

Paignton Neighbourhood Forum Meeting

21 April 2016

Completing the documents required

For the document set required, the following position has been reached:

- The Neighbourhood Plan – Skeleton Draft 9 containing 27 policies
- Consultation Statement – Skeleton Draft 1 ready for further expansion
- Supporting Evidence – Skeleton Draft 1 on this meetings Agenda for approval
- SEA Screening Opinion Consultation Draft – sent to all 3 statutory bodies
- Basic Conditions Statement – Skeleton Draft 4 ready for completion

To help bring the document set to draft completion, this note is in 3 parts:

- Part 1:** Sets out in schedule form high level views obtained from an independent assessment via Planning Aid of the policies in the Draft Neighbourhood Plan so far produced. The comments were received in 2015 when numerous Modifications to the Local Plan were being examined. In response to each comment is the action proposed for the Forum to consider before it is implemented by the Editorial Sub-Group.
- Part 2:** A template based on a check list produced by Locality to 'test' the policy wording further with any amendments made; The output will go into Draft 10 of the Neighbourhood Plan
- Part 3** Three templates that expand on Test 7 above to check and show where and how each NP policy contributes to the NPPF and is in general accord with the strategic policies of the adopted Local Plan. The outputs will go into the Basic Conditions Statement.
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Part 1 - Independent comments on Draft Neighbourhood Plan

Substance of comment received	Action proposed
<u>Overall</u> <i>It is evident that a lot of hard work has gone into developing the neighbourhood plan. However, the Plan needs further work and a particular focus on ensuring the policies are worded clearly and concisely, to ensure the Plan addresses the issues in the area and relates to land-use matters.</i> <i>the Plan seeks to address a very wide range of issues and at times the Policies appear to be lost and it is not clear what they are seeking to address. One way to keep the plan in 'check' is to keep referring to the vision and objectives and ensure that there is a thread running throughout the document.</i> <i>a number of the policies appear to be based on public opinion as oppose to quantitative evidence. It is essential that the policies are supported by evidence.</i> <i>in particular how to structure the planning policies and the difference between land-use and non land-use policies and the need to keep these separate</i> <i>importance of clear, concise and unambiguous wording in the policies</i> <i>assess whether the policies are in general conformity with the strategic policies in the adopted development plan and meet the</i>	Agreed Agreed Check each policy using guidance in <u><i>How to develop a vision and objectives</i></u> Check each policy using guidance in <u><i>How to gather and use evidence</i></u> Check each policy using guidance in <u><i>How to structure your neighbourhood plan</i></u> Check each policy using guidance in <u><i>How to write planning policies</i></u> Check each policy using guidance in <u><i>How to write a basic conditions statement</i></u>

Substance of comment received	Action proposed
<i>requirements of national guidance</i>	
<u>Policy PNP1 – Area wide Policy (and Annex 1)</u> • <i>This policy seeks to address three separate topics and could be separated into 3 policies</i> • <i>The policy wording lacks clarity and seeks to address issues outside of the remit of planning e.g. ‘net increase in permanent full time well paid jobs,’ ‘spaceless’ growth</i> • <i>How will vacant premises be brought back into use?</i> • <i>The Plan identifies that 3450 net additional homes will need to be delivered – this needs to be broken down into number of dwellings to be delivered by the various mechanisms e.g. number of units on small sites, large sites, vacant buildings brought back into use etc. If sites are to be allocated for development these need to be shown on a map.</i> • <i>Need to check permitted development rights with regards to their policy intention to discourage the provision of houses in multiple occupancy</i> • <i>It is unclear how the Plan would seek to keep job growth and housing in check – is the intention for development to be phased? If so, this would need to be written as a phasing policy.</i>	Consider further now that the adopted Local Plan is in place Consider further now that the adopted Local Plan is in place Consider further and amend draft as appropriate Revise wording and numbers in light of the Basic Condition Statement so far drafted (Appendix 4) Consider further and amend draft as appropriate Consider further using the approach taken in the Basic Conditions Statement (Appendix 4) and SEA Screening opinion consultation draft sent out to the 3 SEA bodies in April 2016
<u>Do not know what status Annex to PNP1 has:</u>	

