

PAIGNTON NEIGHBOURHOOD FORUM

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



c/o 34 Totnes Road
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19 February 2016

By email to: pat.steward@torbay.gov.uk
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Dear Pat

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

Thank you for your more detailed comments provided via email from David Pickhaver.

As promised in my letter of 24 January 2016 they have been circulated and were considered by the meeting of the Forum last night.

Thank you for the comprehensive approach taken. To assist the exchange of views at this stage, please see attached the Forum's responses shown highlighted in red text beneath the respective comments received, which it is hoped are self explanatory, but if not, please let me know.

Please also see attached a revised draft of the Appendix 4 insert also approved by the Forum last night to take into account the suggested changes wherever considered possible to do so. The revisions made are shown highlighted in yellow, those highlighted in blue show where further amendment is in progress.

Yours sincerely

David Watts

Chairman, Paignton Neighbourhood Plan Forum

Enclosures:

- Response to Detailed Comments received on first Draft of Appendix 4
- Revised Draft of Appendix 4

c.c. Mike Parkes, Forum Secretary

Draft Insert to Compliance and Basic Conditions Statement: Appendix 4 General Conformity with the Strategic Policies of the Development Plan and other Development Documents.

Draft Detailed Comments by Torbay Council

These notes supplement correspondence between the Council and Paignton Neighbourhood Forum. With regard to housing and related tables, it is accepted that there is an element of interpretation in reaching exact numbers and there is therefore scope for discussion about these.

The references in these documents follow the Forum's draft Appendix 4 General Conformity Statement for discussion on 21 January 2016.

Thank you for your comments. They are considered to be very important given that a final copy of the Adopted Local Plan is not yet available. Your comment about exact numbers is greatly appreciated. We certainly hope they can now be treated as unlikely to change again. To clarify the circumstances, please see added paragraphs A4.5 and A4.6. Please also note that all paragraph have been re- numbered thereafter for any future reference.

A4.6 I support inclusion of this advice. With regard to Table 4.1, I note that part of the table needs to be completed. In my view, the following policies in the Policies for Managing Change section (Part 6) are likely to be strategic, in whole or in part: TC1 Town centres (part), TC2 Torbay retail hierarchy (part), C1 Countryside and rural economy, C2 The Coastal landscape (part) NC1 Biodiversity, H2 Affordable housing (part-?), ER1 Flood risk, ER2 Water management, W1 waste strategy, W5 waste water disposal, M1 Mineral extraction. Clearly the Neighbourhood Plan is able to make policies that affect such matters, so long as they are in general conformity with the strategic elements and thrust of these policies.

Thank you for the confirmed support. Table 4.1 has now been completed. Please see the attached update at new A4.12, which includes your advice regarding Local Plan Part 6 policies considered to be strategic.

A4.11 Jobs and Homes It is agreed that the local plan process is one of monitor and manage. However this needs to be set in the context of the emphasis that Government policy and the NPPF places upon meeting in full, objectively assessed needs (FOAN), subject to other considerations in the NPPF (paragraphs 14,17(3rd point) and 47 (first point)).

Thank you for the comment. Reference to this will be included in the Appendix that we are required to provide that shows how account has also been taken of Government policy and the NPPF. Please see new paragraph A4.15 to clarify the position in respect of the Local Plan.

A4.13 I agree that the Inspector's report notes a relationship between jobs and homes at paragraph 41 of the Report, including the possibility that numbers may go down if the council's job growth strategy is less than hoped. However

the five year review will be against a range of matters and information identified at paragraph 7.5.17 of the Local Plan, i.e. demographic trends, economic performance, market and social signals, land availability, monitoring data, infrastructure, landscape and biodiversity.

These will all need to be taken into account when determining whether the “policy on” housing requirement should be amended at first review. Pending the first review the Inspector’s advice is that it is “regarded as sensible and pragmatic to plan for 8900 additional dwellings over the Plan period”.

In the previous paragraph the Inspector indicates a FOAN of 11,000-11,500 dwellings.

To take account of your above comment and Pat Steward’s letter of 21 January 2016, paragraph A4.13 (now A4.17) has been amended. New paragraph A4.18 includes your helpful reference above to LP para 7.5.17. New paragraph A4.19 has been added to clarify to the reader that any change made must of course continue to comply with the strategic policies set by the approved Local Plan. Any change that went outside of these would obviously not be in accord with the Local Plan approved. In particular, the requirement for net growth in job numbers, not simply new jobs as previously discussed.

Reference to an FOAN of 11,000 -11,500 has not been included because it would not be appropriate and very confusing as it related to a longer plan period (to 2032) and before taking account of the factors listed by the Inspector in his final report.

A4.15 These quotes from the Inspector’s report need to be read in context and it may be better to quote the entire paragraph in the general Conformity Statement . For example paragraph 37 of the Inspector’s Report relates to the importance that should be attached to achieving a 15 years’ time horizon from the adoption of the Local Plan. Paragraphs 40-41 are in the context of whether the Local plan’s housing requirement may be set at less than the FOAN of 11,000-11,500 dwellings, as discussed above.

Expanding the quotes as suggested is not necessary. It would not change the conclusions indicated and referring to a higher FOAN would be misleading for the reasons given above. However to take account of your comment about time frame, paragraph A4.12 (now A4.16), has been amended to make it clear that the Local Plan period applies to 2029/30 (i.e. 15 years).

4.18 Housing trajectory

The trajectory set out in table 4.2 of the General Conformity document appears to be correct. However tables 4.3 to 4.5 appear to be based on a trajectory of 460 dwellings per year in years 11-15, and not 495. I appreciate that these trajectories have been the subject of previous discussion.

Thank you for confirming that our Table 4.2 is in general conformity. You are correct that Tables 4.3 to 4.5 use the information previously given to us by the Council. Thank you for drawing this to our attention. Each Table has been amended in the revision attached to accord with the revised Policy SS13 trajectory.

The Strategic Development Policies in the Local Plan Local Plan sets out approximate numbers and expected timing of new homes. These are based upon evidence of the SHLAA, expected infrastructure delivery, developer interest etc. Broadly Policy SDP1 for Paignton sets out a trajectory as follows.

	Year 1-5	Years 6-10	Years 11-15	Years 16-18	Plan period
	2012/17 (5yrs)	2018/22 (5yrs)	2022/27 (5yrs)	2078/30 (3yrs)	
Dwellings in SDP3 Table 5.8	980	1597	803	906	4286

As stated, these figures are approximate. In the context of Totnes Road, delivery is anticipated to primarily years 11-15 and 16-18 of the Plan period. However this is intended to reflect expected infrastructure matters (para 5.2.2.3 of the Local Plan also refers). It is not intended to act as a phasing policy to delay development where infrastructure constraints can be overcome.

Thank you for your comments. The term 'expected' timing of new homes is used above whereas the term 'estimated' is used in the policy tables of the Local Plan itself. This difference is important because there has always been agreement that the Part 5 SDP Tables are an 'estimated' provision, not an 'expected' provision, because some of the sites have noted constraints that require time to resolve. In the case of Totnes Road, these go well beyond solely infrastructure constraints referred to above, as recognised by the Council in RMM 2 (modifying LP para 4.1.25) and noted by the Inspector's report (para 63). Not forgetting also the need to ensure that Greenfield sites are not brought forward over brownfield sites before they need to be and NPPF111. In light of your important comment, paragraph A4.32 (bullet 5) has been amended to help with clarification.

The Local Plan's five year supply trajectory is set out in Policy SS13. SS13 is not broken down by Neighbourhood Plan area because the five year requirement is a Torbay wide requirement and different areas may come forward for development at different rates.

In producing Appendix 4 it has been recognised that Policy SS13 does not show a breakdown by NP area, but this is provided in Table 7.1 of the Local Plan as shown on the Council's website following adoption on 10 December 2015. It is therefore assumed that the Council will be amending Table 7.1 to the further revised NP area figures shown in the next table below so that both the LP and NP are able to be in sync with each other.

