

PAIGNTON NEIGHBOURHOOD FORUM

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



DRAFT MINUTES OF A FORUM & STEERING GROUP MEETING

held in the Gerston Chapel Hall, Torquay Road, Paignton
at 6.30pm Thursday 25 January 2018

www.paigntonneighbourhoodplan.org.uk

www.torbay.gov.uk/neighbourhoodplanning

In Attendance:

Angela Ainscough, David Barrett, Adam Billings, Jim Bonfield, Pam Bristow, Roger Bristow, Michael Clack, Anne-Marie Curror, Ian Curror, Eileen Donovan, John Gibson, Alan Hill, Helen Kummer, Maggie Loates, Leaf Lovejoy, Jean Morris, Sam Moss, Richard Parish, Mike Parkes (Minutes), David Pickhaver, Richard Stevens, Louise Thompson, Jean Vincent, Robert Vincent, Ann Waite, Christine Watts, David Watts (Chairman), Jean Worth, David Wotton.

Apologies:

Carole Box, Lorna Gardner, Paula Hermes, Melvyn Newbury.

AGENDA ITEM – 1. APOLOGIES RECEIVED AND WELCOME

1. The Chairman welcomed everyone to the meeting and thanked Gerston Chapel for the use their hall. Apologies received were as listed above.

AGENDA ITEM – 2. DRAFT MINUTES OF THE LAST FORUM & STEERING GROUP MEETING AND MATTERS ARISING:

2.a. The previously circulated Agenda was shown on-screen. It was agreed to delete the word “inertia” at para 3.c. (line 4) and insert “progress”. The draft minutes of the meeting held on 14 December 2017 were then agreed a true record. Proposed by Maggie Loates and seconded by Mike Parkes.

2.b. As discussed and agreed at the last meeting on 14 Dec 17, the Chairman confirmed that the following correspondence had been sent:

- (i) Reg 16 Response from Paignton Neighbourhood Forum (Minute 3.b).
- (ii) Shelter replacement with kiosk on seafront (P/2017/1219) (Minute 3.e.(iii)). To date, there had been about 40 other objections.
- (iii) Minute 3.e.(i) although there hadn't been a requirement for a letter to be sent in reference to the land at Woodview Road, Whiterock (P/2017/1042), it was noted that MP had submitted the relevant photograph (showing the road hammerhead) to the Chairman for future reference purposes. Additionally, MP was of the opinion that there were pockets of land stretching from this point towards the proposed 'Inglewood' development that were already owned by the developer. DW reminded the meeting that P/2017/1042 was a departure from the Local Plan but with HRA implications. There were several letters of objection displayed on the LA website that made reference to the environmental sensitivity of the area e.g. letters from South Hams AONB, RSPB, Natural England etc. Concern was expressed about any further extensions.

AGENDA ITEM – 3. PROJECT PLAN PROGRESS - NEIGHBOURHOOD PLAN SUBMISSION

3.a. **Budget Update.** £2k has now been transferred from the balance held on the Forum's behalf by the Council to the Paignton Forum Bank Account as previously agreed. Minute 3.d. (iii) dated 23 Nov 17 refers.

3.b. **Regulation 16 Consultation Responses.** The LA website lists all these Responses under 4 headings: Torquay (41 responses), Paignton (123 responses), Brixham (41 responses) and 'Multiple' (13 responses) to more than one of the Plans. The three Forum Chairs have requested confirmation of

the date and time that the Council responses were submitted. All three Forum Chairs were of the opinion that the Council responses had not been made in accordance with LA Standing Orders. They had not been issued by the Chief Executive following consultation with the appropriate Portfolio Holder. DW was of the opinion that the submissions can ultimately be considered by the Independent Examiners but would need annotating accordingly. The concern being that to do otherwise could expose the Council to a legal challenge. It was also noted that the responses from the TDA at the Regulation 14 Stage showed that they were in conflict with themselves over Paignton Local Green Spaces. This would present the Examiner with a dilemma and for clarity there would be a need to establish who coordinated and authorised the various TDA responses. RB said that at a recent Blatchcombe CP Meeting, Councillors had indicated that the TDA had been asked to go back and review LGS sites. All 3 Forum Chairs were concerned about the extent to which Officers had sought the agreement and authority of full Council before the submission of 'official' documents. It might be that the Council in due course come to endorse these particular responses but until that time it was considered they remain unofficial. However, the 3 Forum Chairs are trying to be helpful and supportive and have started work on an 'analysis grid' showing where there were agreements and conflicts of interest etc. DW reminded the meeting that it was the three Forums that had the responsibility for working through the Regulation 14 Stage responses but it was the Examiner alone who would consider the Regulation 16 Responses.

