



David Watts
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Date: 10 April 2014

Dear David

Re: The New Torbay Local Plan and Paignton Neighbourhood Plan

I refer to your letter dated 31st March 2014 and to the associated Representation Form. I also refer to my letters to you dated 7 December 2012 and 11 November 2013, as well as my e-mail to you (and other Neighbourhood Forum Chairs) on 24 March 2014.

The parallel tracking approach we're taking, to Local and Neighbourhood Plan production, is both testing and useful. We have worked as closely as possible with the Forum on the identification of employment and housing sites, so there are no surprises in the Local Plan. My own view is that the Local Plan now better reflects local (i.e. Paignton) issues, than it would have done without that engagement, and includes some of the important points raised in Forum meetings and the early draft Neighbourhood Plan. For example, we are sharing an evidence base; we are all agreed that economic recovery and success is vital; there is now more in the Local Plan on Yalberton Valley; the Local Plan now includes a clear story on pace, balance, infrastructure and environment. There are many things on which we agree with the Forum, and vice versa, but as is often the case more 'air time' is given to those things we disagree on.

Paignton Forum's formal comments on the Local Plan, contained within your letter of 31 March, are disappointing but not unexpected. It is evident the Forum considers the Local Plan to be unsound and, in relation to one specific matter, not legally compliant. The issue of unsoundness, as the Forum sees it, relates primarily to housing numbers, the pace of delivery of those numbers and the environmental issues associated with new homes (for example, on the landscape around Collaton st Mary). Despite these comments, the response also suggests that there is capacity for 8,100 new homes to 2031 (around 1100 less than is suggested in the Local Plan), of which there is capacity for

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3450 in Paignton. Whilst identifying that number of homes is welcomed by the Council, we cannot agree with the Forum's view that 3-4,000 homes equates to realistic provision to meet objectively assessed needs when population and migration characteristics of the Bay are factored in.

The Forum's response makes it clear that it will continue to produce a Neighbourhood Plan, but also makes it clear that the outcome of the Local Plan's Examination is crucial to the Neighbourhood Plan. Hence why Neighbourhood Forum Chairs supported the need to put a new Local Plan in place as quickly as possible.

The Council acknowledges that Neighbourhood Plans need to be in general conformity with the adopted Local Plan. The adopted Local Plan for Torbay is the Saved Local Plan 1995 – 2011. That Plan included provision for 6200 new homes, at a rate of 413 per annum. It's worth noting, at this point, that over 2000 more homes were delivered between 1995 and 2011 than identified in the Saved Local Plan – which provides quite a strong message about the risks of under-planning for growth. The Structure Plan (2001 – 2016) identifies 4300 new homes for Torbay, at a rate of 286 per annum. The new Local Plan (Submission Version) proposes 8 – 10,000 new homes over a 20 year period, at an average delivery rate of 400 – 500 per annum. Paignton Forum's suggestion of 4,000 homes, as a maximum, equates to delivery of just 200 per annum. Paignton Forum's suggestion is, therefore, not in general conformity with the adopted Local Plan, the Structure Plan or the emerging new Local Plan.

Unfortunately Paignton Neighbourhood Forum's response puts adoption of the new Local Plan at significant risk, for two main reasons.

Firstly, as Paignton Forum has asserted that the Plan is not sound and not legally compliant with regard to Torbay's environmental capacity, it is possible that the Planning Inspectorate will seek to refuse to examine the Plan. This would cause significant delay and expose the Bay to risk from 'rogue' development, which could only be determined on the basis of the NPPF. Whilst my team has striven to argue that Torbay is able to maintain a five year housing supply, you will be aware that the development industry has put forward a case that Torbay's objectively assessed need is higher than the 2011 based household projections and Paignton Forum's assessment of need. It remains to be seen whether the Council's view of five year supply will be supported by an Inspector at appeal, and whether the forthcoming 2014 Household Projections affect the Council's ability to maintain a five year supply.

The Council and Forum Chairs agree that we need to submit the Local Plan to Examination as soon as possible. This will allow an Inspector to consider fully the issues surrounding growth and hopefully reach a definitive position. In order to help reduce the risk outlined above, it would be helpful if the Forum could undertake to meet a higher level of growth should an Inspector require it having considered all of the evidence.

Secondly, and put simply, the Council has sought to ensure, via the Local Plan and collaboration with Neighbourhood Forums, that Neighbourhood Plans have 'real teeth' and are not undermined by the Local Plan treading on their toes. To that extent the Local Plan has not allocated development sites for the crucial mid-plan period (approximately years 6 – 10). Instead it provides the space and encouragement for Neighbourhood Plans to allocate those sites, contrary to the advice of the Planning Inspectorate (see note to PINS dated 1 Oct 2013). The Council anticipates that, in examining the Local Plan, a Planning Inspector will understand the Council's support for localism, but will also want to see a commitment to delivery of housing numbers (to Local Plan levels) in Neighbourhood Plans. It is clear that a Planning Inspector will see no such commitment from the Paignton Forum, or in the Paignton Neighbourhood Plan, and will therefore question the deliverability of the Local Plan.

In the Council's opinion any further work undertaken by the Paignton Forum, on the Neighbourhood Plan, must be at considerable risk. If the Forum continues to promote, via its Plan, the desire for 3 – 4000 additional homes and the Planning Inspector concludes a much higher number of new homes are needed, then further work by the Forum will have been wasted. If, on the other hand, the Forum prepares a Plan that is in general conformity with the Local Plan, then the Forum's position (if it remains as at present) at Local Plan Examination will have been undermined.

By the same token, I'm sure you will understand that it makes no sense for the Council to support and resource a Neighbourhood Forum whose collective opinion is very different from the Council's and whose Plan, if any further work is done on it, will inevitably be at odds with the existing and new Local Plans.

Consequently, the Council will limit its input to Paignton's Neighbourhood Plan preparation to attendance of Forum meetings only. The additional funding, of £10,000 from our Local Plan reserve, previously discussed with you – to assist in Plan preparation – is no longer available. Instead the Council will be putting its resources into making sure the Local Plan makes its way as quickly as possible to and through Examination and supporting those Neighbourhood Forums producing Plans to support the Council's Local Plan. The Council will, of course, review its position should the Neighbourhood Forum decide to produce a Neighbourhood Plan that is in general conformity with the new Local Plan.

The Council's position has been agreed with DCLG and with lead Members. The Council's decision should not come as a surprise to you, given previous advice to you and Paignton Forum – from a range of different people – in writing and in person.

In the meantime, and on a more positive note, the masterplanning work for Paignton Town Centre and West Paignton continues. As you will know, workshops have been set up for the end of April. I hope it will be possible for Forum members to put their feelings about the Local Plan to one side when discussing masterplan issues. The masterplanning work provides a very good opportunity for people to help shape the future of their areas and ensure any development makes a positive contribution to the area. Without such plans I think it's highly likely the community will face battle

after battle as landowners / developers look to bring forward sites. The masterplanning work includes, as you know, infrastructure needs, costs and timings. This will include schools, green infrastructure, flood mitigation etc, as well as local community infrastructure. I hope you'll be helping to ensure the masterplan work is positive, productive and successful.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Pat Steward', with a small flourish underneath.

Pat Steward
Senior Service Manager
Spatial Planning

CC Alan Hill; David Thomas;