

PAIGNTON NEIGHBOURHOOD FORUM

- Clifton with Maidenway
- Collaton St Mary
- Goodrington with Roselands
- Kings Ash
- Preston
- Roundham with Hyde
- and Hookhills



DRAFT MINUTES OF FORUM & STEERING GROUP MEETING **held electronically via Zoom at 6:45pm Thursday 27 August 2020**

www.paigntonneighbourhoodplan.org.uk

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In Attendance: Jane Barnby, Pam Bristow, Roger Bristow, Louise Feraday, Paul Forsey, Catherine Fritz (Chair), Chris Harvey, Janet Jones, Nigel Jones, Karen Kennedy, Andrew Lavey, Maggie Loates (Secretary), Leaf Lovejoy, Jacquie Milstead, Andrew Morrell (Treasurer), Roz Morrell, Mike Parkes, Hannah Worthington, David Wotton

Prior to the start of the meeting, Hannah Worthington (**HW**) of Groundwork gave an illustrated talk about Westerland Valley Country Park. The Park is owned by Torbay Council (**TC**) and consists of approximately 35 acres of woodlands, grassland, and water courses, located adjacent to the Great Parks development in the Kings Ash Ward on the outskirts of Paignton. **HW** gave a recap of the Park's history: The Clennon Valley stream runs through the property and at the end of the 1800s two reservoirs were built to supply Paignton with drinking water. There was no treatment plant and use of the reservoirs was discontinued after 1900. They were drained in 1975 and no longer exist. However, the stream still runs through the Park, down to the Zoo, and on to Clennon Lakes. Groundwork is working with TC to improve flood defences as there is a lot more runoff now. They have three priorities: (1) Flood Mitigation - three million litres of water may flow from the Westerland Valley during a storm and the Park needs to absorb and hold back this flood so it does not meet a concurrent high tide at Goodrington and cause catastrophic flooding; (2) Biodiversity - there are 24 species of birds present in the Park, including chirl buntings. Other endangered species include glow-worms, purple hairstreak butterflies, and greater horseshoe bats; and (3) Providing New Recreation Area - they are planning to put in two new entrance ways into the Park in October.

Jane Barnby (**JB**) commented that this work was very impressive. Mike Parkes (**MP**) asked about a cycle way between Yalberton Valley and the Park. **HW** said they had been looking into that. **MP** suggested they should also look at Yalberton Valley as there were similarities. **HW** said she would be happy to arrange a site visit to show what was being done. Catherine Fritz (**CF**) thanked **HW** for her presentation.

Agenda Item 1: - Welcome: The Chair welcomed everyone to the meeting and declared that a quorum was present.

Agenda Item 2: - Apologies: Alan Hill, Helen Kummer, Maggi Douglas-Dunbar, David Thomas, Peter Morris

Agenda Item 3: - Ratification of the minutes from the last meeting – 29 July 2020: The draft minutes of the meeting held on 29 July 2020 were approved. Proposed by **CF**, seconded by Pam Bristow (**PB**) and unanimously approved by the members.

Agenda Item 4: - Matters arising: **CF** raised the subject of Forum review of planning applications. **JB** emphasised that the Forum must comment on applications before Planning Committee (**PC**) meetings. **CF** agreed that this would help councillors consider applications.

Roger Bristow (**RB**) brought up the issue of a rat run being created through the development on Stoke Road. No access was permitted except for construction but the developer refused to comply. **CF** asked **RB** for details and suggested the local media might be alerted to this problem.

CF noted that the first task of the Local Plan Review Working Group (**WG**) was to determine what kind of review of the Local Plan (**LP**) was needed. Karen Kennedy (**KK**) reported that setting up the WG had been delayed and the start date is now set for 7 October 2020. She indicated that the WG would include several councillors, along with representatives from the 3 neighbourhood fora as well as interested developers.

Agenda Item 5: - Report from the Chair: The Chair reported that the Forum had been awarded a £10,000 grant by Locality for assistance from planning consultant, Dave Chetwyn (**DC**). DC will initially provide a tutorial explaining how the Paignton Neighbourhood Plan (**PNP**) fits into local and national planning, and provide tips on writing representations on planning applications. He will also work with us to review the PNP with a view to tightening up its policies to make it more effective.

CF noted that the PNP had not allocated sites for development, which was now becoming a problem. She recognised that David Watts had deliberately identified but not allocated sites in the PNP because of the need to link housing with job growth, as per the LP and the PNP, and this issue would have to be revisited. **JB** said that it would be necessary to make changes, with which **CF** agreed.