Nevertheless, dividing the numbers in SS13 between the three neighbourhood plan areas creates a pro-rata requirement as follows. These should be seen as minimums for each area, because a shortfall in any one area affects the five year housing land supply for the whole of Torbay (and consequently whether any policy for the supply of housing can be considered up to date). .

		Rounded housing figures by NP Area			
		Torquay	Paignton	Brixham	Total
2012/13-2016/17		890	960	150	2000
2017/18-2021/22		1100	1190	180	2470
2022/3-2026/7		1230	1330	210	2770
2027/8-2029/30		740	800	120	1660
		3960	4280	660	8900

The importance of maintaining a 5 year supply is fully appreciated and is referred to further below. To accord with your above amendments Table 4.3 and all the related tables of Appendix 4 attached have been updated to incorporate the amended figures above. More generally, you raise an interesting point that appears not to have been considered hitherto anywhere. Each Neighbourhood Plan is a development plan in its own right for the area it applies to, and 100% coverage of the LP area is the intent. It does not logically follow that if there is a 5 year shortfall in one NP area that it necessarily means a presumption in favour of development applies in another NP area if it were to result in an unsustainable outcome.

Comparing the SDP and SS13 figures to those in Table 4.4 of the General Conformity Statement, the numbers are as follows:

	Year 1-5	Years 6-10	Years 11-15	Years 16-18	Plan period
	2012/17 (5yrs)	2018/22 (5yrs)	2022/27 (5yrs)	2078/30 (3yrs)	
SDP3 Table 5.8	980	1597	803	906	4286
SS13 divided by NP area	960	1190	1330	800	4280
PNF Table 4.4.	965	1110	1385	830	4290

On this basis, Table 4.4 of the General Conformity Statement appears to be general conformity with the minimum trajectory of Policy SS13, but below that of SDP3.

Thank you for confirming that Table 4.4 is in general conformity with Policy SS13 which of course has also been used for comparing the housing provision in Tables 4.5 to 4.7. To improve the general conformity still further, all of the Tables have been amended to match your above amendments as shown in the attached update. With regard to LP Table 5.8 (indicated as SDP3 but is SDP1) this brings us back to the agreement that the trajectory shown in the LP is an estimated trajectory of timing and numbers. As previously discussed it is of necessity a variable estimate for the reasons previously given above and necessary in order to avoid an unsustainable balance, especially in period 6-10.

There are two additional concerns with the housing trajectory figure. Firstly, the shortfall in provision from the start of the Plan period must be made up over five years. Assessed against the overall requirement of 420 dpa (400+ 5%) I calculate that there is a shortfall of 201 dwellings in the 3 years since the start of the Plan period (420 x3=1260 minus 1059) .

According to my calculation Paignton's completions are around 140 below the pro-rata rate in SS13 (960 +5%=1008, times 3/5= 605 dwellings. Minus 464 completions= 141.

Torbay Housing Completions 2011-15. (Torbay Housing Monitor)				
	2011/12	2012/13	2013/14	2014/15
Torquay	146	176	252	77
Paignton	92	53	204	207
Brixham	30	27	45	18
Total	268	256	501	302 ¹

Appendix 4 includes in Table 4.7 more than 2,300 identified sites until 2026/27 that either have planning consent, are currently planning applications, or are identified as 'deliverable' in the SHLAA. This more than meets the NPPF rolling 5 year requirement, including any shortfall referred to by the Inspector (para 46), at the very least until the first major review date of 2020/21. The NPPF makes no limit on the number of deliverable sites that a Council can include in the 5 year assessment, and is not restricted only to sites with planning permission. There should be no difficulty in the Council's annual monitoring report being able to show that the requirement has been met by the sites in Table 4.7. This obviously assumes that the pace of supply remains justified by the net growth of jobs and demographic assumptions on which the LP strategic policies are based. As monitoring is currently showing both are not growing at the rate envisaged, this extends the supply adequacy even further.

In addition, the General Conformity Statement at Paragraph 4.22 appears to rely upon a greater number of windfall sites (of less than 5 net dwellings) than

¹ Note that later versions of the 2015 Housing Monitor have a higher figure in 2014/15 and a lower number in 2013/14, but they add up to the same when averaged out. These figures include a year's additional monitoring data to that in para 45 of the Inspector's Report and the position is slightly more favourable than the figures used by the Inspector.

the Local Plan makes provision for. It appears that Table 4.6 of the Statement factors in an additional 50 dwellings, based on your assessment of planning permissions. This figure is significantly higher than monitoring indicates has been achieved in Torbay and Paignton, as set out below. On this basis the Local Plan assessment of 52 windfall dwellings per year in Paignton has not been achieved, and there is no justification for exceeding it, unless the Neighbourhood Plan includes specific policies aimed at increasing windfall rates. Indeed, the development industry would argue that the assessment of 52 per year may be too ambitious.

An alternative solution to past windfall completions may be to apply a non-completion rate to permissions granted for windfall sites.

Windfalls (sites of under 6) completed, by town (Torbay Housing Monitor):

	Torquay	Paignton	Brixham	Total
Year				
2010/2011	66	30	18	114
2011/2012	58	39	13	110
2012/2013	40	41	9	90
2013/2014	54	35	10	99
2014/2015	48	46	18	112

As has previously been argued, a strategy of increasing windfalls could be counterproductive in terms of seeking to improve the quality of living accommodation and relieving deprivation in the town centre and urban wards. It is likely to be more productive-both in terms of numbers and community benefits- to seek to bring forward larger sites.

As explained in Appendix 4, the planning consents granted by the Council of 'windfall' size (5 units or under) greatly exceeds 130 per annum, to the extent that it is a 'supply' available that is not being taking into account anywhere else in the methodology of supply assessment used. Attempting to rationalise this by constructing a 'non-completion rate' has not been adopted because it does not address the fundamental point that non take up can be due to what the LP describes as 'market signals' i.e. lack of need / demand'. There is also concern that reference to 'community benefits' in reality lacks adequate meaning and bringing forward larger sites, especially Greenfield land, can bring with it very tangible community disbenefits. To recognise your point about quality of living accommodation, it is not being assumed that the excess should be taken into account throughout the plan period. In addition of course, Part 6 of the LP contains policies that prevent an unsatisfactory outcome from arising e.g. town cramming etc. As work on this 'excess' figure is not yet complete, further discussion will be very useful.

Summary

I recognise that a great deal of effort has gone into the General Conformity Statement, and welcome the use of the Local Plan's housing trajectory. However I am concerned that the proposals sail too close to the bare minimum figures, and seeks to delay difficult sites (principally Collaton St Mary, but also Preston Down Road, Victoria MSCP, Paignton Harbour, Station Lane etc) until the end of the Plan period. Combined with the existing backlog (accrued since 2012), this could result in the Council being unable to maintain a five year housing land supply, which would effectively undermine both the Local Plan and Neighbourhood Plans. The approach also implies a phasing policy that does not relate to the provision of infrastructure, which the Council has strongly advised against.

Thank you for your comment about the General Conformity Statement. We are fast approaching year 5 of the Local Plan, providing the ability to take into account progress in actuality on a number of assumptions on which the strategic policies of the LP are based. While it is appreciated there might be a concern that the NP is sailing 'close to the wind' it is equally a concern of the Forum that the net job growth is not materialising, and appears to be going in the opposite direction, hence leading to the very imbalance that the LP seeks to ensure is avoided. Nevertheless the NP preparation will continue to incorporate the housing trajectory adopted, and try to make it more clear that the phasing shown is a realistic management of the constraints that exist, which are not solely about infrastructure as previously explained above.

