</p>	RMM13 Supported
Appendices A to G (Pages i – xxxix)	
<p>Appendix D (Pool of housing sites) and Policies Map – previously MM14 not supported as sound</p> <p>Reason Supported: The car park sites added to Table 2 clearly state they are all “Subject to retention of sufficient car parking”. Having regard to the importance of this to town centre, tourism and business needs, this is justified and therefore ‘sound’.</p>	RMM14 Supported

RMM ANNEX 1: Policies Map Changes

Key Diagram and Policies Map Booklet	
<p>Policies Map (Sheets 23, 24, 26 and 27) Future Growth Area notation at Collaton St Mary</p> <p>Amend: by deleting the two Future Growth Areas at Collaton St.Mary as shown in Appendix 8 attached herewith and replace with the "Countryside Area" notation.</p> <p>Reason: As RMM11 above</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith for full details.</p>	<p>RMM Annex 1</p> <p>Not Sound</p>

End of Appendix 1 - Part A

Appendix 1 – Part B

Proposed Replacement Additional Modifications (RAM's)

Part 1: Introduction (Pages 1-6)	
<p>Throughout all parts (All square metre measurements) previously AM1 supported</p> <p><u>Reason supported:</u> Indicates a necessary factual correction.</p>	RAM1 Supported
1.1 The plan in a nutshell Pages 1-4	
<p>Paragraph 1.1.3 (Sustainable, realistic ambition) previously AM2 supported</p> <p><u>Reason supported:</u> Indicates the strategy is to accommodate need within environmental and infrastructure limits.</p>	RAM2 Supported
<p>Paragraph 1.1.5 (Sustainable, realistic ambition) previously AM3 supported</p> <p><u>Reason supported:</u> Indicates the scope of the 5 year major review will include both need and capacity.</p>	RAM3 Supported
<p>Paragraph 1.1.8 (Environmental Capacity) previously AM4 supported in part</p> <p><u>Amend:</u> Delete the whole sentence:</p> <p><i>"The Council has assessed for example that there is land for around 9,200 homes over the next 20 years without breaching environmental limits"</i></p> <p><u>Reason:</u> The evidence presented in support of the Local Plan has been unable to demonstrate there is capacity for 9,200 as claimed. As a result, the Replacement Modifications revise the strategy to 8,900 but the Council evidence has acknowledged still includes constrained sites and sites not yet fully assessed for their flood risk and protected habitat capacity. The sentence is therefore not justified, thus not 'sound'. Any figure quoted in this sentence can only be the total finally accepted by the Inspector on the evidence presented and demonstrably assessed. This has not yet occurred.</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith</p>	RAM4 Not sound
<p>Paragraph 1.1.15 (Monitoring) previously AM5 supported</p> <p><u>Amend:</u> Insert additional wording to the Replacement Modification to read as follows:</p> <p><i>"A basket of measures will be used to determine whether the Local Plan's growth strategy remains supported by evidence of need and capacity. The Council will consider whether additional land is needed: for example where there is "planning failure" (e.g. a lack of land available) there is a case to increase land supply. However where there is market failure (e.g. lack of delivery of new homes), other solutions to allocating more land are likely to be appropriate. <u>Equally, where there is evidence of supply exceeding need, the trajectory of provision required will be revised downwards to ensure the supply of land is used in a balanced manner at a sustainable pace.</u>"</i></p> <p><u>Reason:</u> The Council's letter of 18 May 2015 to the Inspector (PH/16 paragraph 17) implies that only an upward review of supply will be made, not downward where circumstances also justify. This would depart from the agreement reached during the Hearing in November 2014.</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith</p>	RAM5 Not sound
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) previously AM6 supported <u>Reason supported:</u> Indicates the historic environment is an asset to the Bay's economic improvement, not an impediment.	RAM6 Supported
2.2 Key issues facing Torbay Pages 10-15	
Paragraph 2.2.5 (Economic recovery and success) previously AM7 supported <u>Reason supported:</u> Indicates that progress made in job provision will be included in the reviews	RAM7 Supported
Paragraph 2.2.9 (Protect and enhance a superb environment) previously AM8 supported <u>Reason supported:</u> Indicates the range of historic environments involved.	RAM8 Supported
Paragraph 2.2.11 (Protect and enhance a superb environment) previously AM9 supported in part <u>Reason supported:</u> The revised text now acknowledges that an existing constraint can continue to apply where a review confirms it remains valid - 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.	RAM9 Supported
Paragraph 2.2.13 (Create more sustainable communities and better places) previously AM10 supported in part <u>Amend:</u> by revising the figures and words shown to read <i>"The most recent (2012 based, published February 2015) DCLG Household Projections indicate an increase of 7,550 7,900 households in Torbay between 2012-30 2012-2031. Torbay's population growth is driven by (domestic) migration, and the population projections assume an increase in net- inwards migration in the latter part of throughout the Plan period on the assumption that previous trends have reversed."</i> <u>Reason:</u> The relevant period stated is not correct. The housing delivery period expressly confirmed in the Replacement Modifications runs to 2031, not 2030. The DCLG projection has also been revised downwards since publication of the Interim projections. They also assume 15% of the household growth will come mainly from reduced household size which does not accord with the actuality of the last 10 years. These factors have not been taken sufficiently into account by the Council in adjusting the Plan. See also RMM5, RAM45 and paragraphs 24-49 of the covering letter attached herewith.	RAM10 Not sound
2.3 The 'big ticket' items promoted in this plan Pages 15-17	
Paragraph 2.3.1 (Economic recovery and success) previously AM11 supported <u>Reason supported:</u> Indicates support of historic assets, natural assets, and quality of new home provision being promoted.	RAM11 Supported
Part 3: Vision and ambition (Pages 18-23)	
Paragraph 3.1.7 (Aspiration 1: Secure economic recovery and success) previously AM12 supported <u>Reason supported:</u> Indicates the objective is to ensure there is a balanced provision of housing and employment.	RAM12 Supported
Paragraph 3.1.7 (Aspiration 3: Protect and enhance a superb natural and built environment)	RAM13

previously AM13 supported <u>Reason supported:</u> Indicates the assets covered.	Supported
Paragraph 3.1.7 (Aspiration 5: Respond to climate change) previously AM14 supported <u>Reason supported:</u> Indicates the range of issues that must be addressed.	RAM14 Supported
Part 4: Spatial strategy and policies for strategic direction (Pages 24-65)	
4.1 A balanced and sustainable approach to growth Pages 24-33	
Paragraph 4.1.11 (Torbay's capacity for growth and change) previously AM15 supported <u>Reason supported:</u> Indicates support of the historic environment.	RAM15 Supported
Picture 4.1 (Key Diagram) previously AM16 supported in part <u>Amend:</u> by adding the following words to the Key panel: <i>"The dash line boundaries shown are indicative only and do not represent the boundary of the Future Growth Areas"</i> <u>Reason:</u> To ensure the Plan is 'effective' by preventing confusion from arising.	RAM16 Not sound
Policy SS1 (Growth strategy for a prosperous Torbay) previously MM1 not sound <u>See response to RMM1 above in Appendix 1 – Part A:</u>	RMM1 Not sound
Paragraph 4.1.20 (Explanation – Policy SS1) previously AM17 supported in part. <u>Amend:</u> by adding new sentence after the modification proposed to read: <i>"Where mitigation measures are proposed it will be a requirement to prove that they are deliverable"</i> <u>Reason:</u> 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. See paragraph 48 of the covering letter attached herewith for further details.	RAM17 Not sound
Paragraph 4.1.21 (Explanation – Policy SS1) previously AM18 supported <u>Reason supported:</u> Indicates importance of the historic environment.	RAM18 Supported
Paragraph 4.1.25 (Sequence and phasing of development) previously MM2 not supported as sound <u>See response to RMM2 above in Appendix 1 – Part A:</u>	RMM2 Not sound
Policy SS2 (Future growth areas) & Policies Map change previously MM3 not supported as sound and AM19A supported in part <u>See response to RMM3 above in Appendix 1 – Part A:</u>	RMM3 Not sound