CF reviewed the status of several planning applications: Taylor-Wimpey, Bloor Homes, the motel at Collaton St. Mary, Clennon Valley, and Winner Street and Bishop's Place in central Paignton. The Forum had addressed some with written comments, some orally, and some with both. Bishop's Place had engendered concerns by its neighbours and the application for HMO housing had been withdrawn. The Forum had objected to the conversion of a shop in Winner Street to a bar/off-licence. **CF** said that the decision on Clennon Valley contravened PNP policy but the PC was ignorant of this policy and it was not possible to read the policy to them in response to their question. **KK** agreed, and noted that the Clennon Valley issue was a lack of information for the PC. The chair of the PC has now said that a copy of the PNP will be available to the PC during meetings so that objections based on PNP policies can be verified. **JB** noted that officers and legal counsel advised against the policy and were able to influence how councillors voted.

MP suggested that, for information purposes for members, the names of those monitoring planning applications and developments should be listed by ward. Chris Harvey (**CH**) will investigate with Alan Hill making that list public, within the constraints of GDPR. **CF** said that the Forum needed volunteers to determine whether developers had complied with promised actions and reserved matters. **MP** said he will liaise with **KK** to review whether things promised at the Whiterock development have been delivered.

RB suggested that PNP policies were ineffective, with which **CF** disagreed. **RB** stated that submitting written comments and speaking at PC meetings was of little use because the Forum was ignored. **JB** also agreed that officers seemed to be ignoring the PNP. **MP** said it appears that the PC doesn't listen to the Forum and suggested that it is the responsibility of senior executives to address this issue as due weight is not being given by officers and councillors to a vital part of the Local Development Plan. Leaf Lovejoy (**LL**) endorsed his comments. **CF** stated that planning officers report to David Edmondson, the new head of planning, whom she believes is working to change planning department culture, with which **KK** agreed. **JB** said Forum support for the PC was needed, which **CF** endorsed. **RB** stated that now is the ideal opportunity to show TC that the Forum is a force to be reckoned with.

Agenda Item 6: - Secretary's Report: The Secretary reported that as of as of 27 August 2020, the Forum has 305 members and associate members; 259 members receive documents and communications by email; 46 members who do not have email receive documents and communications by post; 42 envelopes are sent out by 2nd class post to members without email.

Agenda Item 7: - Treasurer's Report and Financial Statement: The Treasurer reported that the Forum currently has £9,374.08 in the bank. The Forum has no regular source of income.

Agenda Item 8: - Changes to the Standing Orders clarifying the make-up of the PNF: The Chair stated that it was proposed that the Standing Orders be modified to clarify that: (1) as well as residents, membership is open to people "working in Paignton", which includes people who are engaged in voluntary community development, advocacy or other work for a Paignton community. It is not limited to people doing paid work; and (2) representatives of Brixham Peninsula Neighbourhood Forum and Torquay Neighbourhood Forum will be admitted as non-voting members of the Forum and will not count towards a quorum. **CF** moved to adopt these amendments, seconded by **ML**, which were passed by a 2/3rds majority of the members present and voting.

Agenda Item 9: - Consideration of Report on Monitoring of PNP: **CF** stated that this item would be put on hold pending review. Andrew Morrell (**AM**) suggested this should be the subject of a separate meeting, with which **ML** agreed.

Agenda Item 10: - Action to be taken following the report on monitoring of the PNP: **CF** suggested setting up a meeting in two or three weeks' time.

Agenda Item 11: - AOB: A discussion was held on whether to call-in the decision on the Taylor-Wimpey (TW) application to the Secretary of State (SOS). RB, AM and Roz Morrell (RM) were strongly in favour of a call-in. Nigel Jones (NJ) suggested various grounds. CF said she was concerned that if there was no solid foundation, a call-in would not get past the case officer, and the Forum would lose credibility, as well as expending a lot of time and energy on it. LL suggested raising the issue with DC. CF said that DC has made suggestions but hasn't looked at it closely. Jacquie Milstead (JM) agreed this would be a good idea. CF said she would ask DC to look at it. AM stated that he has prepared a draft of the grounds for a call-in.

RB stated that there are 4 planning applications open for Collaton St. Mary (CStM), which need to be opposed. Although subject to a judicial review, Little Blagdon Farm (LBF) will be opened up, and there will be 3 live building sites. He stated that there should not be any exit onto Totnes Road. KK asked him if he was against the Bloor Homes (BH) development and he replied that he was only against any entrance from either the TW or BH developments opening onto Totnes Road.

RM said the policies of PNP are being ignored or misinterpreted, which is important nationally because the issues of flooding risk, drainage problems and highway insufficiency are being ignored. RB noted that the PC had refused the earlier TW application but had been forced to accept approval of this application to stop an appeal. He said both TW and BH applications need infrastructure before development can start, which TC won't allow to happen.

KK noted that the LP and the PNP carry less weight if there is no 5-year land supply. RB recalled that the A385 (Totnes Road) and sewerage system were addressed in the LP as needing significant improvements within 10 years (post 2024) but nothing has been done. CStM was designated as a future growth site and it needs to be developed in the right way.