Paignton Neighbourhood Plan Forum

Revised Draft insert to Compliance and Basic Conditions Statement

Appendix 4: General conformity with the strategic policies of the development plan and other development documents

Scope and purpose

A4.1 This Appendix sets out the evidence that shows the Neighbourhood Plan is:

- a) in general conformity with the strategic policies of the development plan, and
- b) supports other non statutory development documents the Council has asked are also taken into account.

A4.2 The assessment therefore goes beyond the requirement of the Regulations.

a) General conformity with the development plan.

A4.3 The relevant development plan is the new Torbay Local Plan (subtitled “*A landscape for success*”) adopted by Torbay Council on 10 December 2015.

A4.4 The adoption followed an extended period of formal Examination and Modification from November 2014 until publication of the Inspector’s final report on 12 October 2015.

A4.5 The Modifications included requiring the Council to correct ‘confusing arithmetic’ referred to later below. The finalised development plan is not expected to be available until March 2016. This Appendix has therefore been produced in close consultation with the Council.

A4.6 When the final development plan has been published, where there is any risk of conflict with the strategic policies, the nature and relevance will be stated in accordance with Government advice in PPG-074 as referred to in paragraph 3.18 of this Statement.

Identifying the strategic policies

A4.7 The development plan (Local Plan) consists of two documents:

- i) a written statement containing the adopted policies;
- ii) an accompanying booklet containing the policy maps

A4.8 In accordance with PPG-067, the Council confirmed to the Forum on 19 November 2015 (by email) that the strategic policies of the new Local Plan are those contained in:

Part 4 - entitled “Spatial strategy for strategic direction”;

Part 5 - entitled “Strategic delivery areas”;

Part 6 (in part) - entitled “Policies for managing change” that need to be assessed against NPPF156 and PPG21-017-05.

A4.9 The Forum accepted this advice and assessed the Neighbourhood Plan first in relation to the strategic policies in Part 4, followed by those in Part 5, and finally those in Part 6 using the methodology in PPG-075 as referred to in paragraph 3.19 of this Statement.

A4.10 Applying the criteria of PPG-075 confirmed that the policies of Parts 4 and 5 are all strategic and multi purpose in content, as shown in Table 4.1 below.

A4.11 Also included in Table 4.1 are the policies ~~of~~ in Part 6 of the Local Plan. All were found to have a strategic element, therefore have all been taken into account to ensure a comprehensive assessment.

A4.12 Further Council advice on 21 January 2016 (by email) indicated that the following policies of Part 6 were likely to be strategic in whole or part: TC1 (part), TC2 (part), C1, C2 (part), NC1, H2 (part), ER1, ER2, W1, W5, M1. The Forum accepted this advice as shown in Table 4 below.

Table 4.1 Assessed strategic policies of the development plan

Strategic policies of the new Torbay Local Plan	Type of strategic policy (PPG-075)						
	Sets a direction	Shapes development	Strategic in scale	Balances priorities	Sets a standard	Allocates sites	Identified as strategic
Part 4 – Spatial strategy and policies for strategic direction:							
SS1 - Growth Strategy for a prosperous Torbay	✓		✓		✓	✓	✓
SS2 - Future Growth Areas	✓	✓	✓	✓	✓	✓	✓
SS3 - Presumption in favour of sustainable development	✓				✓		✓
SS4 - The economy and employment	✓		✓		✓	✓	✓
SS5 - Employment space	✓	✓			✓	✓	✓
SS6 - Strategic transport improvements	✓		✓				✓
SS7 - Infrastructure, phasing and delivery of employment	✓	✓	✓	✓	✓		✓
SS8 - Natural environment	✓		✓	✓	✓		✓
SS9 - Green infrastructure	✓	✓	✓		✓	✓	✓
SS10 – Conservation and the historic environment	✓				✓		✓
SS11 - Sustainable communities	✓		✓	✓	✓		✓
SS12 - Housing	✓	✓	✓	✓	✓	✓	✓
SS13 - Five year housing land supply	✓					✓	✓
SS14 - Low carbon development and adaptation to climate change	✓	✓	✓		✓		✓
Part 5 - Strategic Delivery Areas – a policy framework for Neighbourhood Plans							
SDP1 - Paignton	✓	✓	✓	✓	✓	✓	✓
SDP2 - Paignton Town Centre and Seafront	✓	✓	✓	✓	✓	✓	✓
SDP3 - Paignton North and Western Area	✓	✓	✓	✓	✓	✓	✓
SDP4 - Clennon Valley Leisure Hub	✓	✓	✓	✓	✓	✓	✓
Part 6 – Policies for managing change							
TC1- Town Centres and retailing	✓		✓	✓			✓
TC2 – Torbay retail hierarchy	✓			✓			✓
TC3 – Retail development	✓				✓	✓	
TC4 – Change of retail use	✓			✓			
TC5 – Evening and night time economy	✓	✓					
TO1 – Tourism, events and culture	✓						
TO2 – Change of use of tourism accommodation and facilities	✓			✓	✓		
TO3 – Marine economy	✓				✓		
TA1– Transport and accessibility	✓	✓	✓		✓		
TA2 – Development access	✓	✓	✓	✓	✓		
TA3 – Parking requirements	✓				✓		
IF1 – Information and communications technology	✓			✓	✓		
C1 – Countryside and the rural economy	✓	✓	✓	✓	✓		✓

C2 – The coastal landscape	✓	✓	✓	✓	✓		✓
C3 – Coastal change management	✓			✓	✓		
C4 – Trees, hedgerows and natural landscape features	✓	✓	✓	✓	✓		
C5 – Urban Landscape Protection Areas	✓	✓		✓	✓		
NC1 – Biodiversity and geodiversity	✓	✓	✓	✓	✓		✓
HE1 – Listed Buildings	✓			✓	✓		
H1 – Applications for new homes	✓	✓		✓			
H2 – Affordable housing	✓	✓	✓	✓	✓	✓	✓
H3 – Self build affordable housing and exception sites	✓		✓		✓	✓	
H4 – Houses in multiple occupation (HMOs)	✓		✓	✓	✓		
H5 – Sites for travellers	✓			✓	✓		
H6 – Housing for people in need of care	✓		✓	✓	✓		
DE1– Design	✓	✓	✓		✓		
DE2 – Building for Life	✓	✓			✓		
DE3 – Development amenity	✓	✓			✓		
DE4 – Building heights	✓	✓			✓		
DE5 – Domestic extensions	✓	✓			✓		
DE6 - Advertisements	✓	✓			✓		
SC1- Healthy Bay	✓		✓		✓		
SC2 – Sport, leisure and recreation	✓			✓	✓		
SC3 – Education, skills and local labour	✓		✓				
SC4 – Sustainable food production	✓			✓	✓		
SC5 – Child poverty	✓			✓	✓		
ES1- Energy	✓	✓			✓		
ES2 – Renewable and low carbon infrastructure	✓	✓			✓		
ER1 – Flood risk	✓	✓	✓	✓	✓		✓
ER2 – Water management	✓	✓	✓	✓	✓		✓
ER3 - Contamination	✓		✓		✓		
ER4 – Ground stability	✓		✓		✓		
W1 – Waste hierarchy	✓		✓		✓		✓
W2 – Waste audit for major and significant waste generating developments	✓		✓		✓		
W3 – Existing waste management facilities in Torbay	✓						
W4 – Proposals for new waste management facilities	✓	✓			✓		
W5 – Waste water disposal	✓	✓	✓	✓	✓		✓
M1 – Minerals extraction	✓	✓	✓	✓	✓		✓
M2 – Maximising the use of secondary and recycled aggregates	✓	✓			✓		
M3 – Preserving and safeguarding of limestone resources and key local building stone	✓	✓		✓			

A4.13 Sustainable growth of jobs and homes sits at the core of the development plan strategy. Therefore these are referred to first in the assessment summary below, followed by all other strategic policies.

Jobs and homes

A4.14 The Local Plan strategy overall is to “plan, monitor and manage” for net growth of jobs and homes within Torbay’s remaining environmental capacity. It is not a strategy of “predict and provide”.