Substance of comment received	Action proposed
• <i>Need to be careful when using the phrase ‘all development proposals’ as this could include change of use</i> • <i>Lacks clarity – what makes a location distinctive and attractive?</i> • <i>A number of the requirements to improve biodiversity are not compliant with the NPPF. They are too prescriptive. Biodiversity may be covered adequately by the NPPF and the Local Plan.</i> • <i>Very unlikely that requirements for all developments to include a new hedgerow habitat, bat boxes and trees would pass examination.</i>	Revise the wording to make it clear the Annex applies as a policy, to all areas, and all developments, including change of use requiring planning consent. Consider further Make check with NPPF and Local Plan as finally adopted, amend wording where appropriate, and test against information / evidence justifying Consider further with other NP examples that have passed formal assessment
<u>Policy PNP2 - Town Centre</u> • <i>lacks clarity. Is it deliverable? Is it likely that a Garden Town will be re-created?</i> • <i>How will it be decided if the development proposal achieves bold but sensitive change, what are unattractive features that will disturb the ambience?</i>	Essential to the plan. Consider how to increase the clarity emphasis and deliverability. Adjust the wording of sub-policy c) and g) to clarify
<u>A number of the policies</u> include the phrase ‘policies that prevent x) to x) from being achieved will not be supported. Policies need to be positively worded and this phrase is very negative. Furthermore, need to remember that planning law states that applications will be determined in accordance with the development plan <u>unless material considerations indicate otherwise.</u> <u>Policy PNP 3 - Paignton Harbour</u>	Consider further with other NP examples that have passed formal assessment

Substance of comment received	Action proposed
<i>This policy lacks clarity. Need to ensure that policies are deliverable and not aspirational. For example, are improvements to Paignton Harbour likely to take place over the Plan period? If not this should not be included as a land-use policy but as a community aspiration / proposal.</i> <i>These comments are applicable to the other area based policies including PNP4, PNP5, PNP6, PNP7 – need to ensure they are deliverable and relate to land use issues</i>	Use the inset plan proposed to clarify the policy intent, meaning and deliverability. Check that each one complies
<u>A number of the policies</u> include reference to ‘protecting Local Green Space.’ In order to offer protection areas of land first need to be designated as areas of Local Green Space. These should be assessed against the criteria in the NPPF (paragraph 76) and shown on a map.	Include specific text and an inset plan to ensure compliance
<u>Policy PNP4 - Seafront</u> <i>Has the relocation of the cinema been discussed with the LPA? Is it likely to be relocated over the lifetime of the Plan – if not is should not be included as a landuse policy. Wording lacks clarity – how will it be determined if the view is unrivalled?</i>	Consider further as suggested
<u>Policy PNP11 - Old Town</u> <i>There is a long list of proposals / improvements / projects that the Plan will seek to fund from developer contributions. Have these been costed and prioritised? How will developer contributions be used to ‘secure the provision of speciality shops?’</i>	Reorganise the draft policy as necessary and include appropriate references in Part 8 (Delivery)

Substance of comment received	Action proposed
<u>Policy PNP12 - Getting Around</u> <i>A number of the criteria in this Policy do not relate to land use but they are under the remit of the highways department.</i>	Revise wording where necessary to ensure all relate to land use policy
<i>Policy refers to need for developer contributions to fund, in full, necessary active travel, public transport and highway infrastructure. Has this been costed? Is this deliverable or aspirational?</i>	Revisit each sub-policy elements a) to j) to determine how best to meet the comments made
<u>Policy PNP13 – Housing opportunities within the Town centre</u> <i>Policy states ‘additional housing provision will be supported’ and lists locations.....need to clearly identify the specific parcels of land that will be developed both within the policy (See <u>deconstructed policy resource</u>) and on a map</i> <i>Criteria c) – this is a separate policy. Look at examples in made Plans e.g. Lynton and Lynmouth</i>	Agreed – and now identified in Appendix 4 of the Basic Conditions Statement. Transfer the information onto the inset-plan shown proposed. Review the examples referred to.
<u>Policy PNP16 – Victoria Street</u> <i>Removing weeds is not a landuse issue nor is improving uneven surfaces</i> <i>Residential development above shops may be considered permitted development and may not require planning permission</i>	An essential policy. Consider rewording to ensure is a landuse matter. Agreed. Review wording in the context of aspects that would require consent.
<u>Policy PNP18 – Supporting Independent Traders</u> <i>Policy title does not reflect policy. If the Plan is seeking to protect the primary and secondary shopping streets need to include reference to specific criteria against which they will be assessed e.g. % of shops</i>	Consider and revise as appropriate.

