

PAIGNTON NEIGHBOURHOOD FORUM

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



c/o 34 Totnes Road
Paignton
TQ4 5JZ

24 January 2016

By email to: pat.steward@torbay.gov.uk
and future.planning@torbay.gov.uk

Torbay Council
FAO Patrick Steward
Head of Spatial Planning
Spatial Planning
2nd Floor, Electric House
Castle Circus
Torquay
TQ1 3DR

Dear Pat

Paignton Neighbourhood Plan: General Conformity with the Strategic Policies of the Development Plan

Thank you for your letter dated 21 January 2016 received on the same day.

I write to confirm that your letter was displayed on screen at our Forum meeting on the 21 January 2016. David Pickhaver and Tracey Brooks were both present and will I'm sure be able to confirm to you that each line was discussed immediately after our draft of Appendix 4 that your letter mainly relates to.

The Forum concluded unanimously that the draft of Appendix 4 is appropriate and that I should write to explain why this conclusion has been reached.

For ease of reference I have set out the following reply in the order of the comments made in your letter, which I trust is helpful.

1. It is agreed that on 19 November 2015 David Pickhaver's email confirmed that our draft Compliance and Basic Conditions Statement identified the correct legislation and guidance that we are required to follow. Your further confirmation is most helpful.

However, your reference to the second email of 16 December 2015 is not correct. The Forum took note of the comment made in that email. You will see that Table 4.3 of our draft Appendix 4 has followed exactly the same trajectory as set out at the top of page 2 of your letter of 12 November 2015. At paragraphs 5 and 9 of that letter you made it clear that the decision had been arrived at after "*a lot of thought*". As exactly the same trajectory has also been published in the revised draft of the Adopted Local Plan (paragraph 4.5.48) on the Council's website, the Forum has taken it to be the correct one to incorporate. If you are now saying it is the wrong trajectory, I ask on the Forum's behalf that you please provide the correct one with an explanation that helps us to understand why a further change

has been made and on what authority, given that you rightly say in your letter of 12 November 2015 that the Council cannot depart from the Inspector's findings.

Before leaving this point, the Forum was alarmed to hear that it will not be until March that a printed copy of the Adopted Local Plan will be available. The Forum has asked that at least an electronic version of the final document (and policy map booklet) is made available to the Forum long before then if we are expected to make progress on these matters especially in relationship to the publication of our Neighbourhood Plan. I'm sure you would agree this is very reasonable and your confirmation is requested.

2. The Forum is not "*attempting to phase development artificially*" (your words). As you correctly point out, this is appropriate if there is good reason. We will look again to see how we can make it even clearer why the phasing shown has been adopted. Your observation has been most helpful.

However, your observation that we are over-relying on small Windfall sites is not correct. The provision allowed for in Table 4.4 accords fully with your above letter of 12 November 2015. I trust we are agreed that Windfall sites are sites with a net yield of 5 or less as confirmed in the Local Plan. Also, as shown in our draft of Table 4.7 the mix of specific sites is one of large and small sites in exactly the same manner as the Council submitted to the Inspector in the 5 year supply shown in PH21 and which the Inspector accepted. Windfall sites are not included at all, apart from a small amount to reflect the considerable excess over 130 per annum that the Council has granted approval to over the last few years.

- 3 Thank you for advising that more detailed comments will follow via David Pickhaver. It is of course agreed that the final version needs to convey the correct position and we will obviously want to consider very carefully any suggested changes when the detailed comments are received. They will be most welcome.

However, in the meantime it is further pointed out that you have not used the correct Local Plan policy definition. The policy of the Local Plan is very clearly to provide for net growth of jobs, not new jobs. If this fundamental point is still a matter at issue, I am concerned that there may be no confidence in the Council carrying out the monitoring correctly and it will be necessary to make the position abundantly clear via the Neighbourhood Plan. Any further comment here would best wait until the detailed comments are available for the Forum to consider.

- 4 As we have not yet sent you a copy of our assessment of conformity with the NPPF, your comments are noted and helpful and will of course be taken into account when that part has been drafted for Council comment. In the meantime, your observations are not correct as the trajectory being followed accords with the Local Plan as modified by the Inspector to take account of the NPPF requirement. The Local Plan failed twice to be found 'sound' because it did not accord with the NPPF. Thus you can be assured we will be taking as much care as possible to show how and why the Neighbourhood Plan has taken the required account of the NPPF when we have completed the draft of that part of our Compliance and Basic Conditions Statement.
- 5 The importance of showing there will be a 5 year supply of housing land is agreed and hence why our draft has explained how it meets that requirement. However, you raise an interesting point not previously debated anywhere as far as I can recall. You appear to be saying that failure to have a 5 year supply affects all three Neighbourhood Plans as well as the Local Plan. This does not

follow logically and I know of no precedent anywhere that shows such a situation would apply in Torbay. The three Neighbourhood Plans are individual development plan entities as well as collectively covering 100% of the Local Plan area following Sustainability Appraisal. It is not logical to claim that failure in one Neighbourhood Plan area means allowing unsustainable development contrary to a Neighbourhood Plan in another part of Torbay. Hopefully we will never see the point tested, but your comment has prompted our thought on comments we may need to make in the plan or supporting documents.

Given the importance of the above matters, I have asked that the Forum be prepared to make any further comments at our next meeting on 18 February 2016 to ensure that I have interpreted the conclusions reached correctly. In any event, I'm sure you will agree there will be the need for further discussion of the above matters as we continue to move forward. I will write to you again after our next Forum meeting, by which time it will no doubt also be possible to take into account the more detailed comments you have helpfully indicated will be sent via David Pickhaver.

Yours sincerely

David Watts
Chairman, Paignton Neighbourhood Plan Forum

c.c. Mike Parkes, Forum Secretary