<p>Paragraph 4.1.32 (Explanation – Policy SS2) previously AM19B supported in part</p> <p><u>Reason supported:</u> 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. The revised wording now makes it clear that the capacities referred to in all of the Masterplans are intended to inform Neighbourhood Plan making and are provisional. This makes it clear how the policy will be implemented to ensure that it is effective, thus 'sound'.</p>	<p>RAM19 Supported</p>
<p>Policy SS3 (Presumption in favour of sustainable development) previously AM20 supported</p> <p><u>Reason supported:</u> Indicates how the requirements of the NPPF will apply.</p>	<p>RAM20 Supported</p>
<p>Paragraph 4.1.36 (Explanation – Policy SS3) previously AM21 supported in part</p> <p><u>Reason:</u> The revised text now states more clearly the circumstances where the presumption in favour of sustainable development will not apply.</p>	<p>RAM21 Supported In part</p>
<p>4.2 Aspiration 1: Secure economic recovery and success Pages 34-41</p>	
<p>Policy SS4 (The economy and employment) new</p> <p><u>See response to RMM3A above in Appendix 1 – Part A</u></p>	<p>RMM3A Not sound</p>
<p>Paragraph 4.2.20 (Explanation – Policy SS4) previously AM22 supported</p> <p><u>Reason supported:</u> Indicates support for South Devon College</p>	<p>RAM22 Supported</p>
<p>Policy SS5 (Employment space) previously AM23 not supported as sound</p> <p><u>Reason:</u> As reworded the replacement modification now has clarity of purpose to support speedy delivery of the employment element of developments.</p>	<p>RAM23 Supported</p>
<p>Paragraph 4.2.26 (Explanation – Policy SS5) previously AM24 supported</p> <p><u>Reason supported:</u> Indicates how the policy will operate.</p>	<p>RAM24 Supported</p>
<p>Paragraph 4.2.27 (Explanation – Policy SS5) previously AM25 supported</p> <p><u>Reason supported:</u> Indicates how the policy will operate.</p>	<p>RAM25 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) previously AM26 supported</p> <p><u>Reason supported:</u> Indicates the scope of assessment required.</p>	<p>RAM26 Supported</p>
<p>Paragraph 4.3.18 (Facilitating sustainable transport) previously AM27 supported</p> <p><u>Reason supported:</u> Indicates the scope of assessment required.</p>	<p>RAM27 Supported</p>
<p>Paragraph 4.3.23 (Facilitating sustainable transport) previously AM28 supported</p> <p><u>Reason supported:</u> Indicates the scope of assessment required includes HRA regard.</p>	<p>RAM28 Supported</p>
<p>Policy SS7 (Infrastructure, phasing and delivery of development) previously AM29 supported</p> <p><u>Reason supported:</u> Indicates the critical importance of infrastructure and highway safety requirements.</p>	<p>RAM29 Supported</p>

<p>Paragraph 4.3.27 (Explanation – Policy SS7) previously AM30 supported</p> <p><u>Reason supported:</u> Indicates the critical importance of green infrastructure requirements and compliance with Habitat Regulations.</p>	RAM30 Supported
<p>Paragraph 4.3.29 (Explanation – Policy SS7) previously AM31 supported</p> <p><u>Reason supported:</u> Indicates the critical importance of infrastructure requirements.</p>	RAM31 Supported
<p>Paragraph 4.3.34 (Explanation – Policy SS7) previously AM32 supported</p> <p><u>Reason supported:</u> Indicates the critical importance of needing to meet mitigation measures required.</p>	RAM32 Supported
<p>4.4 Aspiration 3: Protect and enhance a superb environment Pages 49-52</p>	
<p>Paragraph 4.4.3 (Introduction) previously AM33 supported</p> <p><u>Reason supported:</u> Indicates the relationship to the AONB.</p>	RAM33 Supported
<p>Policy SS8 (Natural environment) previously AM34 supported</p> <p><u>Reason supported:</u> Indicates the aspects of critical importance that development will be required to observe.</p>	RAM34 Supported
<p>Paragraph 4.4.6 (Explanation – Policy SS8) previously AM35 supported</p> <p><u>Reason supported:</u> Indicates the scope of sites and elements that will be taken into account.</p>	RAM35 Supported
<p>Paragraph 4.4.7 (Explanation – Policy SS8) previously AM36 supported</p> <p><u>Reason supported:</u> Indicates the aspects of critical importance that development will be required to observe.</p>	RAM36 Supported
<p>Paragraph 4.4.9 (Explanation – Policy SS9 Green Infrastructure) previously AM37 supported</p> <p><u>Reason supported:</u> Indicates the interrelationship between the historic and natural environments that exist.</p>	RAM37 Supported
<p>Policy 8.1 (Formerly Policy HE1) (Conservation and the historic environment) previously AM38 supported</p> <p><u>Reason supported:</u> Indicates importance of the subject matter.</p>	RAM38 Supported
<p>Policy 8.1 (Formerly Policy HE1) (Conservation and the historic environment) previously AM39 supported in part</p> <p><u>Reason supported:</u> Replacement of the word 'should' now removes ambiguity and is 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>	RAM39 Supported
<p>Paragraph 6.3.3.1 (Explanation – Policy HE1) previously AM40 supported</p> <p><u>Reason supported:</u> Indicates that Conservation Area additions will be considered.</p>	RAM40 Supported
<p>Paragraph 6.3.3.11 (Explanation – Policy HE1) previously AM41 supported</p> <p><u>Reason supported:</u> Indicates the relationship to the Torbay Heritage Strategy 2011.</p>	RAM41 Supported
<p>Policy SS9 (Green infrastructure) previously AM42 supported</p>	RAM42

<u>Reason supported</u> : Indicates the position in respect of trees and woodland creation.	Supported
Paragraph 4.4.13 (Explanation – Policy SS9) previously AM43 supported <u>Reason supported</u> : Indicates the importance of Green Infrastructure links with Yalberton Valley and other locations.	RAM43 Supported
Paragraph 4.4.15 (Explanation – Policy SS9) previously AM44 supported in part <u>Reason supported</u> : Inclusion of Yalberton Valley has been recognised.	RAM44 Supported
4.5 Aspiration 4: Create more sustainable communities and better places Pages 53-61	
Paragraph 4.5.12 (Evidence of requirements) previously AM45 supported <u>Reason supported</u> : Indicates factual updates of lower population growth than previously assumed in the Plan.	RAM45 Supported
Paragraph 4.5.13 (Evidence of requirements) previously AM46 supported <u>Reason supported</u> : Indicates factual updates of lower population growth than previously assumed in the Plan.	RAM46 Supported
Paragraph 4.5.14 (Evidence of requirements) previously AM47 supported <u>Reason supported</u> : Indicates factual updates.	RAM47 Supported
Paragraph 4.5.25 (Phasing of new housing development) previously AM48 supported <u>Reason supported</u> : Indicates that Reviews will allow downward change as well as upward.	RAM48 Supported
Paragraph 4.5.26 (Phasing of new housing development) previously AM49 supported <u>Reason supported</u> : Indicates that provision listed may go beyond 2032.	RAM49 Supported
Table 4.3 (Source and timing of new homes) previously MM4 not supported as sound <u>See response to RMM4 above in Appendix 1 – Part A:</u>	RMM4 Not Sound
Policy SS10 (Sustainable communities) previously AM50 supported <u>Reason supported</u> : Indicates that designing out crime and disorder will be a criterion, plus improved wording regarding HMOs.	RAM50 Supported
New paragraph after 4.5.30 (Explanation – Policy SS10) previously AM51 supported <u>Reason supported</u> : Indicates that designing out crime and disorder will be a criterion.	RAM51 Supported
Paragraph 4.5.32 (Explanation – Policy SS10) previously AM52 supported <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.	RAM52 Supported
Policy SS11 (Housing) previously MM5 not supported as sound and part AM53 supported <u>See response to RMM5 above in Appendix 1 – Part A:</u>	RMM5 Not Sound
Policy SS11 (Housing) previously AM53 supported	RAM53