Substance of comment received	Action proposed
<i>that should remain as shops (A1) etc.</i>	
<u>Policy PNP 19 – Safeguarding open countryside</u> <i>Does this Policy add anything further than the level of protection accorded by National Policy and the Local Plan? Wording ‘development proposals that prevent this policy from being achieved will not be approved’ is negative and makes the policy very inflexible.</i>	Make check comparison with NPPF and Local Plan policy as finally adopted and adjust as appropriate to ensure the policy adds a local dimension.
<u>Policy PNP21 – White Rock and its immediate environs</u> <i>Criteria b) does not relate to land use e.g. ‘encourage major organisations to invest and move into the area.</i>	Adjust wording to address the comment
<u>Policy PNP 22 – Western Corridor</u> <i>This list appears to be aspirational. Unless the proposals have been costed and have been assessed as deliverable the Policy should be moved to a community aspirations / proposal section.</i>	Adjust wording to be project specific and in Part 8 how will be delivered.

Part 2 - Policy Wording 'Test' - Does the wording meet Guidance ?

Draft Neighbourhood Plan (8/9)		Locality Tests									
		1 Is the policy in 'everyday' English ?	2 Does it 'duplicate' ?	3 Is it clear ? (only one meaning)	4 Does it link to the stated vision and objectives ?	5 Does it stand out in a box ?	6 Is it backed up by evidence, or feedback from public engagement ?	7 Does it conflict with the NPPF or LP strategic elements ?	8 Is it worded "positively" (not negatively) ?	9 Are targets set that are capable of being monitored ?	10 Can the policy be delivered in the time frame of the plan ?
Policy											
PNP1	Area wide policy and Design Code					✓					
PNP2	Enhance Town Centre					✓					
PNP3	Rejuvenate Paignton Harbour					✓					
PNP4	Improve Seafront area					✓					
PNP5	Enhance Torbay Road area					✓					
PNP6	Improve Station Square					✓					
PNP7	Improve Victoria Square area					✓					
PNP8	Improve Crossways area					✓					
PNP9	Protect Victoria Park					✓					
PNP10	Retain Queens Park					✓					
PNP11	Improve Old Town Area					✓					
PNP12	Improve ability to move around					✓					
PNP13	Town centre housing opportunities					✓					
PNP14	Improve Core Tourism Area					✓					
PNP15	Improve flood and sea defences					✓					
PNP16	Improve Victoria Street					✓					
PNP17	Improve transport 'Gateway'					✓					
PNP18	Support independent traders					✓					
PNP19	Safeguard open countryside					✓					
PNP20	Complete Great Parks					✓					
PNP21	Complete White Rock & nearby areas					✓					
PNP22	Improve Western Corridor					✓					
PNP23	Enhance Yalberton Valley					✓					
PNP24	Balanced growth of Collaton St Mary					✓					
PNP25	Enhance Clennon Valley					✓					
PNP26	Enhance Clifton & Maidenway area					✓					
PNP27	Improve Preston area					✓					

Part 3 Contribution to NPPF & general conformity with the Local Plan

Basic Conditions Test - Does the NP contribute to achieving sustainable development ?

