



Sent by e-mail to David Watts

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Date: 24 April 2014

Dear David

Re: The New Torbay Local Plan and Paignton Neighbourhood Plan

Thank you for your letter dated 20 April, the contents of which are noted. I'm keen to ensure the Paignton Neighbourhood Forum meeting on 24 April is fully informed, so I'd be grateful if the contents of this letter could be read out to those attending.

In responding to the questions asked in this and my previous letter it is, in my view, extremely important that the Forum is given a good opportunity to understand the implications and additional risk created by its emerging Neighbourhood Plan position and its response to the Local Plan. It appears the Forum was not involved in your response (20 April), which has implications the Forum may not fully understand. I trust you will allow the Forum good opportunity to understand and discuss the implications. I also think it important, especially given the Community Partnership origins of Neighbourhood Planning in the Bay, that each Community Partnership in Paignton is given the opportunity to assess the current situation and provide an informed opinion on the way forward. The success of the Neighbourhood Plan relies heavily on contributions from Community Partnerships, so they too need to be directly involved in responding to the following questions.

It seems to me that, in focusing on detailed matters, you have missed critical issues.

1. What work can the Forum do on its Neighbourhood Plan before examination of the Local Plan?

The Forum wants to see the Local Plan adopted as soon as possible, but has objected strongly to that Plan and still wants to produce a compliant Neighbourhood Plan. There are significant, probably irreconcilable, contradictions in that position. Hence why I posed the question in my previous letter about what work the Forum intends to do on the Neighbourhood Plan between now and adoption of the Local. You have said the Forum

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

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wants to continue preparing a Neighbourhood Plan, but have not said what work this would involve. As set out in my last letter, the Forum could continue to produce a Plan based on 'low and slow' growth, only to find that work wasted if an Inspector concludes the Local Plan is correct or itself too low. Or the Forum could produce a Plan that is compliant with the Local Plan, but that could undermine the Forum's objection to the Local Plan. A recognition of, and response to, this critical issue by the Forum would be very welcome.

2. Can the Forum reduce the significant risk, of delay to Local Plan Examination, caused by its response to the Local Plan?

Paignton Neighbourhood Forum has clearly out a number of critical objections to the Local Plan. These include, but are not limited to, Torbay's objectively assessed housing need, the mechanism for linking jobs to homes and the timing of new development. Given the Council's previous resolutions and the position of the Forum, the only way to resolve these differences is through the Local Plan Examination. The Council and each Neighbourhood Forum want this to happen as soon as possible, but Paignton Forum's objection to the Local Plan has put that at serious risk, as the Planning Inspectorate may now refuse to examine the Plan – as previously set out. Again, the Forum may not, before now, have appreciated this specific impact of its objection. I think it's important for the Forum to understand and come to a view on this critical issue. As suggested in my last letter, the Forum would be seen as sensible and reasonable if it would agree now to meet a higher level of growth over the next 20 years, conditional on the Planning Inspectorate coming to the conclusion that higher growth is needed (than set out in the Forum's response to the Local Plan), having examined all the evidence including that from the Forum. That means the Forum would not need to change its current baseline position, but would agreed to meet growth requirements beyond that position if required. Clearly, if the Planning Inspectorate agrees with the timing and scale of growth set out by Paignton Forum, then the Forum could continue to prepare its plan as at present.

3. Can the Neighbourhood Plan proceed ahead of the Local Plan?

I made it very clear in my previous letter that a Neighbourhood Plan based on an objectively assessed need for the Bay of 3 – 4,000 homes, which is Paignton Forum's position, would not be in conformity with the emerging or existing Local Plan, or indeed the Structure Plan. Such a Neighbourhood Plan would undoubtedly result in objections from the development industry (as shown by objections to the Local Plan). Based on the emerging Local Plan, prior to Examination, such a Neighbourhood Plan would not be supported by the Council. It is far from clear how an Independent Examiner would react to those objections. If the Paignton Neighbourhood Plan was to proceed the Local Plan, I suspect an Independent Examiner would refuse to agree the Plan until the strategic issues had been established in the Local Plan (as per Dawlish). Alternatively, an objective assessment of Paignton's housing needs could be undertaken, but I don't believe either the Forum or the Council will want to (or could) do that and an Examiner is unlikely to agree to this given the established Bay-wide nature of the housing market area. So, whilst you say paragraph 21 of your letter is meant to be helpful, it does not offer a real or practical way forward and is not an alternative to formal Examination of the Local Plan. This is why Forum Chairs, including yourself, agreed to move forward as quickly as possible with the Local Plan.

4. Could the Forum support an alternative approach to Neighbourhood Plan production?

Paignton Forum's letter (31 March) and representations (27 March) make it clear that the Forum believes Torbay's objectively assessed housing need is 3-4,000 new homes over the Local Plan period. This is about half the growth rate set out in the Local Plan. The Forum suggests, in the Council's opinion, that growth rates in the Local Plan should be reduced, particularly by pushing Greenfield development back much later in the

Plan period or after 2031. As set out above, the only way to resolve that issue is through formal Examination of the Local Plan.

As such an alternative approach might be for the Forum to positively prepare a Neighbourhood Plan, covering a 10 year period, which includes provision for around 3450 homes subject to the provision of necessary infrastructure. This would necessarily focus on the town centre and West Paignton, and help to bring forward brownfield sites and enabling development for employment, such as at the former Bookhams site. The Collaton st Mary area could be excluded from the Neighbourhood Plan, as this is being covered via the masterplan in any case – with a significant amount of community, business and statutory agency input. This approach might be seen as being in general conformity with the emerging Local Plan, will provide some comfort for a Local Plan Inspector and/or a Neighbourhood Plan Examiner and will ensure there is a continued focus on town centre/ brownfield regeneration. It is a much more realistic proposition than set out in paragraph 21 of your most recent letter. Again, the Forum's informed view on that alternative approach is important.

In addition to these four key questions, there is one other matter that needs resolving. The Council does not accept the view, as expressed in paragraph 6 of your letter (20th April), that the Local Plan doesn't take a jobs led approach. The Local Plan gives priority to, and places huge emphasis on, economic growth. This is clearly presented in the Foreword, in paragraph 2.2.5 (page 11), in Aspiration 1 (page 19) and in paragraph 4.1.3 (page 24). The Plan's support for economic growth, alongside protection / enhancement of the Bay's important environment, is a clear strand throughout the Plan. The Plan has been supported by business representatives, because of its positive approach to economy recovery based on the Bays USP.

However, the Council and the Forum disagree on the mechanism for restricting housing growth until jobs have been created. You asked us, some time ago, to take this up with the Planning Inspectorate. We did so, as you know. The Council has been advised by the Planning Inspectorate that this approach could be seen as contrary to the NPPF. The Council has carefully considered that advice and has set out review mechanisms (see page 177 of the Local Plan).

One further point, to avoid any confusion. In my previous letter I advised that, because of the Forum's present position on the Local and Neighbourhood Plans, the £10,000 previously offered by the Council (from its Local Plan reserve) is no longer available. That remains the case, pending clear answers to the above questions. Clearly, the Frontrunner funding and Locality Grants remain available.

I look forward to receiving the Forum's considered responses to the questions asked in this letter.

Yours sincerely,



Pat Steward
Senior Service Manager
Spatial Planning

CC Mayor and Elected Members, Forum Chairs, Mike Parkes, Forum Secretary.

John Doe