<u>Reason supported</u> : Indicates how the cross link with Policy 12 operates.	Supported
Paragraph 4.5.34 (Explanation – Policy SS11) previously AM54 supported <u>Reason supported</u> : Indicates the housing provision assumptions more clearly	RAM54 Supported
Paragraph 4.5.36 (Explanation – Policy SS11) New <u>See response to RMM6 above in Appendix 1 – Part A:</u>	RMM6 Not Sound
Policy SS12 (Five year housing land supply) previously MM7 not supported as sound <u>See response to RMM7 above in Appendix 1 – Part A:</u>	RMM7 Not Sound
Paragraph 4.5.38 (Explanation – Policy SS12) previously AM55 supported <u>Reason supported</u> : Indicates the requirement will be as in NPPF47.	RAM55 Supported
Paragraph 4.5.40 (Explanation – Policy SS12) previously MM8 not supported as sound <u>See response to RMM8 above in Appendix 1 – Part A:</u>	RMM8 Not Sound
4.6 Aspiration 5: Respond to climate change Pages 62-64	
Paragraph 4.6.12 (Explanation – Policy SS13) new Modification <u>Reason supported</u> : Accords with the change in government advice that it is acknowledged cannot be ignored.	RAM56A Supported
Paragraph 4.6.17 (Explanation – Policy SS13) previously AM44 supported <u>Reason supported</u> : Indicates that green infrastructure is also important to the economy.	RAM56B Supported
Part 5: Strategic Delivery Areas – a policy framework for Neighbourhood Plans (Pages 65-89)	
TORQUAY Pages 66-72	
Refer to the views of the Torquay Neighbourhood Plan Forum in respect of:-	
Policy SDT1 (Torquay) previously MM9 and part AM57	RMM9+14 RAM57
Paragraph 5.1.1 (Explanation – Policy SDT1) previously AM58	RAM58
Paragraph 5.1.3 (Explanation – Policy SDT1) previously AM59	RAM59
Paragraph 5.1.4 (Explanation – Policy SDT1) previously AM60	RAM60
Paragraph 5.1.8 (Table 5.2 SDT1 Source of housing in Torquay) previously AM61 and MM9+Annex2.	RMM9+14 +Annexes
Policy SDT2 (Torquay Town Centre and Harbour) previously AM62	RAM62
Paragraph 5.1.1.1 (Explanation – Policy SDT2) previously AM63	RAM63
Policy SDT3 (Torquay Gateway) MM21 previously AM64	RAM64
Paragraph 5.1.2.2 (Explanation – Policy SDT3) previously AM65	RAM65
Paragraph 5.1.2.2 (Table 5.6 SDT3 Torquay Gateway Key sites for housing) previously AM66 relating to Table 5.5 SDT3 Torquay Gateway Key sites for employment.	RAM66
PAIGNTON Pages 73-82	
Policy SDP1 (Paignton) previously MM10+Annex2 not supported as sound and AM67 supported <u>See response to RMM10 above in Appendix 1 – Part A:</u>	RMM10+ Annex 2 Not Sound
Policy SDP1 (Paignton) previously AM67 supported	RAM67

<u>Reason supported:</u> Indicates requirement to safeguard protected species.	Supported
Paragraph 5.2.2 (Explanation – Policy SDP1) previously AM68 supported <u>Reason supported:</u> Indicates the importance of existing historic and environmental identity.	RAM68 Supported
Paragraph 5.2.5 (Explanation – Policy SDP1) previously AM69 supported <u>Reason supported:</u> Indicates requirement to safeguard protected species.	RAM69 Supported
Paragraph 5.2.1.3 (Explanation – Policy SDP2) new <u>Reason supported:</u> Clarifies that wave action is included.	RAM69A Supported
Policy SDP3 (Paignton North and Western Area) previously AM70 supported <u>Reason supported:</u> Indicates requirement to safeguard protected species.	RAM70 Supported
Paragraph 5.2.2.1 (Explanation – Policy SDP3) previously AM71 supported <u>Reason supported:</u> Indicates continued commitment to Great Parks	RAM71 Supported
Paragraph 5.2.2.5 (Explanation – Policy SDP3) previously AM72 supported <u>Reason supported:</u> Indicates the approach intended towards habitat enhancement.	RAM72 Supported
Paragraph 5.2.2.7 (Explanation – Policy SDP3) previously AM73 supported <u>Reason supported:</u> Indicates the approach intended towards flood risk prevention.	RAM73 Supported
Paragraph 5.2.2.10 (Explanation – Policy SDP3) previously AM74 not supported as sound <u>Amend:</u> the proposed Replacement Modification to read: <i>“...These sites should provide a significant amount of employment floor space although mixed use residential schemes will be supported where they provide enabling development, and help to meet housing needs. 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 25% not less than 50% of Yalberton Road (Jackson Land) will be sought for employment uses, and 75% not more than 50% for residential. ...Strategic landscaping... (As existing to end of paragraph, then add): Early delivery of employment will be required, subject to other Local Plan considerations. “</i> <u>Reason:</u> The change in homes provision in the Replacement Modifications is not justified, nor realistic, nor consistent with other Modifications proposed. 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 7 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. See paragraphs 24 to 49, and paragraph 41 especially, of the covering letter attached herewith for further details.	RAM74 Not Sound (should be an RMM)

<p>Paragraph 5.2.2.11 (Table 5.12 SDP3 Paignton North and Western Area Key sites for housing) previously MM11+Annex2 not supported as sound and AM75 supported in part</p> <p><u>See response to RMM11 above in Appendix 1 – Part A:</u></p>	RMM11+ Annex 2 Not Sound
<p>Paragraph 5.2.2.11 (Table 5.12 SDP3 Paignton North and Western Area Key sites for housing) previously AM75 supported in part</p> <p><u>Reason supported:</u> Amended text insert to Table 5.12 now supports importance of early use of brownfield land, reduced capacity at Collaton St.Mary and potential use of Kings Ash House.</p>	RAM75 Supported
<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) previously MM12 and AM76</p>	RMM12+ RAM76
<p>Paragraph 5.3.1 (Explanation – Policy SDB1) previously AM77</p>	RAM77
<p>Paragraph 5.3.2 (Explanation – Policy SDB1) previously AM78</p>	RAM78
<p>Paragraph 5.3.4 (Explanation – Policy SDB1) previously AM79</p>	RAM79
<p>Paragraph 5.3.6 (Table 5.14 SDB1 Source of housing within Brixham Peninsula) previously MM12+Annex 2 and AM80</p>	MM12+ RAM80
<p>Policy SDB3 (Brixham Urban Fringe and Area of Outstanding Natural Beauty) previously AM81</p>	RAM81
<p>Paragraph 5.3.2.1 (Explanation – Policy SDB3) previously AM82</p>	RAM82
<p>Paragraph 5.3.2.2 (Explanation – Policy SDB3) previously AM83</p>	RAM83
<p>Paragraph 5.3.2.3 (Table 5.17 SDB3 Brixham Urban Fringe and AONB Key sites for employment) previously AM84</p>	RAM84
<p>Paragraph 5.3.2.3 (Table 5.18 SDB3 Brixham Urban Fringe and AONB Key sites for housing) previously AM85</p>	RAM85
<p>Part 6: Policies for managing change and development in Torbay (Pages 90-170)</p>	
<p>Aspiration 1: Secure economic recovery and success Pages 90-103</p>	
<p>Paragraph 6.1.1.1 (Explanation – Policy TC1: Town Centres) previously AM86 supported</p> <p><u>Reason supported:</u> Indicates the wider role supported in Town Centres.</p>	RAM86 Supported
<p>Paragraph 6.1.1.2 (Explanation – Policy TC1: Town Centres) previously AM87 supported</p> <p><u>Reason supported:</u> As Paragraph 6.1.1.1 above.</p>	RAM87 Supported
<p>Paragraph 6.1.1.3 (Explanation – Policy TC1: Town Centres) previously AM88</p> <p><u>Reason supported:</u> As Paragraph 6.1.1.1 above.</p>	RAM88 Supported
<p>Policy TC2 (Torbay retail hierarchy) previously AM89 supported</p> <p><u>Reason supported:</u> Indicates the local centre role intended for Great Parks and White Rock.</p>	RAM89 Supported
<p>Paragraph 6.1.1.4 (Explanation – Policy TC2: Torbay retail hierarchy) previously AM90 supported</p> <p><u>Reason supported:</u> Indicates factual reference to the BID locations and their purpose</p>	RAM90 Supported
<p>Policy TC3 (Retail development) MM30 now MM13</p> <p><u>See response to RMM13 above in Appendix 1 – Part A:</u></p>	RMM13 Supported

<p><u>Paragraph 6.1.1.11</u> (Explanation – Policy TC3) previously AM91 supported</p> <p><u>Reason supported:</u> As Policy TC3 above.</p>	RAM91 Supported
<p><u>Paragraph 6.1.1.20</u> (Explanation – Policy TC5: Evening and night time economy) previously AM92 supported</p> <p><u>Reason supported:</u> As Paragraph 6.1.1.1 above.</p>	RAM92 Supported
<p><u>Policy TO1</u> (Tourism, events and culture) previously AM93 supported</p> <p><u>Reason supported:</u> Indicates support for sustainable tourism.</p>	RAM93 Supported
<p><u>Paragraph 6.1.2.3</u> (Explanation – Policy TO1) previously AM94 supported</p> <p><u>Reason supported:</u> Indicates the all year round tourism objective.</p>	RAM94 Supported
<p><u>Paragraph 6.1.2.5</u> (Explanation – Policy TO1) previously AM95 supported</p> <p><u>Reason supported:</u> Indicates the support includes new 4 or 5 star hotels</p>	RAM95 Supported
<p><u>Paragraph 6.1.2.6</u> (Explanation – Policy TO1) previously AM96 supported</p> <p><u>Reason supported:</u> Indicates the approach intended in Core Tourism Investment Areas.</p>	RAM96 Supported
<p><u>Policy TO3</u> (Marine economy) previously AM97 supported</p> <p><u>Reason supported:</u> Indicates the approach intended at Paignton Harbour.</p>	RAM97 Supported
<p><u>Paragraph 6.1.2.26</u> (Explanation – Policy TO3) previously AM98 supported</p> <p><u>Reason supported:</u> As Policy TO3 above.</p>	RAM98 Supported
<p><u>Paragraph 6.1.2.27</u> (Explanation – Policy TO3) previously AM99 supported in part</p> <p><u>Reason supported:</u> The amended text now reflects 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), which 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 now clarifies that this is the test that will be applied where impact on protected species and habitats are involved.</p>	RAM99 Supported
<p><u>Paragraph 6.1.2.28</u> (Explanation – Policy TO3) previously AM100 supported</p> <p><u>Reason supported:</u> Indicates the range of environmental safeguards that will be applied</p>	RAM100 Supported
<p><u>Paragraph 6.1.2.29</u> (Explanation – Policy TO3) previously AM101 supported</p> <p><u>Reason supported:</u> Indicates the importance of conservation at Paignton Harbour.</p>	RAM101 Supported
<p>Aspiration 2: Achieve a better connected, accessible Torbay and essential infrastructure Pages 104-109</p>	
<p><u>Policy TA2</u> (Development access) previously AM102 supported</p> <p><u>Reason supported:</u> Indicates the traffic criteria that will be applied in assessments to be made.</p>	RAM102 Supported
<p><u>Policy TA3</u> (Parking requirements) previously AM103 supported</p>	RAM103 Supported

