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# Report to Torbay Council

**by Keith Holland**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date : 12<sup>th</sup> October 2015**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO TORBAY**

**LOCAL PLAN**

Document submitted for examination July 2014

Examination hearings held between 18 November 2014 and 20 November 2014

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## Abbreviations used in this Report

AA	Appropriate Assessment
DCLG	Department of Communities and Local Government
LDS	Local Development Scheme
FOAN	Full Objective Assessment of Need
NP	Neighbourhood Plans
NPPF	National Planning Policy Framework
MM	Main Modification
PBA	Peter Brett Associates
RMM	Replacement Main Modification
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SDLR	South Devon Link Road
SDP	Submitted Draft Plan
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment

## **Non-Technical Summary**

This report concludes that the Torbay Local Plan provides an appropriate basis for the planning of the District providing a number of modifications are made to the plan.

The Council has asked me to make any modifications necessary to make the Plan sound. All of the modifications, save for the Churston Golf Club modification, were proposed by the Council in the first instance. I have recommended their inclusion after considering the representations from other parties on these issues. The Churston Golf Club modification reflects the modification proposed by the Council in February 2015 but subsequently withdrawn.

The Main Modifications can be summarised as follows:

- Revise the plan period to 2012 - 2030
- As a consequence revise the quantum of housing to be planned for to 8,900 dwellings
- Add provision for the Torbay Council to undertake the necessary development plan work if the proposed Neighbourhood Plans do not follow the Council's strategy.
- Add the Churston Golf Club to the list of possible housing sites for the medium/long term.

## Introduction

1. This report contains my assessment of the Torbay Local Plan (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be found sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Submitted Draft Plan (SDP) dated February 2014 consulted on 24 February – 7 April 2014, together with the Replacement Main Modifications (**RMM**) dated June 2015 consulted on 22 June – 3 August 2015. Between the SDP and the **RMM**, Main Modifications (MM) were published in February 2015 and consulted on 9 February - 23 March. The MM sought to address matters that had been considered at the hearing sessions held 18 – 20 November 2014, including changes that the Council wished to make as a consequence of the consultation responses to the SDP. The MM were strongly influenced by my Initial Findings (see Appendix 2) issued in December 2014. These Initial Findings sought to assist the Council by providing preliminary conclusions about the objectively assessed need for housing in the area and the general strategy proposed by the Council. Following the consultation exercise on the MM the Council withdrew them - hence the **RMM**.
3. My report deals with the modifications that are needed to make the Plan sound and legally compliant. In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These modifications are set out in Appendix 1 and are all based on wording proposed by the Council save for **RMM 13** which is amended. Essentially the **RMM** do three things. First, they reduce the plan period by 2 years with a corresponding reduction in housing numbers while taking into account the Initial Findings. Second, they address the question of how the Council will deal with the situation in the event of the Neighbourhood Plans (NP) failing to follow the strategic approach in the Plan, particularly in relation to housing numbers. Third, they include text needed to satisfy Natural England that the Plan is legally sound in terms of the Habitats and Species Regulations (2010). Given the nature of the **RMM** they affect many different parts of the Plan, particularly the many parts that relate to the quantum of housing development. As a result there is a considerable amount of overlap. The question of the quantum of development is dealt with in all of the **RMM**. The question of the relationship between the NP and the Plan is dealt with through **RMM 1, 2, 7 and 8** while **RMM 2 and 3** are directly relevant to legal compliance and the requirements of Natural England.
4. Although the **RMM** contain a substantial amount of explanatory text, they only relate to matters that are essential to the soundness of the Plan. A large number of the representations do not relate to fundamentally important soundness issues for the Plan as a whole. This report does not deal with such matters but the Council has responded to all representations, in many

instances making minor changes to the Plan to meet the points made. I am satisfied that these additional minor modifications as proposed by the Council do not impact on the essential soundness of the Plan.

5. The **RMM** necessary for soundness all relate to matters that were discussed at the Examination hearings or in written submissions. I have taken account of the consultation responses to both the MM and the **RMM** in coming to my conclusions in this report even though the MM have been withdrawn. This is because some of those who responded to the **RMM** drew my attention also to the response they made to the MM.