NJ stated that there should be an administrative law call-in on how determination of these applications are made. He said it was time TC and the PC were put under scrutiny and were subject to oversight. He believes TC has abused its power, and suffers from maladministration, i.e., the PNP was being ignored, which should give rise to a national debate, TC's processes were undemocratic, and the public had been misled. These issues need to be put before the SOS. CF agreed that the Forum needs to do something about the PNP being ignored but she does not think there are solid grounds for a call-in. The PNP can't overrule the National Planning Policy Framework (NPPF) presumption in favour of sustainable development and the 5-year land supply requirement.

LL disclosed that she accidentally started a call-in on the BH application and got a response from a case officer in the SOS's office, who decides whether to accept the call-in. She had also reviewed two cases with the same facts as TW and BH and both were refused. The only thing that counted with the SOS was the housing supply. A call-in might get a delay but it would probably be thrown out anyway. She thought a call-in should be in an individual's name.

NJ suggested that David Watts would go for a call-in. LL said a call-in is a paper exercise and David Watts would not have gone for a call-in. NJ asked what David Watts would have done as the PNP is being ignored. LL said David Watts' would have confined his response to addressing planning issues. KK noted that the call-in would not generate a public inquiry – it was a table top exercise for the inspector. LL said she had looked into the process and written submissions would be required. NJ noted there was a call-in on the previous application. KK expressed surprise. NJ noted that KK and David Watts spoke at the PC meeting and the decision was deferred. The original LBF application was then withdrawn. KK stated that the makeup of the PC had changed since that time.

KK said there may be a new head of planning but a call-in won't change the planning department. Chipping at things by a call-in is not the way forward. The Forum needs to find another route. Torbay does not have a 5-year land supply. RB questioned this assertion. CF stated that is what is required. KK said originally it was less than 3 years but CF said it was now up to 3, with which KK agreed. RB suggested TC has disregarded sites. CF said the Land Release Fund (LRF) sites are included, but not for the entire anticipated number of dwellings. TC should count sites as in the CStM Master Plan. LL suggested that in the debate about how houses are counted, the Forum should get press involvement.

LL said she has read several legal decisions and completed the Ministry of Housing, Communities & Local Government complaint procedure started by David Watts. She has worked with the Information Commissioner's Office for information on the LRF and the risks of not being able to deliver the sites. KK said she also worked with David Watts on that and it is very complicated.

RB asked what the Forum's position was on CStM being swamped with houses. **CF** said she doubted if the TW and BH decisions could be reversed. If the Forum had had a site assessment, those sites would not have been approved. She wants to strengthen the PNP and educate the PC councillors on neighbourhood plans. She noted that the deputy leader of TC, Darren Cowell, had indicated that education could be made compulsory for councillors on the PC. The Forum needs a role in the PC. She is hopeful progress on this is being made.

JM said the call-in should be put to the Forum, to which **CF** agreed. **CH** said the Forum should take a proactive position. **JM** suggested that the Forum needs professional advice. **CF** advised that bringing in expertise would cost at least £10,000. She said a failed call-in would make the Forum look weak. **PB** argued that the Forum must do something. **LL** suggested the Forum could start the call-in and then cancel it. The PC decision could be challenged on certain limited grounds and the minister could be asked to stop TC going forward. **PB** said an individual call-in would not have as much weight as one from the Forum. **KK** replied that it doesn't matter who brings the call-in; it is judged purely on the facts. **RB** stated that a call-in will create a delay and TC will know there has been a call-in. **CF** said we need assurance our grounds are non-trivial. **RB** reiterated that the PNP is being ignored.

CF asked if **RB** will file based on **AM**'s notes. **ML** said we should get DC's opinion and recommendation first, with which **CF** agreed. **JM** requested a review of **AM**'s draft.

A vote was taken on how the Forum should proceed by each member present orally indicating their choice.

Voting to wait on Dave Chetwyn's recommendation:

Catherine Fritz
Maggie Loates
Paul Forsey
Jacquie Milstead
Karen Kennedy

Voting to wait on Dave Chetwyn's recommendation, but inclined to vote for a call-in on both TW and BH decisions*:

Nigel Jones

Voting for a call-in on both TW and BH decisions:

Roger Bristow
Chris Harvey
Pam Bristow
Janet Jones
Andrew Morrell

Jane Barnby, Andrew Lavey, David Wotton, Mike Parkes, and Louise Feraday had left the meeting by the time of the vote. Leaf Lovejoy is a non-voting associate member. Hannah Worthington was a guest.

- * Mike Parkes indicated in an email poll subsequent to the meeting that he would vote to wait on Dave Chetwyn's recommendation, but was inclined to vote for a call-in on both the TW and BH decisions.

The meeting closed at 9:53 pm.

Agenda Item 12: – Next Meeting: The next meeting will be on **Wednesday 30 September, starting at 7:00 pm via Zoom**. The room will open at approximately 6:55 pm.