<u>Reason supported</u> : Indicates that assessment will include provision for commercial vehicles as requested. (see Forum representations of 31 March 2014)	
Aspiration 3: Protect and enhance a superb environment Pages110-126	
Policy C1 (Countryside and the rural economy) previously AM104 supported in part <u>Reason supported</u> : The amended text enables assessment of all protected species.	RAM104 Supported
Paragraph 6.3.1.2 (Explanation – Policy C1) previously AM105 supported <u>Reason supported</u> : Indicates importance of safeguarding Green Wedges	RAM105 Supported
Paragraph 6.3.1.4 (Explanation – Policy C1) previously AM106 supported <u>Reason supported</u> : Indicates the importance of country parks	RAM106 Supported
Paragraph 6.3.1.6 (Explanation – Policy C1) previously AM107 supported <u>Reason supported</u> : Indicates the importance of lighting solutions and protected bats.	RAM107 Supported
Paragraph 6.3.1.8 (Explanation – Policy C1) previously AM108 supported in part <u>Reason supported</u> : Amendments now made to other polices in the Plan now ensure that the context of landscape assessment is in addition to any HRA assessment.	RAM108 Supported
Policy C2 (The coastal landscape) and <u>Policies Map</u> previously AM109 supported <u>Reason supported</u> : Indicates that seascape is included.	RAM109 Supported
Paragraph 6.3.1.15 (Explanation – Policy C2) previously AM110 supported <u>Reason supported</u> : Indicates the particular link with Policy TO3 (Marine economy).	RAM110 Supported
Policy C3 (Coastal change management) previously AM111 supported <u>Reason supported</u> : Indicates the importance of safeguarding the integrity of protected sites and coastal assets.	RAM111 Supported
Paragraph 6.3.1.21 (Explanation – Policy C3) previously AM112 supported <u>Reason supported</u> : As Policy C3 above.	RAM112 Supported
Policy C4 (Trees, hedgerows and natural landscape features) previously AM113 supported <u>Reason supported</u> : Indicates the approach to be taken in protecting assets.	RAM113 Supported
Paragraph 6.3.1.22 (Explanation – Policy C4) previously AM114 supported <u>Reason supported</u> : Indicates the importance of existing features and habitats.	RAM114 Supported
Paragraph 6.3.1.23 (Explanation – Policy C4) new <u>Reason supported</u> : Strengthens the importance of woodland locally	RAM114A Supported
Paragraph 6.3.1.24 (Explanation – Policy C4) previously AM115 supported <u>Reason supported</u> : As Paragraph 6.3.1.22 above.	RAM115 Supported
Paragraph 6.3.1.25 (Explanation – Policy C4) previously AM116 supported	RAM116

<u>Reason supported:</u> As Paragraph 6.3.1.22 above and the importance of orchard habitats.	Supported
Policy C5 (Urban Landscape Protection Areas) previously AM118 supported <u>Reason supported:</u> Indicates a cross reference correction to the Policies Map.	RAM118 Supported
Paragraph 6.3.1.32 (Explanation – Policy C5) previously AM117 supported <u>Reason supported:</u> Indicates that a more balanced approach will be taken.	RAM117 Supported
Policy NC1 (Biodiversity and geodiversity) previously AM119 supported <u>Reason supported:</u> Indicates importance of safeguarding protected species and their habitats.	RAM119 Supported
Paragraph 6.3.2.1 (Explanation – Policy NC1) previously AM120 supported in part <u>Reason supported:</u> Same as RAM99 above.	RAM120 Supported
Paragraph 6.3.2.2 (Explanation – Policy NC1) previously AM121 supported in part <u>Reason supported:</u> The amended text now clarifies the Council's land ownership responsibility under the Natural Environment and Rural Communities Act 2006.	RAM121 Supported
Paragraph 6.3.2.3 (Explanation – Policy NC1) previously AM122 supported <u>Reason supported:</u> As Policy NC1 above.	RAM122 Supported
Paragraph 6.3.2.4 (Explanation – Policy NC1) previously AM123 supported <u>Reason supported:</u> As Policy NC1 above.	RAM123 Supported
Paragraph 6.3.2.5 (Explanation – Policy NC1) previously AM124 supported <u>Reason supported:</u> As Policy NC1 above.	RAM124 Supported
Paragraph 6.3.2.7 (Explanation – Policy NC1) previously AM125 supported <u>Reason supported:</u> Indicates the importance of sewer outfall on habitats.	RAM125 Supported
Paragraph 6.3.2.10 (Explanation – Policy NC1) previously AM126 supported <u>Reason supported:</u> Indicates the criteria that will be supported.	RAM126 Supported
Paragraph 6.3.3.17 (Explanation – Policy HE2: Listed Buildings) previously AM127 supported <u>Reason supported:</u> Indicates a factual clarification.	RAM127 Supported
Aspiration 4: Create more sustainable communities and better places (Pages 127-153)	
Paragraph 6.4.1.1 (Explanation – Policy H1: Applications for new homes) previously AM93 supported <u>Reason supported:</u> Indicates when a site allocation DPD will be produced.	RAM128 Supported
Policy H2 (Affordable housing) previously AM129 not supported as sound Amend: Reinstate the original thresholds for contributions that will be sought towards Affordable Housing provision.	RAM129 Not Sound

<p>Reason: 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. No compelling evidence has been provided that justifies departing from the submitted Plan Policy.</p>	<p>(should be an RMM)</p>
<p>Paragraph 6.4.1.7 (Explanation – Policy H2) previously AM130 not supported as sound.</p> <p>Amend: Delete the proposed Replacement Modification.</p> <p>Reason: As stated in response to Policy H2 above.</p>	<p>RAM130 Not Sound</p> <p>(should be an RMM)</p>
<p>Paragraph 6.4.1.9 (Explanation – Policy H2) previously AM131 supported</p> <p><u>Reason supported:</u> Indicates the design approach required.</p>	<p>RAM131 Supported</p>
<p>Paragraph 6.4.1.15 (Explanation – Policy H2) previously AM132 supported</p> <p><u>Reason supported:</u> Indicates the viability approach that will be used.</p>	<p>RAM132 Supported</p>
<p>Policy H3 (Self build affordable housing and exception sites) previously AM133 supported</p> <p><u>Reason supported:</u> Indicates more clearly how the policy will operate.</p>	<p>RAM133 Supported</p>
<p>Paragraph 6.4.1.19 (Explanation – Policy H3) previously AM134 supported</p> <p><u>Reason supported:</u> Indicates factual position on current situation.</p>	<p>RAM134 Supported</p>
<p>Paragraph 6.4.1.24 (Explanation – Policy H3) previously AM135 supported</p> <p><u>Reason supported:</u> Indicates how the policy will operate.</p>	<p>RAM135 Supported</p>
<p>Policy H4 (Houses in Multiple Occupation - HMOs) previously AM136 supported</p> <p><u>Reason supported:</u> Indicates words missed out in error of how the policy will operate.</p>	<p>RAM136 Supported</p>
<p>Paragraph 6.4.1.31 (Explanation – Policy H4) previously AM137 supported</p> <p><u>Reason supported:</u> Indicates cross reference on how the policy will operate.</p>	<p>RAM137 Supported</p>
<p>Policy H6 (Housing for people in need of care) and Paragraph 6.4.1.43 (Explanation – Policy H6) previously AM138 supported</p> <p><u>Reason supported:</u> Indicates how the policy will operate.</p>	<p>RAM138 Supported</p>
<p>Policy DE1 (Design) previously AM139 supported</p> <p><u>Reason supported:</u> Indicates the importance of designing out crime and disorder.</p>	<p>RAM139 Supported</p>
<p>Paragraph 6.4.2.4 (Explanation – Policy DE1) previously AM140 supported</p> <p><u>Reason supported:</u> As Policy DE1 above.</p>	<p>RAM140 Supported</p>
<p>Paragraph 6.4.2.5 (Explanation – Policy DE1) previously AM141 supported</p> <p><u>Reason supported:</u> Indicates how the policy will operate.</p>	<p>RAM141 Supported</p>
<p>Policy DE3 (Development amenity) previously AM142 supported</p>	<p>RAM142</p>