A4.15 As the strategy has recently been approved by an Inspector, it complies with Government policy of meeting Torbay’s objectively assessed need and all other NPPF requirements.

A4.16 The strategy approved applies to 2029/30 and features two key aspects:

- i) to plan “in tandem” for 5,000-5,500 net growth of jobs (from a total of 59,000 in 2012) plus 8,900 additional homes based on 7,550 for an assumed return to net inward migration and household size reduction, plus 1,350 to stimulate net job growth;

- ii) to monitor progress annually, with 5 year major Reviews in 2020/21 and 2025/26, or earlier if justified, because the objectively assessed need includes a number of key economic and demographic assumptions with significant uncertainties.

A4.17 If net job growth exceeds expectation, the plan enables an increase in pace of housing provision within Torbay's remaining environmental capacity. Conversely, if net job growth is less successful, the plan enables revision of housing growth downwards to ensure sustainable balance is maintained (Local Plan paragraphs 1.1.15 and 7.5.17).

A4.18 The first five year major review (in 2020/21) will be against a range of matters and information identified at paragraph 7.5.17 of the Local Plan, i.e. demographic trends, economic performance, market and social signals, land availability, monitoring data, infrastructure, landscape and biodiversity.

A4.19 However, the review context will remain as set by the strategic policies approved to ensure that sustainable balance is maintained between achieving net growth in job numbers, provision of additional homes, and environmental capacity.

A4.20 The strategy notes that Torbay is nearing its environmental capacity for sustainable growth, and increasingly will need to look beyond the present boundary via joint review arrangements with neighbouring authority areas, as identified under the "Duty to Co-operate" assessed at the Examination Hearing.

A4.21 The strategic policies of the Local Plan as Modified reflect the Inspector's conclusions:

- "... the Plan (Local Plan) will need to be reviewed regularly over the years and it is unrealistic to think that the current plan can be very prescriptive about the latter part of the plan period." (para 37)
- "... the prudent approach is to initially be conservative with the number of dwellings to be planned for and to monitor the situation carefully." (para 40)
- "... There will be ample opportunity to increase housing numbers if justified by jobs growth. Alternatively it may be necessary to reduce housing numbers over the plan period if the Council's jobs growth strategy is less successful than is hoped. At the present it is regarded as sensible and pragmatic to plan for 8,900 additional dwellings over the plan period (to 2029/30)" (para 41).

The approved trajectories

A4.22 The Neighbourhood Plan conforms to the approved trajectories of the Local Plan. To the first Major Review in 2020/21 (see A4.16(ii) above), or earlier if needed, the trajectories for job and home growth across the Local Plan area of Torbay are shown in Table 4.2 below:

Table 4.2 Local Plan trajectories

Phase	Plan period	Financial year	Jobs Policy SS1	Homes Policy SS13
Plan Adopted	1	2012/13	Net job growth of 275 -300 per year	400 per year
	2	2013/14		
	3	2014/15		
	4	2015/16		
	5	2016/17		
	6	2017/18		
Major Review	7	2018/19		495 per year
	8	2019/20		
	9	2020/21		
	10	2021/22		
	11	2022/23		
	12	2023/24		
Major Review	13	2024/25		555 per year
	14	2025/26		

Plan End	15	2026/27		
	16	2027/28		
	17	2028/29		
	18	2029/30		
	Net growth		5,000-5,500	8,915

Rounded to nearest 5

A4.23 **For net job growth** the Neighbourhood Plan incorporates and supports all of the employment land and regeneration areas identified by the Local Plan (at LP Table 4.2) as shown below:

Deliverable sites with planning permission:

- White Rock, Paignton (Policy SDP3.5)
- Yalberton Industrial Estate, Paignton (Policy SDP3)

Refurbishment of existing sites

- Yalberton Industrial Estate, Paignton (Policy SDP3)

Town Centre regeneration

- Victoria Centre, Crossways and Harbour (Policy SDP2)

Opportunities in the built up area

- Claylands, Paignton (Policy SDP1/SDP3)

Future Growth Areas

- Collaton St Mary, Paignton, proposed village centre enhancement (Policy SDP3)

A4.24 **For housing growth** the Neighbourhood Plan has adopted the trajectory of the approved Local Plan (at paragraph 4.5.48 and Table 7.1), as shown in Table 4.3 below, which the Council confirmed on 21 January 2016 (by email) is in conformity:

Table 4.3 Housing trajectory

Plan years Financial years	1-5 2012/17 (5yrs)	6-10 2017/22 (5yrs)	11-15 2022/27 (5yrs)	16-18 2027/30 (3yrs)	1-18 2027/30 (18yrs)
Torquay	890	1,100	1,230	740	3,960
Paignton	960	1,190	1,330	800	4,280
Brixham	150	180	210	120	660
Torbay	2,000	2,470	2,770	1,660	8,900

Rounded to nearest 5

A4.25 The above trajectories include an approved allowance of 130 per year for undefined sites of 5 homes or less, defined as “Windfall sites”. The Local Plan notionally ascribes this total to each Neighbourhood Plan in the ratio of 65 (50%) for Torquay, 52 (40%) for Paignton, 13 (10%) for Brixham.

A4.26 Deducting the approved allowance for “Windfall sites” produces the relevant quantum of specific sites expected in each Neighbourhood Plan, as shown for Paignton in Table 4.4 below:

Table 4.4 Paignton trajectory

Plan years	1-5 2012/17 (5yrs)	6-10 2017/22 (5yrs)	11-15 2022/27 (5yrs)	16-18 2027/30 (3yrs)	1-18 2027/30 (18yrs)
Paignton Total	960	1,190	1,330	800	4,280
Less Windfall	260	260	260	155	935
Specific sites	700	930	1,070	645	3,345

Rounded to nearest 5

A4.27 The Inspectors Report confirmed that a sufficient NPPF 5 year supply of housing sites existed at 1st April 2015 (i.e. years 4-8 covering 2015/16 – 2019/20) as evidenced in Council document PH21. This included 729 identified sites for Paignton, thus requiring only a further 481 for the addition of years 9 and 10 to make provision for years 4-10, and 2,925 for years 4-18 as shown in Table 4.5 below

Table 4.5 Neighbourhood Plan sites requirement

LP Requirement		Including PH21	
For year 4+5 (700 x 2/5)	280	For year 4-8 (PH21)	729
For years 6-10	930	For years 9+10	481
For years 4-10	1,210	For year 4-10	1,210
For years 11-15	1,070	For years 11-15	1,070
For years 16-18	645	For years 16-18	645
For years 4-18	2,925	For years 4-18	2,925

Plus windfall

A4.28 In conformity with the Local Plan, the Neighbourhood Plan includes sites for years 6-10 and onwards. For completeness, those for years 4 and 5 have also been included.

A4.29 Actual planning consents for windfall sites (of 5 homes or less) currently exist in excess of the assumed allowance of 130 per year. This excess assists in reducing the need for Greenfield or constrained sites to meet the Local Plan. The excess position at 1 April 2015 stood at 207 dwellings. Only a proportion of this excess (58) has been included in the Neighbourhood Plan assessment by applying the same notional ratio as in the Local Plan (see paragraph A.4.19 above). It has not been assumed this excess continues in future years, even though it might do so.

A4.30 The overall provision made in the Neighbourhood Plan compared with the requirement is summarised below in Table 4.6;

Table 4.6 Paignton Neighbourhood Plan – sites included

Plan period	4-8 2015/20 (5yrs)	9-10 2017/22 (2yrs)	11-15 2022/27 (5yrs)	16-18 2027/30 (3yrs)	4-18 2015/30 (15yrs)
LP Requirement	729	481	1,070	645	2,925
NP Provision made	787	489	1,131	688	3,095

A4.31 Thus in conformity with the Local Plan, the Neighbourhood Plan includes sites for all periods that meet the trajectory required.