## Assessment of Duty to Cooperate

6. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
7. As a unitary authority Torbay has been closely involved with other authorities over a number of years. This involvement includes work on the Devon Structure Plan (2004) and the 2005 Torbay and South Devon Sub-Regional Study. There is in place a county wide Duty to Cooperate Protocol coordinated by Devon County Council. The Council has worked with neighbouring councils to consider whether joint local plans are needed. Given the substantial degree of self-containment of Torbay, demonstrated by considerations such as travel to work areas, it is reasonable for the Council to conclude that a joint plan is not appropriate.
8. Cooperation in relation to waste management has been undertaken with Devon County Council and the County Council is satisfied with the waste policies contained in the Torbay plan. Similarly there has been a history of joint working with the County Council on transport matters.
9. The Council has cooperated with the business community in setting up the Torbay Development Agency. This initiative is complemented by the Enterprise Task Force that includes Teignbridge Council, the Highways Agency, business representatives and the Homes and Communities Agency. The Task Force considers economic issues across South Devon.
10. The Council has provided satisfactory evidence (Submission Document 15) of its active and continued involvement with a wide range of national and local organisations and authorities.
11. As regards the possibility of joint working on the distribution of development in the future, the South Devon Delivery Review Panel includes Teignbridge District Council, South Hams District Council, Torbay Council, infrastructure providers, environmental bodies, business representatives and house builders. The three local authorities are committed to undertaking regular reviews of the housing requirements of South Devon on a cross-boundary basis. The intention is to meet at least annually, timed to coordinate with the councils' annual monitoring reports, to review the delivery of jobs, homes and infrastructure in South Devon. The three councils have agreed that they will jointly put mechanisms in place to ensure that, if housing land availability is falling behind market delivery and housing need requirements, further sites will be brought forward to meet housing need requirements in the sub-region.

The Review Panel is also seen as having an input into the work being done by the Heart of the South West Local Enterprise Partnership.

12. Whether or not the adjoining councils will need to assist Torbay in accommodating some of its development needs cannot at this stage be established with any certainty. Such a need may arise in the longer term if the Council's economic regeneration strategy is particularly successful and there is substantial demand for extra housing related to job creation. The South Devon Delivery Review Panel arrangements go as far as is reasonably possible at this stage when there remain uncertainties about the future demand for housing in Torbay beyond what is currently provided for in the Plan. Overall the Council has met the requirements of the Duty to Cooperate legislation and has in place appropriate means to enable a satisfactory level of cooperation to continue in the future.

## **Assessment of Soundness**

### **Preamble**

13. The plan preparation process is required to take into account sustainability considerations with an expectation that these will inform the process from the outset. In Torbay the Sustainability Appraisal (SA) work began in 2006 with a scoping report which was refreshed in 2009. In 2009 five spatial options were assessed. Option 4, a single urban extension covering most of West Paignton, was assessed to be the most sustainable. However this option was rejected by the Council due to the infrastructure costs and the likely impact on the landscape. The second best performer, an urban focus approach with limited green field development, was selected by the Council as the most appropriate spatial strategy. No convincing evidence has been produced to indicate that the Council's spatial strategy choice is not justified.
14. In relation to the scale of growth, the Council tested three options – low growth (+2,000 jobs, up to 8,000 new homes), medium growth (+5,300 jobs, up to 10,000 new homes) and high growth (+12,300 jobs, up to 15,000 new homes). A SA Framework containing six high level objectives and 31 sub-objectives was then used as a means of describing, analysing and comparing sustainability effects of the Plan. The conclusion of the work was that the constrained balanced growth approach (5 – 6,000 new jobs and 8 - 10,000 new homes) performed best. Following discussion at the examination hearings the Council undertook additional sustainability appraisals for the Strategic Housing Land Availability Assessment (SHLAA) sites and for housing growth of 12,300 dwellings. The conclusions of this further work show that the overall balance of positive and negative factors is not materially different from the conclusions reached previously.
15. At the hearings Natural England raised concerns about the February 2014 sustainability work and how the Habitat Regulations had been taken into account by the Council. Following extensive cooperation between the two parties, both before the examination hearings and during the hearing sessions, Natural England were satisfied with the work undertaken and the changes that the Council agreed to make to the submitted version of the Plan. There were other criticisms of the Council's sustainability work at the hearing sessions, notably the lack of weighting and the failure of the Council to assess the option of adjoining authorities accommodating some growth from Torbay.

However none of those criticising the Council produced any convincing alternative evidence and it is not yet known whether or not adjoining authorities will need to accommodate some growth from Torbay in the future. The Council has taken broad sustainability considerations into account in selecting both its spatial strategy and the quantum of growth being planned for in the plan as submitted. Moreover it is evident that sustainability considerations have taken into account the reasonable alternatives and have informed the process of plan making.

16. Further sustainability work was undertaken when the Council was considering the MM. The MM introduced by the Council largely involved introducing additional housing sites into the Plan, including the land south of White Rock. Unfortunately the Council could not satisfy Natural England about the environmental impact that would arise from the introduction of additional housing sites, particularly in relation to the "in combination" impact on the South Hams Special Area of Conservation and the candidate Marine Special Area of Conservation. Natural England informed the Council that due to the incomplete nature of the updated Appropriate Assessment (AA) the Plan with the MM incorporated would not be legally sound.
17. The land south of White Rock was a particular concern and the Council's ecological consultants recorded that the Council did not have the necessary evidence to address the concerns of Natural England. The Council was advised to exclude the land south of White Rock until it had undertaken a full AA under Regulation 61 of the Habitats and Species Regulations (2010). Such an assessment would need to be informed by new field evidence obtained in accordance with Natural England's 2010 Special Areas of Conservation guidance. Evidence of this nature would not be available until the autumn of 2015 at the earliest as it involves field work during the months when Greater Horseshoe bats are active. The inability of the Council to obtain the agreement of Natural England to the MM was a significant consideration in the decision of the Council to withdraw the MM.
18. The changes flowing from the **RMM** have satisfied Natural England who agree that the mitigation measures in place would reduce significant effects to insignificant. Hence Natural England regard the Plan with the **RMM** as legally compliant with the Habitats Regulations.