3.c. **Independent Examiner/Assessor Appointment**. The specification has now been jointly agreed. Additionally and since the last meeting, the Chairman was able to report that the following timetable had been agreed between the three Forum Chairs and the LA:

- (i) Invitation to Tender published (8 Jan 2018)
- (ii) Tenders to be returned by 5 Feb 2018
- (iii) Appointment of Examiners by 19 Feb 2018
- (iv) Contract Meeting (if necessary) 5 Mar 2018
- (v) Contract begins 5 Mar 2018
- (vi) Notification by Examiners of any additional hearings – 16 Mar 2018
- (vii) Public Hearing(s) commence 9 to 27 Apr 2018
- (viii) Report issued to Forums and Council before 11 May 2018

Potential Examiners will be notified of the Appointment Specification via the web portal used by the Council. Some concern was expressed as to how NPIERS might notify their members i.e. all members or selection. The three Forum Chairs were monitoring this. If there is disagreement on the appointment of Examiners, then it is the Secretary of State who decides.

3.d. **Outcome of Reference Group Meetings**: the Chairman reminded the meeting that the minutes of the meetings held on 20 Dec 17 and 17 Jan 18 were on the Forum website. However, they were now entitled: 'Meeting between Council and Forums'. Also on the Forum website was the Crownhall Judgment referred to at the meeting held on 17 Jan 18. This referred to the importance of everyone sharing case law examples, where known, in the support of statements. In answer to a question regarding this, DP said that he hoped that his legal colleagues would share such information although he would not wish to undermine any stance that the L.A. might have on this matter. The mood of the meeting was that the Forum wished to 'signpost' the Examiner to relevant case law and to reveal such matters at the last minute was not acceptable. However, whatever stance is taken, the decision needs to be endorsed by Council Members and not the Officers.

3.e. **Statement and Question to the Council**: referring to this item that had been published previously on the PNF website, DW explained the three Forum Chairs' attempt to have this matter referred to the next full Council Meeting (planned for the 7 Feb 18 but recently changed to 8 Feb 18). Councillors needed to be aware of and to have authorised the Regulation 16 issued in their name. The Forum Chairs wished the Full Council to debate:

- (i) The 'Council's' Regulation 16 Response had not been seen or approved by Full Council
- (ii) The responses contain conflicting views on Local Green Spaces
- (iii) Matters exceed the scope of the 'Basic Conditions' test

If agreement could be reached, the Forum Chairs would be happy to discuss these matters with Council Members outside the full Council Meeting.

3.f. **5 year land supply update:** the Chairman reported that the LA maintain that Torbay has only a 3.9 year supply which equates to a shortfall of 590 properties. All three Forum Chairs dispute this and refer to such anomalies as the 'old police station' and windfall sites not being included. The meeting was of the opinion that the LA was still intent on building for building's sake in order to benefit from the 'new homes bonus'.

(i) **Related matters:** the meeting was reminded of current applications:

- White Rock 2 (Inglewood) current application is for 400 properties. (P/2017/1133).
- Taylor Wimpey application for 97 properties (P/2017/1304).
- Bloor Homes EIA for up to 150 properties. (P/2017/1239). The decision was issued on 5 Jan 2017 that no EIA was required and that HRA can be dealt with by conditions!

Referring to P/2017/1304 (proposed Taylor Wimpey site), discussion followed on the sensitivity of the environment in this area, the road network and sewerage problems. The local Masterplan had not resolved problems relating to habitat regulations. There was a unanimous vote in support of the Chairman sending a letter of objection to this proposed development.

3.g. **Preparing for the next steps:**

- (i) The appointment of the Examiner is underway. The Forum can ask the Secretary of State to intervene if agreement can't be reached on an appointment.
- (ii) The Examination with a Report to LPA and Forum. The Forum can ask SofS to intervene if LPA does not meet decision deadline or if the LPA view differs with the Examiner's Report.
- (iii) Referendum. This must be held within 56 working days (11 weeks) from the decision to hold the Referendum or on a different agreed date.

AGENDA ITEM – 4. DATE OF THE NEXT MEETING The date of the next meeting is Thu 22 February 2018 at 6.30pm in the Gerston Hall, Paignton with further dates agreed as:

Thu 22 March 2018

Thu 26 Apr 2018

Thu 31 May 2018

and monthly thereafter

The meeting closed at 20:30hrs.