Objectives	Sustainability Objective (NPPF)													
		1 Building a strong, competitive economy	2 Ensuring the vitality of town centres	3 Supporting a prosperous rural economy	4 Promoting sustainable transport	5 Supporting high quality communications infrastructure	6 Delivering a wide choice of high quality homes	7 Requiring good design	8 Promoting healthy communities	9 Protecting Green Belt land	10 Meeting the challenge of climate change, flooding and coastal change	11 Conserving and enhancing the natural environment	12 Conserving and enhancing the historic environment	13 Facilitating the sustainable use of minerals
Draft Policy Objective (Skeleton NP)														
PNP1 Area wide policy and Design Code		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
PNP2 Enhance Town Centre		✓	✓	0	✓	0	✓	✓	✓	✓	✓	✓	✓	0
PNP3 Rejuvenate Paignton Harbour		✓	0	0	✓	0	✓	✓	✓	0	✓	✓	✓	0
PNP4 Improve the Seafront area		✓	✓	0	0	0	0	✓	✓	0	✓	✓	✓	0
PNP5 Enhance Torbay Road area		✓	✓	0	0	0	0	✓	✓	0	0	0	✓	0
PNP6 Improving Station Square area		✓	✓	0	✓	0	✓	✓	✓	0	0	0	✓	0
PNP7 Improving Victoria Square area		✓	✓	0	0	0	✓	✓	✓	✓	0	0	✓	0
PNP8 Development of Crossways		✓	✓	0	0	✓	✓	✓	✓	✓	0	0	✓	0
PNP9 Protection of Victoria Park		✓	✓	0	0	0	0	✓	✓	✓	0	✓	✓	0
PNP10 Retention of Queens Park		✓	✓	0	0	0	0	0	✓	✓	0	✓	✓	0
PNP11 Improving the Old Town Area		✓	✓	0	0	0	✓	✓	✓	✓	0	0	✓	0
PNP12 Improving the ability to move around		✓	✓	0	✓	0	0	✓	✓	0	✓	0	✓	0
PNP13 Town centre housing opportunities		✓	✓	0	✓	0	✓	✓	✓	✓	0	✓	✓	0
PNP14 Improving the Core Tourism Area		✓	✓	0	✓	0	0	✓	✓	0	0	0	✓	0
PNP15 Improving flood and sea defences		✓	✓	0	0	0	0	✓	✓	✓	✓	✓	✓	0
PNP16 Improving Victoria Steet		✓	✓	0	0	0	✓	✓	✓	✓	0	0	✓	0
PNP17 Improving the transport 'Gateway'		✓	✓	0	✓	0	0	✓	✓	0	0	0	✓	0
PNP18 Supporting independent traders		✓	✓	0	✓	0	0	✓	✓	0	0	0	✓	0
PNP19 Safeguarding open countryside		✓	✓	✓	0	0	0	✓	✓	✓	✓	✓	✓	0
PNP20 Completion of Great Parks		✓	✓	0	0	0	✓	✓	✓	✓	0	✓	0	0
PNP21 Complete White Rock & nearby areas		✓	✓	0	0	✓	✓	✓	✓	✓	0	✓	0	0
PNP22 Improvement of the Western Corridor		✓	✓	0	0	0	0	✓	0	0	0	0	0	0
PNP23 Enhancement of Yalberton Valley		✓	0	✓	0	0	0	✓	✓	✓	✓	✓	✓	0
PNP24 Limited growth of Collaton St Mary		✓	✓	✓	0	0	✓	✓	✓	✓	✓	✓	✓	✓
PNP25 Enhancement of Clennon Valley		✓	0	0	0	0	0	✓	✓	✓	✓	✓	0	0
PNP26 Safeguarding Clifton & Maidenway area		✓	✓	0	0	0	✓	✓	✓	✓	0	0	✓	0
PNP27 Improve Preston area		✓	✓	0	0	0	✓	✓	✓	✓	0	0	✓	0