A4.32 This includes meeting all other requirements summarised below:

- all sites for years 6-10 and 11-15 either have planning consent or have been confirmed as deliverable by the Council's Strategic Housing Land Availability Assessment (SHLAA);
- as shown in Table 4.7, (and location plans attached), the distribution between the Town Centre, North and West area, and rest of Paignton are all in general conformity with the Local Plan;
- in accordance with the approved strategy of meeting market requirement, the provision does not assume that sites identified would deliver more than 35 per year;

- the total of sites identified will at the first Major Review in year 9 (2020/21) more than meet the NPPF rolling 5 year requirement (i.e. over the period 2020/21 - 2025/26), including the required “buffer” of 5%;
- none of the provision **to the first Major Review in 2020/21** relies on the inclusion of sites identified in the Local Plan that have **various** constraints or unresolved issues.
- none of the provision relies on sites with Habitat Regulation Assessment (HRA) implications.

A4.33 In particular, the provision does not draw on sites beyond year 15 that the approved Local Plan has recognised are constrained or have significant issues not yet resolved. In particular, land at Collaton St Mary.

A4.34 The phased and conservative provision also accords with the Inspectors conclusion that it is unrealistic to think that the current plan can be very prescriptive about the latter part of the plan period (see para A4.15 above).

A4.35 It is of further relevance to note that net job growth has not yet occurred and a further 1,800 are required to compensate for reduction that has occurred since 2012. Thus it is not justified to go beyond the first Major Review year at present, other than to note that the housing trajectory is likely to be revised downward. . The South Devon Link Road (South Devon Highway) has been identified as key to the strategy, and opened for use on 15 December 2015.

In summary – jobs and homes

A4.36 In every respect, the Neighbourhood Plan is in general conformity with the strategy of the development plan regarding the required provision for jobs and homes.

General conformity with other Part 4, 5 and 6 strategic policies

[Insert here the assessment results in schedule format]

b) General conformity with other development documents

A4.37 As an additional step, the assessment for general conformity has included the following documents at the request of the Council even though they do not form part of the strategic policies of the statutory development plan.

A4.38 The purpose of this additional step has been to see how far they assist in helping to inform the content of the Neighbourhood Plan and assist the purpose of the development documents themselves .

[Insert here the document list, assessment results, and grid of type]

Table 4.7 Neighbourhood Plan - Housing sites

				5yr Review 2020/21	5yr Review 2025/26			
From 1/4/2015								
Location	Ref	Period & Year	4-8 2015/20 5yrs*	9-10 2020/22 2yrs	11-15 2022/27 5yrs	16-18 2027/30 3yrs**	4-18 2015/30 15yrs**	
Town Centre & Seafront	HC233	Courtland Rd	38				38	
	13240	Crossways			150		150	
SDP2	13242	Hyde Rd / Torbay Rd			50		50	
	13250	Queens Park				50	50	
		SHLAA Deliverable Urban					0	
	New	<i>2 Courtland Rd</i>	15				15	
	13034	<i>10 Palace Avenue</i>		9			9	
	13094	<i>Montana, 10 Belle Vue Rd</i>		6			6	
	13162	<i>4 Palace Ave</i>		6			6	
	13051	<i>Silverlawns, 31 Totnes Rd</i>		21			21	
	13069	<i>Lyndhurst, Lower Polsham Rd</i>		12			12	
	T718	<i>Angleside House</i>		24			24	
	T797	<i>20 Roundham Rd</i>		10			10	
		SHLAA Constrained Urban					0	
	13066	<i>Lighthouse, Esplanade Rd</i>				20	20	
	T787	<i>Victoria Park MSCP</i>				60	60	
	H1.014	<i>Station Lane</i>			30		30	
	T857	<i>Paignton Harbour</i>				40	40	
		Non Identified 6+					0	
	13036	<i>Seaford Sands Hotel</i>	14				14	
	13043	<i>Seaford Hotel, Stafford Rd</i>	9				9	
North & West	<u>SDP3.1</u>	Preston Down Rd					0	
SDP3	13195	<i>Land Preston Down Rd North</i>				50	50	
	13196	<i>Land Preston Down Rd South</i>				50	50	
	<u>SDP3.2</u>	Great Parks					0	
	H1.11	<i>Masterplan</i>	60	60	65		185	
	H1.12	<i>Masterplan</i>		20	100		120	
	H1.13	<i>P/2014/0938</i>			68		68	
	13004	<i>Alfriston Rd (P/2012/1074)</i>	60	24			84	
	13028	<i>Luscombe Rd (P/2004/1989)</i>			47		47	
	<u>SDP3.3</u>	Totnes Rd					0	
	T710	<i>Motel / Area A</i>		42			42	
	Draft MP	<i>Area B</i>				130	130	
	Draft MP	<i>Area C (excl. Motel /Area A)</i>				178	178	
	Draft MP	<i>Area D</i>				70	70	
	Draft MP	<i>Area E</i>				40	40	
	<u>SDP3.4</u>	Yannons / H. Gruit / Devon. Pk					0	
	T755	<i>Yannons Farm</i>	194				194	
	T758	<i>Park Bay / Holy Gruit</i>	37				37	
	T843	<i>Yalberton (P/2014/0983)</i>		65	127		192	
	13263	<i>Devonshire Park (P/2014/0947)</i>		70	185		255	
	<u>SDP3.5</u>	White Rock						
	T756a	<i>P/2011/0197 onward</i>	175	70	100		345	
	LDO	<i>Student Accommodation^^</i>		50	70		120	
		Non Identified 6+					0	
	13021	<i>Kings Ash House</i>	14				14	
Elsewhere		SHLAA sites elsewhere SDP1					0	

in SPD1	T706	Marine Pk Goodrington	39			39
	T742	Oldway, inc Fernham	46			46
	T744	Divisional Police HQ	14			14
	T866	R/O Gibson Rd	6			6
	P/2014/1017	Roseville, Marine Gardens	8			8
	13052	Totnes Road Service Station		14		14
	R125	Parkhill House, 1 Southfield Rd		15		15
	13105	Alan Kerr Garage, Brixham Rd		10		10
	13123	Land at 4-6 Eugene Rd		6		6
	13148	63 Manor Rd		8		8
	13166	R/O Quarry Terrace,Marldon Rd		8		8
	13189	Modern Motoring, Torquay Rd		6		6
	T705	Land at Intek House		12		12
	T709	Vauxhall Garage, Torquay Rd		20		20
	T826	50% of Depot, Borough Rd		40		40
	Excess windfalls (5 or less)***		58			58
Paignton SDP1 – NP Total		787	489	1.131	688	3.095