<u>Reason supported</u> : Indicates that amenity space must be useable.	Supported
Paragraph 6.4.2.10 (Explanation – Policy DE3) previously AM143 supported <u>Reason supported</u> : Indicates how long the policy will operate.	RAM143 Supported
Paragraph 6.4.2.14 (Table 6.1 Dwelling size and floorspace standards) previously AM144 supported <u>Reason supported</u> : Revised to comply with the improved standards.	RAM144 Supported
Paragraph 6.4.2.19 (Explanation – Policy DE3) previously AM145 supported <u>Reason supported</u> : Indicates how the policy will operate.	RAM145 Supported
Policy DE5 (Domestic extensions) previously AM146 supported <u>Reason supported</u> : Indicates the importance that will be given to shared sewers.	RAM146 Supported
Paragraph 6.4.2.30 (Explanation – Policy DE5) previously AM147 supported <u>Reason supported</u> : As Policy DE5 above.	RAM147 Supported
Paragraph 6.4.3.5 (Explanation – Policy SC1: Healthy Bay) previously AM148 supported <u>Reason supported</u> : Indicates availability of further guidance.	RAM148 Supported
Paragraph 6.4.3.7 (Explanation – Policy SC1: Healthy Bay) previously AM149 supported <u>Reason supported</u> : Indicates availability of proposed further guidance.	RAM149 Supported
Policy SC2 (Sport, leisure and recreation) previously AM150 supported <u>Reason supported</u> : Indicates the Policy now accords with NPPF74.	RAM150 Supported
Paragraph 6.4.3.10 (Explanation – Policy SC2: Sport leisure and recreation) previously AM151 supported <u>Reason supported</u> : Indicates a factual clarification.	RAM151 Supported
Paragraph 6.4.3.17 (Explanation – Policy SC3: Education, skills and local labour) previously AM152 supported <u>Reason supported</u> : Indicates support for South Devon College.	RAM152 Supported
Paragraph 6.4.3.21 (Explanation – Policy SC3: Education, skills and local labour) previously AM153 supported <u>Reason supported</u> : Indicates how the policy will also operate via informal means.	RAM153 Supported
Paragraph 6.4.3.25 (Explanation – Policy SC4: Sustainable food production) previously AM154 supported <u>Reason supported</u> : Indicates the importance of local orchards.	RAM154 Supported
Aspiration 5: Respond to climate change (Pages 154-170)	
Paragraph 6.5.1.6 (Explanation – Policy ES1: Energy) previously AM155 supported <u>Reason supported</u> : Indicates an updated factual informative.	RAM155 Supported
Policy ER1 (Flood Risk) previously AM156 supported	RAM156 Supported

<u>Reason supported:</u> Indicates application of the Policy.	
Paragraph 6.5.2.3 (Explanation – Policy ER1) previously AM157 supported <u>Reason supported:</u> As Policy ER1 above.	RAM157 Supported
Paragraph 6.5.2.6 (Explanation – Policy ER1) previously AM158 supported <u>Reason supported:</u> Indicates a factual update.	RAM158 Supported
Paragraph 6.5.2.12 (Explanation – Policy ER1) previously AM159 supported <u>Reason supported:</u> As Paragraph 6.5.2.6 above.	RAM159 Supported
Paragraph 6.5.2.13 (Explanation – Policy ER1) previously AM160 supported <u>Reason supported:</u> Indicates the importance of Policy ER1 and how it will be applied.	RAM160 Supported
Paragraph 6.5.2.14 (Explanation – Policy ER1) previously AM161 supported <u>Reason supported:</u> As Paragraph 6.5.2.13	RAM161 Supported
Paragraph 6.5.2.17 (Explanation – Policy ER1) previously AM162 supported <u>Reason supported:</u> Indicates how the policy will be applied.	RAM162 Supported
Policy ER2 (Water management) previously AM163 supported in part <u>Reason supported:</u> The amended text now makes the plan 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, and cross referenced to Policy W5 as previously sought.	RAM163 Supported
Paragraph 6.5.2.18 (Explanation – Policy ER2) previously AM164 supported <u>Reason supported:</u> Indicates why and how the policy will be applied.	RAM164 Supported
Paragraph 6.5.2.20 (Explanation – Policy ER2) previously AM165 supported <u>Reason supported:</u> Indicates the scope of the policy.	RAM165 Supported
Paragraph 6.5.2.21 (Explanation – Policy ER2) previously AM166 supported <u>Reason supported:</u> Indicates the importance of Policy ER2 and how it will be applied	RAM166 Supported
Policy W5 (Waste water disposal) previously AM167 supported in part <u>Reason supported:</u> The amended text (and to RAM170 below) now run alongside the Local Validation List approved by Torbay Council on 1 st June 2015 that requires drainage details 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 XX to XX especially)	RAM167 Supported
Paragraph 6.5.3.25 (Explanation – Policy W5) previously AM168 supported <u>Reason supported:</u> Indicates the correct term is a ‘combined’ sewer.	RAM168 Supported

<p>Paragraph 6.5.3.26 (Explanation – Policy W5) previously AM169 not supported as sound</p> <p><u>Amend:</u> the second paragraph of the proposed Replacement Modification as shown below</p> <p><i>“The Council, in partnership with South West Water, commissioned “An 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></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>However the Study requires water efficiency measures, and reduction in water run off from urban creep to be achieved. Consequently new development should will be required to have separate foul and storm water drainage systems <u>shown in planning applications when they are first submitted for approval in any area where there is a known capacity problem for accommodating further foul water flow.</u> 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). The Council will support measures to reduce the amount of storm water and grey water (e.g. from run-off, washing or cooking) going into the shared sewer. Policy ER2 deals with water management in more detail.”</i></p> <p><u>Reason:</u> The Replacement 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 7 herewith attached. The Environment Agency designated Torbay as a “Critical Drainage Area” in June 2015. 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.</p> <p>See paragraph 41 of the covering letter attached herewith.</p>	<p>RAM169 Not Sound</p>
<p>Paragraph 6.5.3.27 (Explanation – Policy W5) previously AM170 supported</p> <p><u>Reason supported:</u> Indicates the importance of Policy W5 and how it will be applied</p>	<p>RAM170 Supported</p>
<p>Paragraph 6.5.3.28 (Explanation – Policy W5) previously AM171 supported</p> <p><u>Reason supported:</u> Indicates the importance of Policy W5 and how it will be applied</p>	<p>RAM171 Supported</p>
<p>Paragraph 6.5.4.9 (Explanation – Policy M3: Preserving and safeguarding of limestone resources and key local building stone) previously AM172 supported</p> <p><u>Reason supported:</u> Indicates a necessary spelling correction.</p>	<p>RAM172 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) previously AM173 supported</p> <p><u>Reason supported:</u> Indicates that green infrastructure is included.</p>	<p>RAM173 Supported</p>