Key:
 ✓ Positively compatible
 0 Neutral / no effect
 X Negatively compatible

Strategic policy links		New Torbay Local Plan (strategic policies)																												
		Part 4														Part 5				Part 6										
		Growth Strategy for a prosperous Torbay	Future Growth Areas	Presumption in favour of sustainable development	The economy and employment	Employment space	Strategic transport improvements	Infrastructure, phasing and delivery of development	Natural environment	Green infrastructure	Conservation and the historic environment	Sustainable communities	Housing	Five year housing land supply	Low carbon development and adaptation to climate	Paignton	Paignton Town Centre and Seaford	Paignton North and Western Area	Clennon Valley Leisure Hub	Town Centres and retailing	Torbay retail hierarchy	Countryside and the rural economy	The coastal landscape	Biodiversity and geodiversity	Affordable housing	Flood risk	Water management	Waste hierarchy	Waste water disposal	Minerals extraction
Neighbourhood Plan		SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10	SS11	SS12	SS13	SS14	SDP1	SDP2	SDP3	SDP4	TC1	TC2	C1	C2	NC1	H2	ER1	ER2	W1	W5	M1
PNP1	Area wide policy and Design Code	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
PNP2	Enhance Town Centre					✓				✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓			✓	✓	✓	✓	✓	✓
PNP3	Rejuvenate Paignton Harbour										✓	✓	✓	✓		✓	✓	✓		✓	✓			✓	✓	✓	✓		✓	✓
PNP4	Improve Seafront area										✓	✓	✓	✓	✓	✓	✓	✓		✓	✓			✓	✓		✓	✓		✓
PNP5	Enhance Torbay Road area										✓	✓	✓	✓	✓	✓	✓	✓		✓	✓				✓					
PNP6	Improve Station Square											✓				✓	✓	✓		✓	✓				✓					
PNP7	Improve Victoria Square area											✓			✓	✓	✓	✓		✓	✓				✓					
PNP8	Improve Crossways area											✓	✓	✓	✓	✓	✓	✓		✓	✓	✓			✓					
PNP9	Protect Victoria Park								✓	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓			✓	✓				
PNP10	Retain Queens Park	✓								✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓				✓	✓				
PNP11	Improve Old Town Area										✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓								
PNP12	Improve ability to move around						✓	✓				✓	✓	✓			✓			✓	✓									
PNP13	Town centre housing opportunities	✓										✓	✓	✓	✓	✓	✓	✓		✓	✓					✓				
PNP14	Improve Core Tourism Area	✓										✓	✓	✓			✓			✓	✓									
PNP15	Improve flood and sea defences							✓					✓	✓	✓	✓	✓	✓		✓	✓					✓	✓		✓	
PNP16	Improve Victoria Street										✓	✓	✓	✓	✓	✓	✓	✓		✓	✓				✓					
PNP17	Improve transport 'Gateway'						✓	✓				✓	✓	✓	✓	✓	✓	✓		✓	✓									
PNP18	Support independent traders				✓							✓	✓	✓			✓			✓	✓									
PNP19	Safeguard open countryside	✓						✓	✓	✓		✓	✓	✓		✓		✓				✓			✓					
PNP20	Complete Great Parks	✓	✓			✓		✓		✓		✓	✓	✓				✓		✓	✓									
PNP21	Complete White Rock & nearby areas	✓	✓			✓		✓		✓		✓	✓	✓		✓	✓	✓		✓	✓				✓					
PNP22	Improve Western Corridor						✓	✓				✓	✓	✓	✓	✓	✓	✓							✓					
PNP23	Enhance Yalberton Valley							✓			✓	✓	✓	✓	✓	✓	✓	✓							✓					
PNP24	Balanced growth of Collaton St Mary	✓	✓			✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓		✓	✓					✓	✓		✓	
PNP25	Enhance Clennon Valley									✓		✓	✓	✓		✓		✓	✓							✓	✓			✓
PNP26	Enhance Clifton & Maidenway area											✓	✓	✓			✓	✓	✓							✓	✓			✓
PNP27	Improve Preston area	✓					✓			✓	✓	✓	✓	✓		✓		✓			✓									

Key: ✓ Supports and upholds general principle the strategic policy is concerned with / provides additional detail / local approach without undermining the strategic policy
✓ Degree of conflict, if any, with strategic policy
X Not in general accord with the strategic policy
 Strategic policies with an indicated rate of housing provision already considered in the Draft

Table Y – Strategic policy consideration (PPG 074)

In accordance with PPG-074 the assessment made has considered the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general policy that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.

Table Y below provides a summary of the assessment results:

Neighbourhood Plan Policy		How strategic policy upheld and supported	Degree of conflict, if any, with strategic policy	Additional detail / local approach provided	Rationale / evidence justifying
PNP1	Area wide policy and Design Code				
PNP2	Enhance Town Centre				
PNP3	Rejuvenate Paignton Harbour				
PNP4	Improve Seafront area				
PNP5	Enhance Torbay Road area				
PNP6	Improve Station Square				
PNP7	Improve Victoria Square area				
PNP8	Improve Crossways area				

Neighbourhood Plan Policy		How strategic policy upheld and supported	Degree of conflict, if any, with strategic policy	Additional detail / local approach provided	Rationale / evidence justifying
PNP9	Protect Victoria Park				
PNP10	Retain Queens Park				
PNP11	Improve Old Town Area				
PNP12	Improve ability to move around				
PNP13	Town centre housing opportunities				
PNP14	Improve Core Tourism Area				
PNP15	Improve flood and sea defences				
PNP16	Improve Victoria Street				
PNP17	Improve transport 'Gateway'				
PNP18	Support independent traders				
PNP19	Safeguard open countryside				
PNP20	Complete Great Parks				
PNP21	Complete White Rock & nearby areas				
PNP22	Improve Western Corridor				
PNP23	Enhance Yalberton Valley				

Neighbourhood Plan Policy		How strategic policy upheld and supported	Degree of conflict, if any, with strategic policy	Additional detail / local approach provided	Rationale / evidence justifying
PNP24	Balanced growth of Collaton St Mary				
PNP25	Enhance Clennon Valley				
PNP26	Enhance Clifton & Maidenway area				
PNP27	Improve Preston area				

End