Excluding approved windfalls of 52 per year

1,276

Adopted LP 2015 Requirement

729	401	1,125	675	2,930
1,130				

Broad Location
Developable

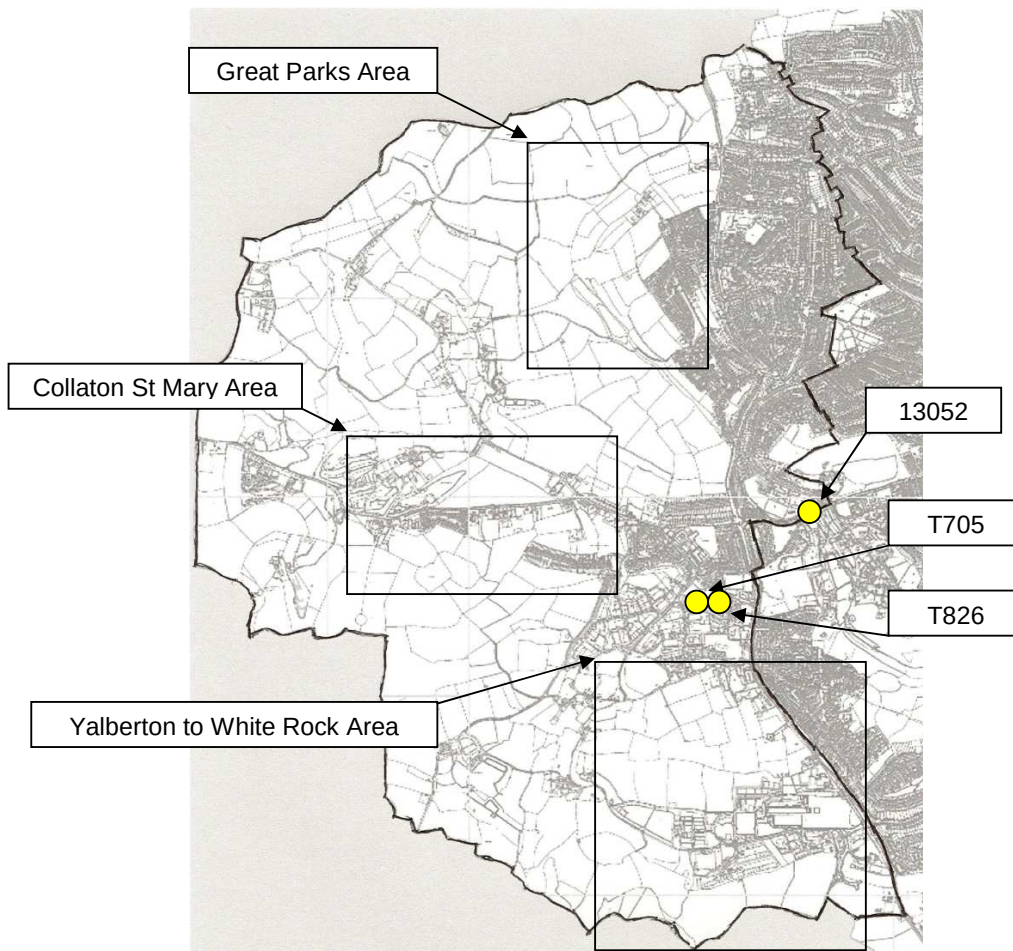
Deliverable

* PH21 approved by LP Inspector as at 1/4/2015

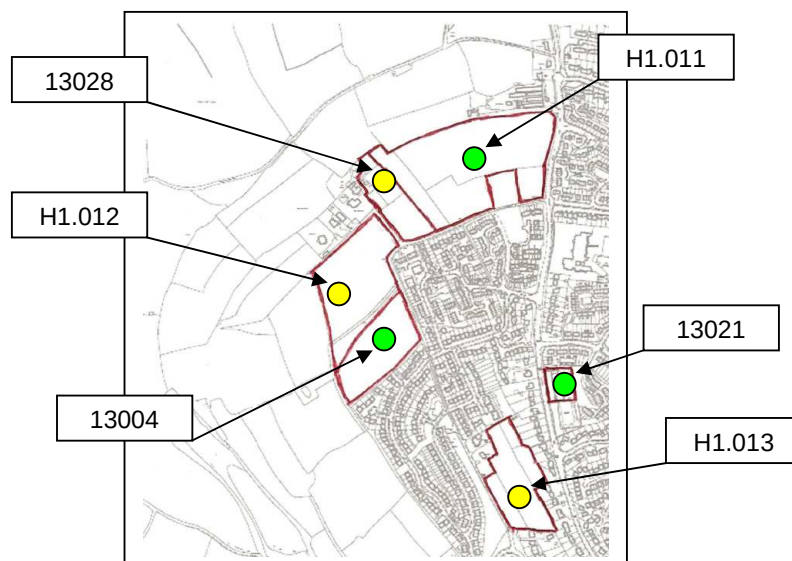
** Subject to 5 yr Review in 2020/21 and 2025/26 of progress of net job growth and housing need assumed in LP