<p>Paragraph 7.4.12 (S106 Obligations) previously AM174 supported</p> <p><u>Reason supported:</u> Indicates how the process will be applied.</p>	<p>RAM174 Supported</p>																																																																		
<p>Paragraph 7.4.16 (New Homes Bonus) previously AM175 supported</p> <p><u>Reason supported:</u> Indicates a factual clarification.</p>	<p>RAM175 Supported</p>																																																																		
<p>Paragraph 7.4.23 (Bridging the funding gap) previously AM176 supported in part.</p> <p><u>Reason supported:</u> Amendment RAM23 above to Policy SS5 now confirms that the purpose is to ensure the speedy delivery of employment development</p>	<p>RAM176 Supported</p>																																																																		
<p>7.5 Monitoring and review Pages 176-178</p>																																																																			
<p>Paragraph 7.5.14 (Five Year Local Plan review) previously AM177 supported</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>RAM177 Supported</p>																																																																		
<p>Paragraph 7.5.18 (Table 7.1 Local Plan Phasing and Review) previously AM178</p> <p>Amend: 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="289 871 1323 1346"> <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 16-29</th> </tr> </thead> <tbody> <tr> <td>Financial 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- 2030/31</td> </tr> <tr> <td>Torquay</td> <td>845</td> <td></td> <td>1,040</td> <td></td> <td>1,055</td> <td></td> <td>825</td> </tr> <tr> <td>Paignton</td> <td>760</td> <td></td> <td>930</td> <td></td> <td>940</td> <td></td> <td>735</td> </tr> <tr> <td>Brixham</td> <td>175</td> <td></td> <td>210</td> <td></td> <td>215</td> <td></td> <td>170</td> </tr> <tr> <td>Expected total Housing numbers</td> <td>1,780</td> <td rowspan="3" style="writing-mode: vertical-rl; transform: rotate(180deg);">Five year review</td> <td>2,180</td> <td rowspan="3" style="writing-mode: vertical-rl; transform: rotate(180deg);">Five year review</td> <td>2,210</td> <td rowspan="3" style="writing-mode: vertical-rl; transform: rotate(180deg);">Five year review</td> <td>1,730</td> </tr> <tr> <td>Cumulative</td> <td>1,780</td> <td>3,960</td> <td>6,170</td> <td>7,900</td> </tr> <tr> <td>Expected total Net FTE job increase numbers</td> <td>1,375</td> <td>1,375</td> <td>1,375</td> <td>1,375</td> </tr> <tr> <td>Cumulative</td> <td>1,375</td> <td></td> <td>2,750</td> <td></td> <td>4,125</td> <td></td> <td>5,500</td> </tr> </tbody> </table> <p>In addition: Delete Picture 1.1 on page 2 of the Submitted Local Plan:</p> <p>Reason: To enable delivery of the DCLG Household projection published on 27 February 2015 in place of the unjustified and unrealistic strategy of the Submitted Plan, and to enable key monitoring bench marks of the plan to be seen more easily, thus more effective and thereby 'sound.</p> <p>See paragraphs 24 to 49 of the covering letter attached herewith.</p>	Plan phase	Years 0-5		Years 6-10		Years 11-15		Years 16-29	Financial Year	2012/13 – 2016/17		2017/18 – 2021/22		2022/23 – 2026/27		2027/28- 2030/31	Torquay	845		1,040		1,055		825	Paignton	760		930		940		735	Brixham	175		210		215		170	Expected total Housing numbers	1,780	Five year review	2,180	Five year review	2,210	Five year review	1,730	Cumulative	1,780	3,960	6,170	7,900	Expected total Net FTE job increase numbers	1,375	1,375	1,375	1,375	Cumulative	1,375		2,750		4,125		5,500	<p>RAM178 Not Sound (should be an RMM)</p>
Plan phase	Years 0-5		Years 6-10		Years 11-15		Years 16-29																																																												
Financial Year	2012/13 – 2016/17		2017/18 – 2021/22		2022/23 – 2026/27		2027/28- 2030/31																																																												
Torquay	845		1,040		1,055		825																																																												
Paignton	760		930		940		735																																																												
Brixham	175		210		215		170																																																												
Expected total Housing numbers	1,780	Five year review	2,180	Five year review	2,210	Five year review	1,730																																																												
Cumulative	1,780		3,960		6,170		7,900																																																												
Expected total Net FTE job increase numbers	1,375		1,375		1,375		1,375																																																												
Cumulative	1,375		2,750		4,125		5,500																																																												
<p>Appendices A to G (Pages i – xxxix)</p>																																																																			
<p>Appendix A (Glossary of Terms) previously AM179 supported</p> <p><u>Reason supported:</u> Indicates definitions of Heritage Asset and Historic Environment.</p>	<p>RAM179 Supported</p>																																																																		
<p>Appendix A (Glossary of Terms) new</p> <p><u>Reason supported:</u> Adds clarity of definition of 'Dark Corridors' and 'Self Build housing'</p>	<p>RAM179A Supported</p>																																																																		

<p>Appendix C (Schedule of Supporting documents - Aggregates) previously AM180 supported</p> <p><u>Reason supported:</u> Indicates a factual clarification.</p>	<p>RAM180 Supported</p>
<p>Appendix D (Pool of housing sites) and Policies Map – previously MM14 not supported as sound</p> <p><u>See response to RMM14 above in Appendix 1 – Part A:</u></p>	<p>RMM14 Supported</p>
<p>Appendix E (Regionally Important Geological Site (RIGS) Policies Map – previously AM 181 supported in part</p> <p>Amend: The addition of Hollicombe Head to Corbyn Head as a Regionally Important Geological Site (RIGS) is supported. The regional importance of the geological caves at Yalberton Valley and early use by man equally merits recognition by addition to the RIGS list using the information pack previously supplied by the Yalberton Valley Community Forum to planning officers of the Council. No explanation has been given that indicates why the site has been excluded.</p> <p>Reason: to make the plan more effective, and thereby 'sound'.</p>	<p>RAM181 Not sound</p>
<p>Appendix Car Parking Requirements previously AM182 supported</p> <p><u>Reason supported:</u> Indicates how the standard will be applied.</p>	<p>RAM182 Supported</p>

RAM ANNEX 1: Policies Map Changes

<p>Key Diagram and Policies Map Booklet</p>	
<p>Policies Map (Sheets 23, 24, 26 and 27) Future Growth Area notation at Collaton St Mary (Sheets 25, 27 and 28) Clennon Valley Previously Annex 1 to AM's not supported as sound</p> <p>Amend: by a) delete the change of notation proposed at Clennon Valley b) delete all reference and notation showing the two Collaton St Mary areas as Future Growth Areas for housing and related development and replace with the "Countryside Area" notation.</p> <p>Reason: a) Insufficient reason, therefore justification, has been given for the change of notation proposed at Clennon Valley that lies adjacent to a supported development site at Claylands. b) The change in homes provision in the published Modifications at Collaton St Mary is not justified, nor realistic, nor consistent with other Modifications proposed.</p> <p>See also RMM Annex 1 in Part A above.</p>	<p>RAM Annex1 & AMAnnex1 Not Sound</p>

End of Appendix 1 - Part B

APPENDIX 2

Projections & Actuality in Torbay since 2001

Torbay - ONS Subnational Population Projections to 2037 & Revised MYE's 2001-2012

Mid Yr to Mid Yr	1	2	3	4	5	6	7
	Issued 2006 (2004 based)	Issued 2008 (2006 based)	Issued 2010 (2008 based)	Issued 2012 (2010 based)	Issued 2012 (Interim 2011 based)	Issued 29 Jan 2014 Revised MYE 2001-2012	Issued 29 May 2014 (2012 based)
2001						129,965	
2002						130,521	
2003						131,238	
2004	132,500					131,937	
2005	134,000					132,178	
2006	135,400	133,200				131,857	
2007	136,800	134,200				132,172	
2008	138,200	135,300	134,000			132,070	
2009	139,600	136,400	134,600			131,641	
2010	141,000	137,600	135,300	133,300		131,443	
2011	142,400	138,800	136,000	133,700	131,200	131,193	
2012	143,700	140,100	136,800	133,900	131,900	131,492	131,500
2013	145,100	141,300	137,600	134,300	132,700		131,800
2014	146,500	142,600	138,400	134,600	133,400		132,200
2015	147,900	143,900	139,300	135,000	134,200		132,700
2016	149,300	145,200	140,200	135,400	134,900		133,200
2017	150,700	146,500	141,100	135,800	135,700		133,700
2018	152,100	147,900	142,100	136,200	136,400		134,200
2019	153,500	149,300	143,000	136,700	137,200		134,800
2020	154,900	150,700	144,100	137,200	138,000		135,400
2021	156,200	152,100	145,100	137,700	138,800		136,000
2022	157,500	153,500	146,100	138,200			136,600
2023	158,800	154,800	147,200	138,700			137,300
2024	160,100	156,200	148,200	139,200			137,900
2025	161,300	157,500	149,200	139,700			138,500
2026	162,500	158,900	150,200	140,200			139,100
2027	163,700	160,200	151,200	140,700			139,600
2028	164,800	161,500	152,200	141,300			140,200
2029	165,900	162,800	153,200	141,800			140,800
2030		164,000	154,200	142,300			141,400
2031		165,200	155,200	142,700			142,000
2032			156,100	143,200			142,500
2033			157,000	143,700			143,100
2034				144,200			143,600
2035				144,700			144,100
2036							144,600
2037							145,100

Source: ONS

1 - Released 29 May 2006

5 - Released 28 Sep 2012

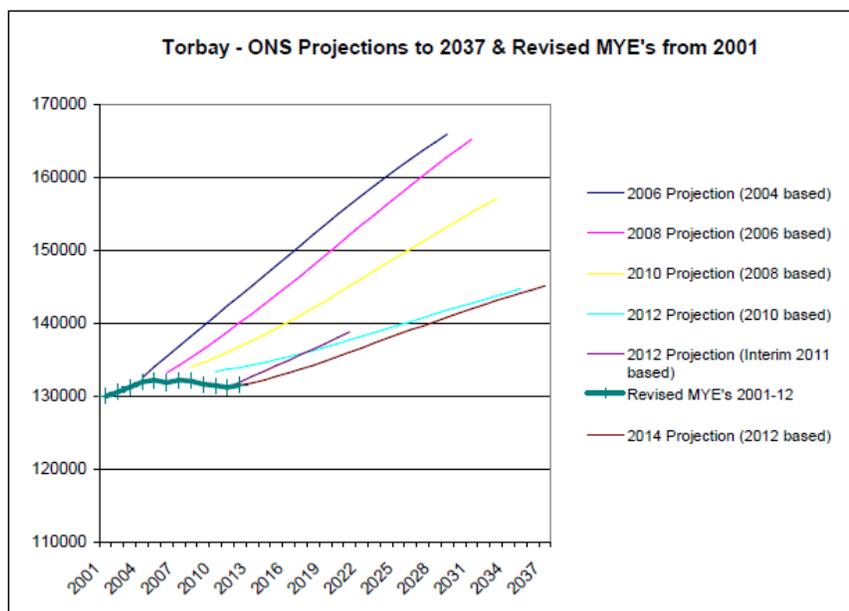
2 - Released 26 May 2008

6 - Released 29 Jan 2014

3 - Released 27 May 2010

7 - Released 29 May 2014

4 - Released 21 May 2012



APPENDIX 3

Diagram 1:

Net Migration 2001-2011 – Torbay UA
(Source: ONS)

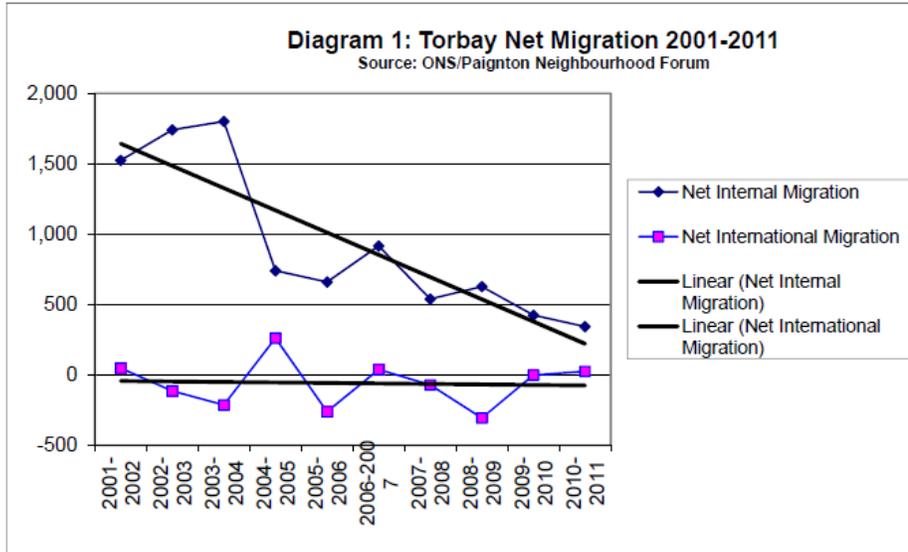
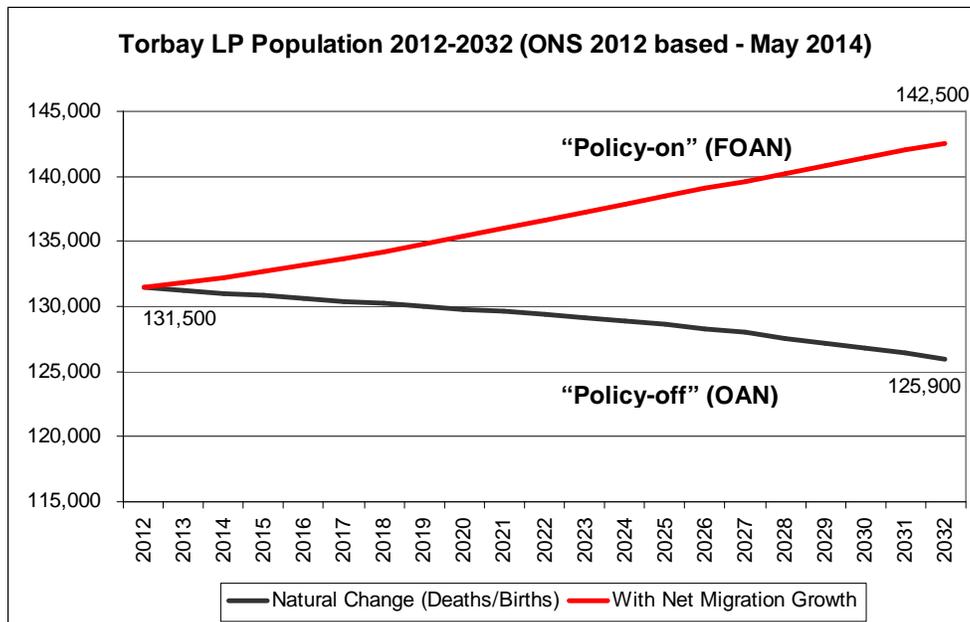


Diagram 2:

Net Migration with “Policy-off” (OAN) and “Policy-on” (FOAN)
(Source: ONS)



APPENDIX 4

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

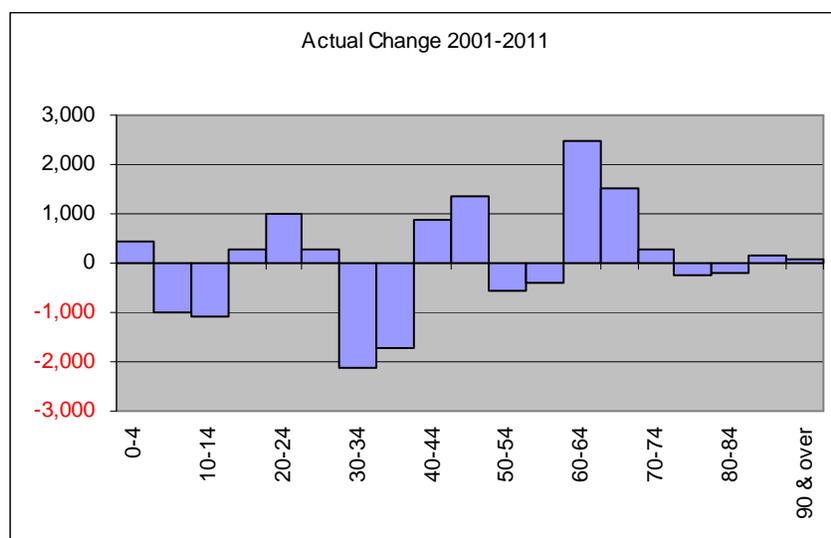
APPENDIX 5

Table A: Population Change by Age Group 2001– 2011

Torbay Age	Census 2001	Census 2011	Change 2001-11	% Change 2001-11
0-4	6,300	6,700	400	6.35
5-9	7,300	6,300	-1,000	-13.70
10-14	8,200	7,100	-1,100	-13.41
15-19	7,300	7,600	300	4.11
20-24	5,700	6,800	1,100	19.30
25-29	6,400	6,700	300	4.69
30-34	8,200	6,100	-2,100	-25.61
35-39	8,800	7,100	-1,700	-19.32
40-44	8,000	8,900	900	11.25
45-49	8,200	9,500	1,300	15.85
50-54	9,400	8,800	-600	-6.38
55-59	8,800	8,400	-400	-4.55
60-64	7,700	10,200	2,500	32.47
65-69	7,100	8,600	1,500	21.13
70-74	6,700	7,000	300	4.48
75-79	6,100	5,800	-300	-4.92
80-84	4,600	4,400	-200	-4.35
85-89	3,100	3,200	100	3.23
90 & over	1,800	1,900	100	5.56
Total	129,700	131,100	1,400	1.08

Source: ONS (Rounded)

Fig A: Population Change by Age Group 2011 – 2011 (Source Table A)



APPENDIX 6

Trajectory comparison of RMM Policies, Annex 2 (Housing Tables) & DCLG

Annual Delivery

Period	Year	RMM Policies p.a.	RMM Annex2 p.a.	DCLG based# Dwellings p.a.		
				85%	15%	100%
1	2012-13	400	449	300	55	355
2	2013-14	400	449	300	55	355
3	2014-15	400	449	300	55	355
4	2015-16	400	449	300	55	355
5	2016-17	400	449	300	55	355
6	2017-18	460	611	370	65	435
7	2018-19	460	611	370	65	435
8	2019-20	460	611	370	65	435
9	2020-21	460	611	370	65	435
10	2021-22	460	611	370	65	435
11	2022-23	510	353	375	65	440
12	2023-24	510	353	375	65	440
13	2024-25	510	353	375	65	440
14	2025-26	510	353	375	65	440
15	2026-27	510	353	375	65	440
16	2027-28	510	457	365	65	430
17	2028-29	510	457	365	65	430
18	2029-30	510	457	365	65	430
** 19	2030-31	510	457	365	65	430
Total		8,890	8,893	6,685	1,185	7,870