*** Excess windfalls (of 5 or less) above normal allowance

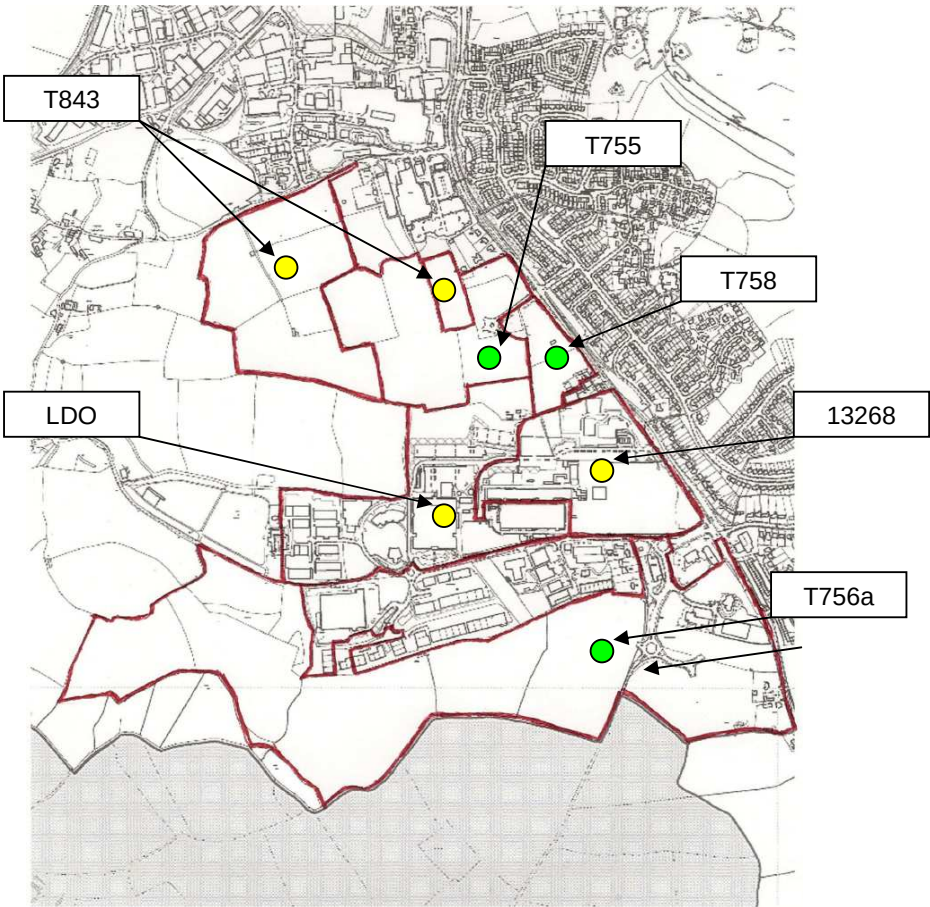
Blatchcombe



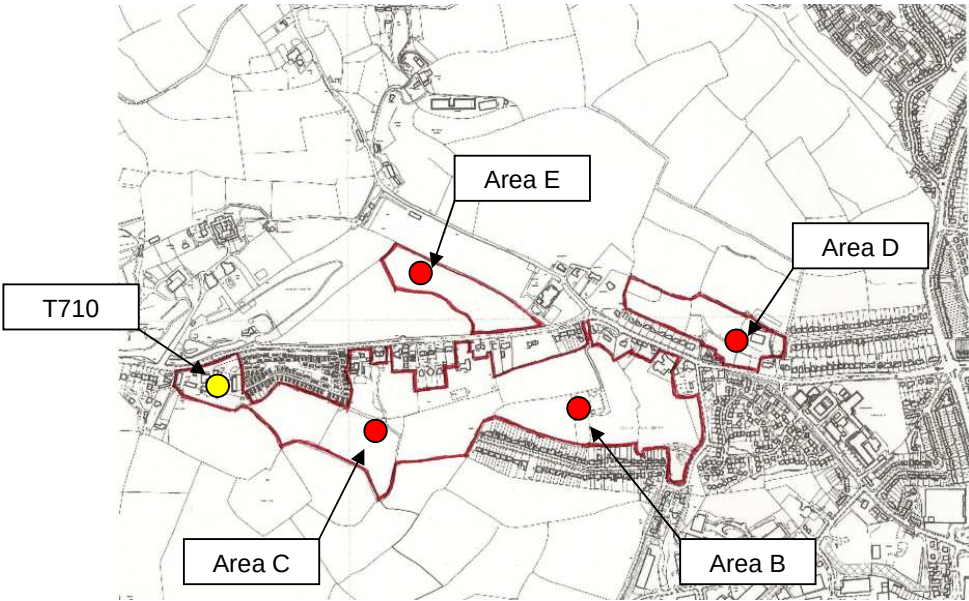
Great Parks Area



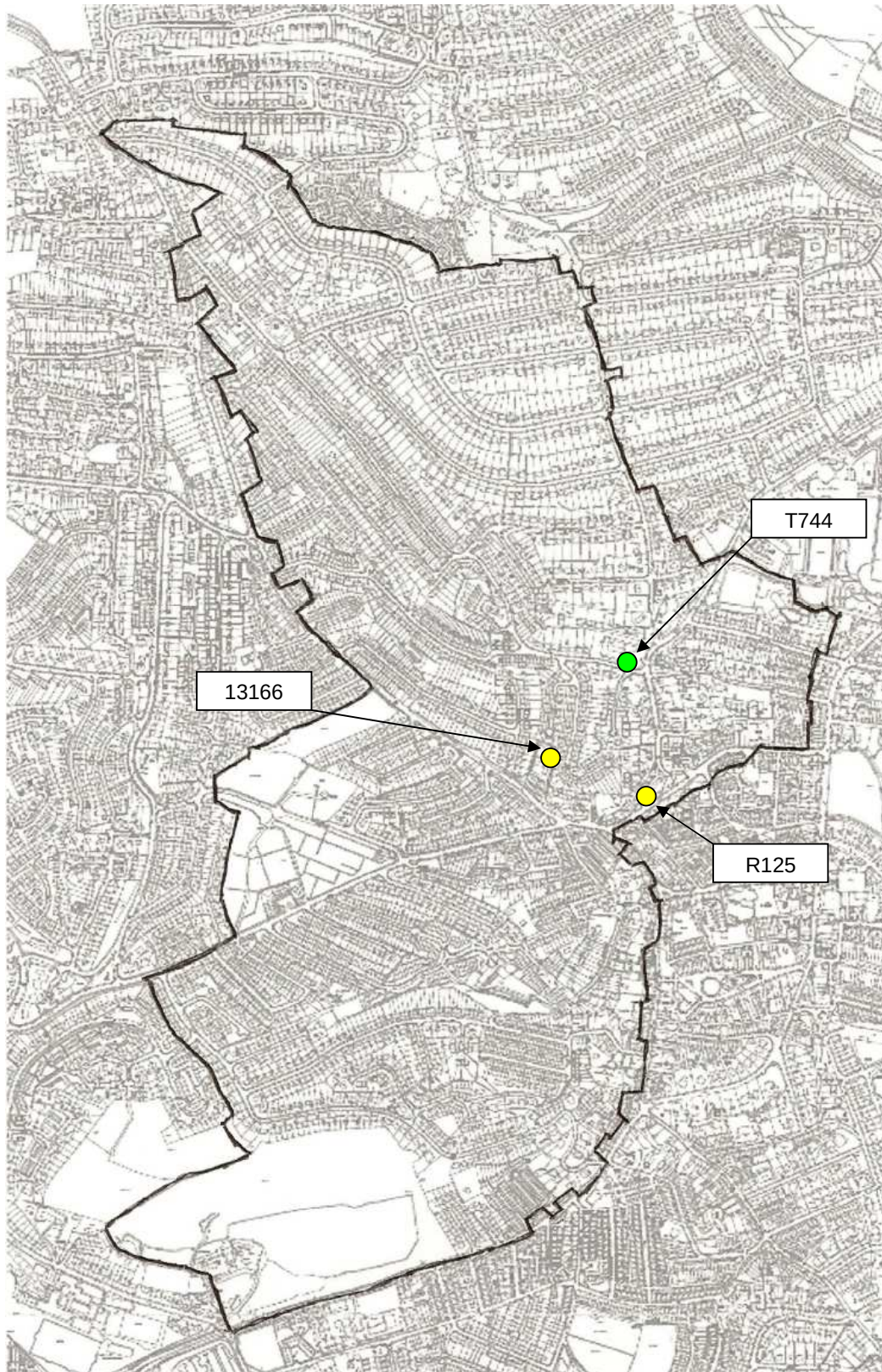
Yalberton to White Rock Area