85% If job growth

15% If household size reduces

5 year Delivery

Period	Year	RMM Policies	RMM Annex2	DCLG based# Dwellings p.a.		
				85%	15%	100%
0-5	2012-17	2,000	2,245	1,500	275	1,775
6-10	2017-22	2,300	3,055	1,850	325	2,175
11-15	2022-27	2,550	1,765	1,875	325	2,200
** 16-19	2027-31	2,040	1,828	1,460	260	1,720
Total		8,890	8,893	6,685	1,185	7,870

Cumulative

Period	Year	RMM Policies	RMM Annex2	DCLG based# Dwellings		
Yr 5	2017	2,000	2,245	1,500	275	1,775
Yr 10	2022	4,300	5,300	3,350	600	3,950
Yr 15	2027	6,850	7,065	5,225	925	6,150
** Yr 19	2031	8,890	8,893	6,685	1,185	7,870

Profile of DCLG HH Projections issued 27 Feb 2015

(already includes assumed return to job growth/net migration increase)

(Compares with 8,100 3 x NPs decisions 31 March 2014)

** 4 year period - as in RMM

APPENDIX 7

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:

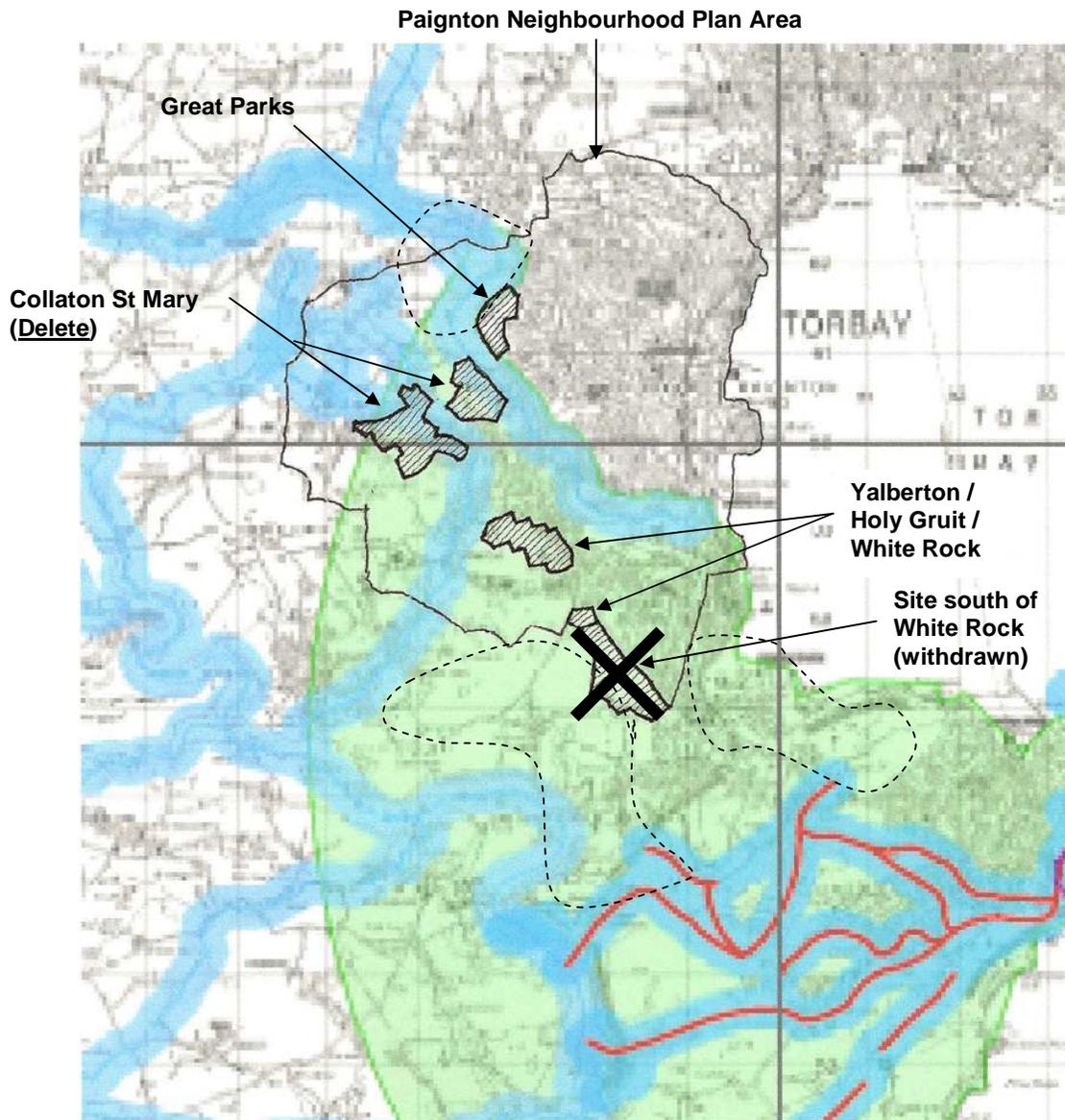
- a) a detailed survey and evaluation of the public foul sewerage network has taken place (at the Owner's expense) to identify improvements necessary to be funded in advance and executed to accommodate the discharge of foul sewage from the Development; and
- b) the Owner has submitted an application 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 8

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



Source:

Map Extract: South Hams Special Area of Conservation – Natural England: June 2010
Cirl Buntings: Baker Associates SHLAA Report Volume 2 Map 3: Sep 2008

Key:

Blue - Greater Horseshoe Bat 'Flyways'
Red - Flight paths recorded by radio tracking
Green - Sustenance Zone / Area

 - Cirl Buntings

APPENDIX 9

Replacement Housing Trajectory 2012-2030/31

DCLG Household Trajectory 2012-30/31

	0-5 2012-16 5yrs	6-10 2017-21 5yrs	11-15 2022-26 5yrs	16-19 2027-30 4yrs	Total 2012-30 19yrs
A	1,500	1,850	1,875	1,465	6,690
B	265	325	330	260	1,180
	1,765	2,175	2,205	1,725	7,870 #
	22%	28%	28%	22%	100%

Source: DCLG (Feb 2015) Tables 406 (Torquay UA) & 415 (Components)

Rounded to nearest 5 households

A = 85% if jobs grow

B = 15% if household size etc reduces

7,870 (for 19 Calendar Years) 7,890 (for 19 Financial Years)

Previous Forum Response (31 Mar-14)	Updated	
	20yrs	19yrs
From Yr 2012/13		
Torquay	3,860	3,765
Paignton	3,450	3,365
Brixham	790	770
Total	8,100	7,900

Allocated pro-rata of previous 20 yr response

Re-profile of Policy Modifications & Annex 2 Housing Tables

Policy SS1, SS11, SS12 (See attached letter)

Table 4.3: Source of New Homes (Rounded to nearest 5 dwellings)

Period (years)			0/1-19
Year	A*	B*	2012-31
SDT1 - Torquay	3,200	565	3,765
SDP1 - Paignton	2,860	505	3,365
SDB1 - Brixham	655	115	770
Torbay Total	6,715	1,185	7,900

A - To accommodate net growth of jobs*

B - To accommodate household size reduction*

* Subject to confirmation from Monitoring & Review

Table 5.2: Supply of Housing within Torquay

Period		0-5	6-10	11-15	16-19	Total
Year		2012-17	2017-22	2022-27	2027-31	2012-31
SDT1 - Torquay	A*	720	885	895	700	3,200
	B*	125	155	160	125	565
Torbay Total		845	1,040	1,055	825	3,765

Rounded to nearest 5 dwellings

Table 5.8: Supply of Housing within Paignton

Period		0-5	6-10	11-15	16-19	Total
Year		2012-17	2017-22	2022-27	2027-31	2012-31
SDP1 - Paignton	A*	645	790	800	625	2,860
	B*	115	140	140	110	505
Paignton Total		760	930	940	735	3,365

Rounded to nearest 5 dwellings

Table 5.14: Supply of Housing within Brixham

Period		0-5	6-10	11-15	16-19	Total
Year		2012-17	2017-22	2022-27	2027-31	2012-31
SDB1 - Brixham	A*	145	180	185	145	655
	B*	30	30	30	25	115
Brixham Total		175	210	215	170	770

Rounded to nearest 5 dwellings

A - To accommodate net growth of jobs*

B - To accommodate household size reduction*

* Subject to confirmation from Monitoring & Review

Replace Table 7.1 (See attached letter and Appendix 1 RAM 178)

End