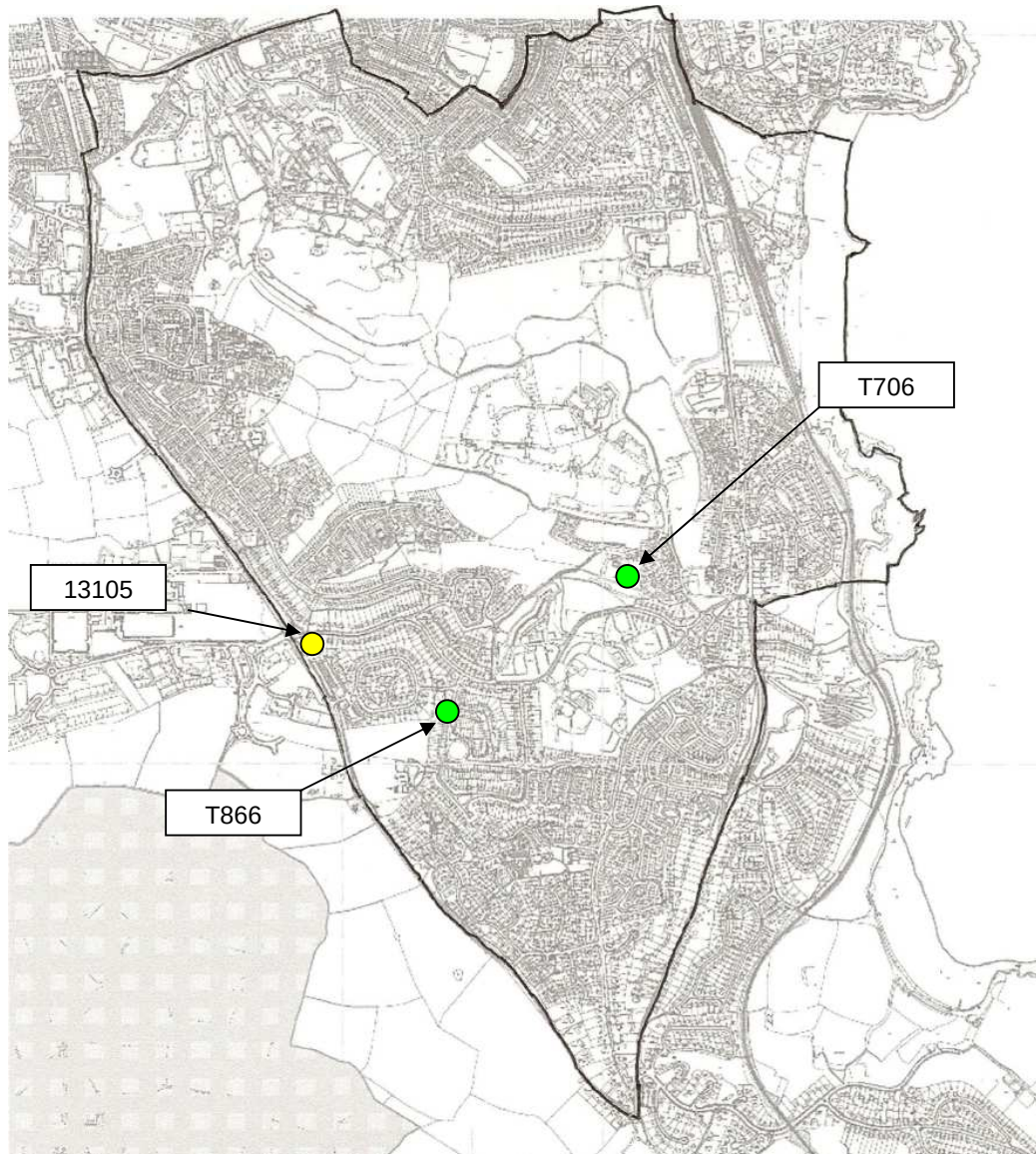
Collaton St Mary Area



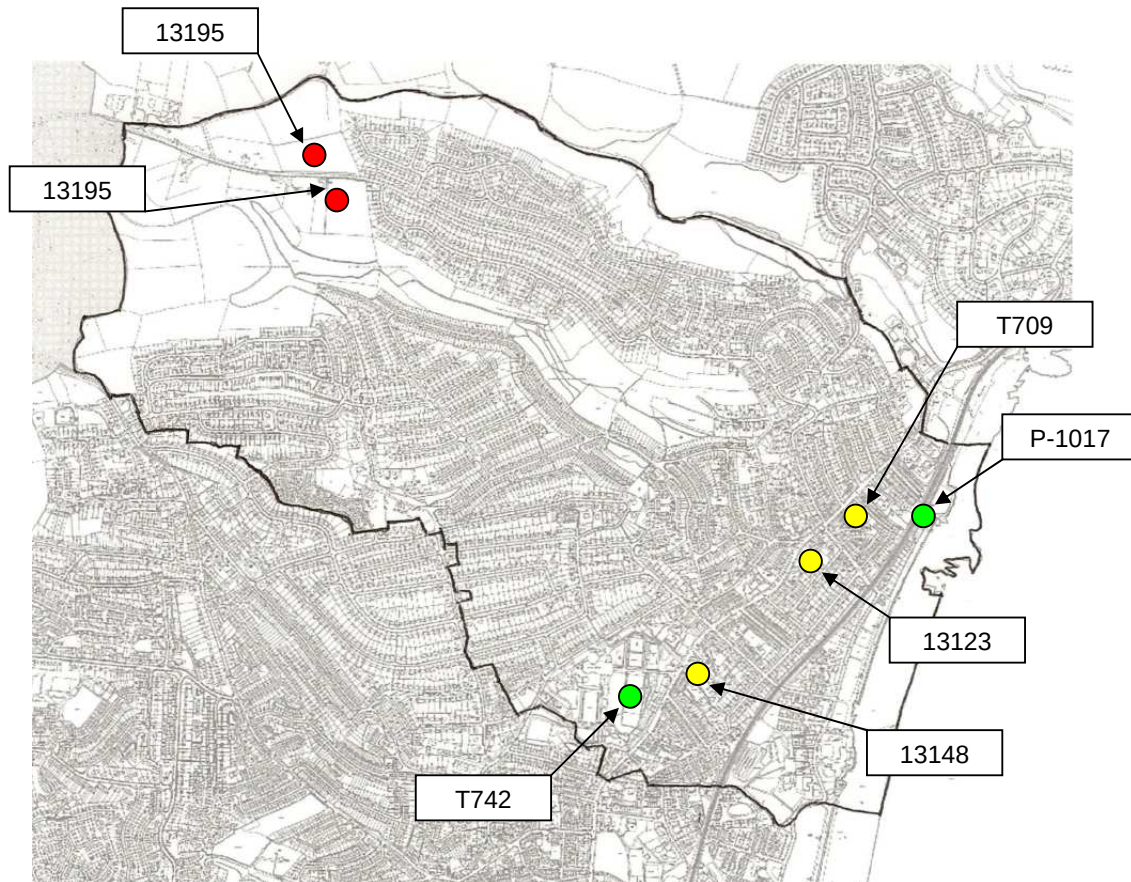
Clifton and Maidenway



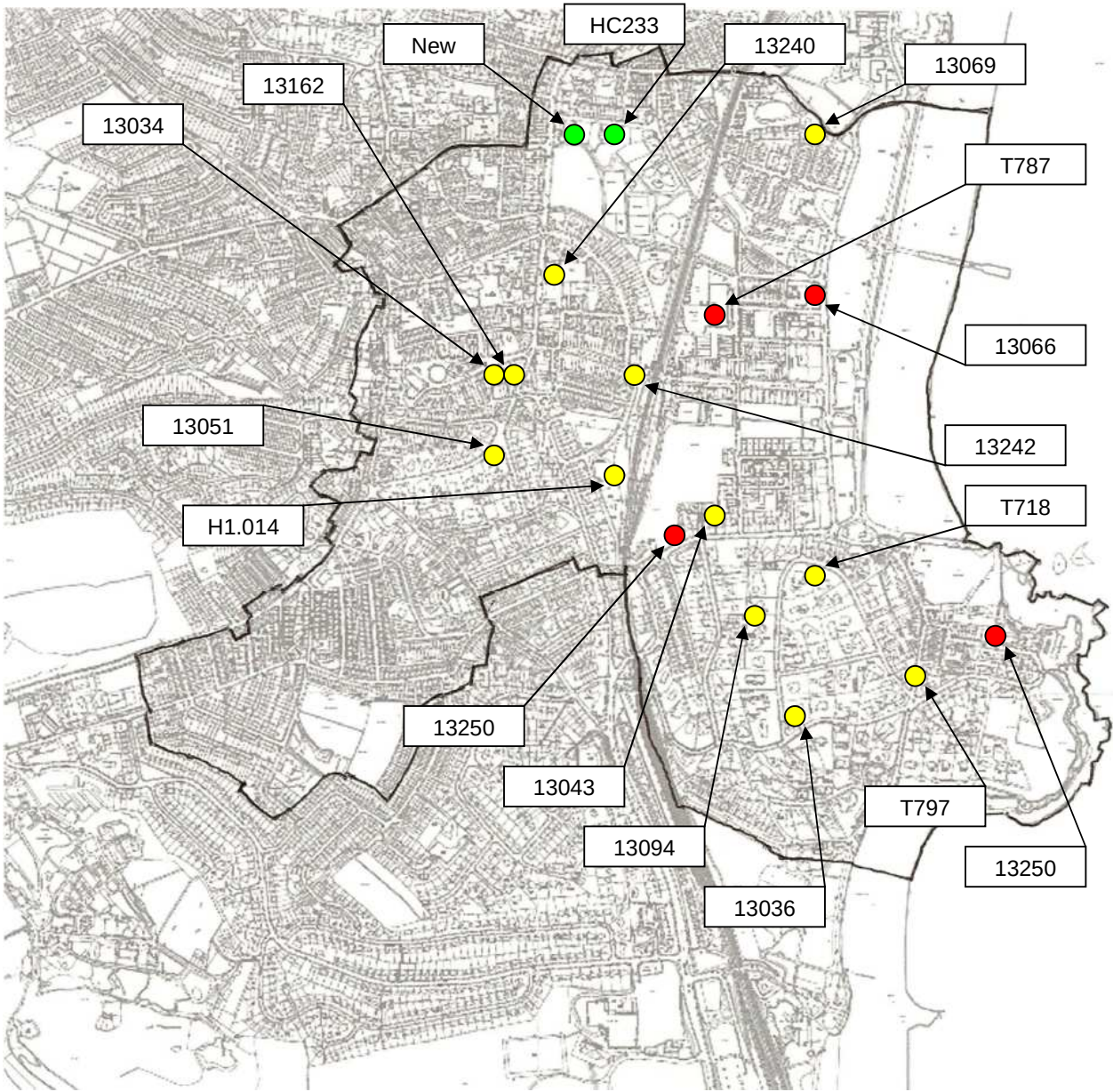
Goodrington, Roseland and Hookhills



Preston



Town Centre (Roundham and Hyde)



End of Appendix 4