### **Main Issues**

19. A range of matters have been raised in the representations. This report does not deal individually with the representations as the examination is concerned with the overall soundness of the Plan. Accordingly this report concentrates on the matters that are of fundamental importance to the concept of soundness as expressed in the National Planning Policy Framework (NPPF). Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified three main issues upon which the soundness of the Plan depends: 1) Is the strategic approach in the Plan reasonable; 2) Is the level of growth proposed justified by the evidence; 3) Is the strategy likely to be effective.

### **Issue 1 – Is the strategic approach in the Plan reasonable.**

20. There are two strands to the Council's strategic approach that are critical to

the soundness of the Plan. These are the homes/jobs balance and the reliance on NP to facilitate the delivery of the required growth in the medium and long term.

21. The overriding theme of the Plan is a step change in the development of Torbay. The Plan makes it abundantly clear that this is a plan for growth. The Plan takes what is described as a "bandwidth approach" seeking sustainable growth which balances economic considerations with social and environmental considerations. Sustainable growth is seen as providing 250 – 300 net new jobs per annum (pa) and between 400 and 500 additional homes pa. The Plan acknowledges that the generation of this level of net new job growth requires a substantial change in the fortunes of the area. Torbay saw annual job losses of around 50 jobs a year between 2008 and 2014 compared to 300 jobs pa created in what are described as the "boom years" (1998 – 2008). Housing growth since 2008 also fell. Between 2000/1 and 2007/8 annual housing completions averaged nearly 550. The annual average fell to about 340 between 2008/9 and 2013/14.
22. The Council envisages what it describes as a "tandem" strategy whereby housing growth and jobs growth are broadly aligned. Having said that the Council accept that job growth is unlikely to pick up substantially until after 2016, notwithstanding that the Council has a formal Economic Strategy which anticipates 6,000 gross new jobs between 2013 and 2018. The Annual Population Survey data from NOMIS shows an increase of employed people living in Torbay of 500 between 2013/14 and 2014/15. As this figure includes commuters, based on the 2011 Census commuting data, the likely increase of Torbay residents in work in Torbay in the last year is about 375. Although details of the nature of this employment (full time/part time; permanent/temporary) have not been supplied this is clearly a welcome improvement. Nevertheless it would seem on current evidence that the Council's short term Economic Strategy is optimistic and that its ambitions are unlikely to be fulfilled over the 2013 - 2018 period.
23. Leaving aside the 2013 - 2018 Economic Strategy, for the purposes of the Council's Development Plan the job creation strategy is supported by work done for the Council by Peter Brett Associates (PBA). This work concluded that the area could see net job growth of about 5,340 over the period 2011 - 2032. This estimate assumed that net job growth would resume in 2016 as a result of the various job creation initiatives by the Council and improved access following completion of the South Devon Link Road (SDLR) scheduled for the end of 2015. The initiatives include designating "assisted areas", establishing a £1 million Torbay Growth Fund, setting up the Torbay Hi Tech Forum, securing £4 million funding from the Coastal Communities Fund for an Electronics and Photonics Innovation Centre and, with support from UK Trade and Investment, establishing the South Devon Export Network.
24. The difficulty of forecasting job growth is reflected in other job forecasts for the area for the period up to 2032. These range from 2,000 to 17,000 jobs. The lowest forecast by Oxford Economics is based on a "do nothing" approach and discounts any impact from the completion of the SDLR. The highest, by Experian, is based on regional trends. PBA acknowledges that job forecasting is subject to much uncertainty but regards the high forecast as exceptionally optimistic and the low forecast as unreliable given that it ignores the Council's initiatives and the impact of the SDLR. I agree with the PBA view about the



other forecasts. Noting that between 1998 and 2006 Torbay enjoyed a net growth of about 4,850 jobs it is considered that the PBA forecast provides a reasonable basis for the purposes of the strategy in the Plan, although given the difficulty of forecasting future jobs the situation will need to be monitored carefully.

25. Unsurprisingly, given the recent past, a number of those making representations do not believe that the Council's economic ambitions will be realised. At its most extreme the view is that there has been no job growth in the recent past and that there is no prospect of net new jobs in the foreseeable future. The argument is advanced that rather than promoting economic development, the SDLR will turn Torbay into a dormitory area for Plymouth and Exeter. Others, including the Neighbourhood Forum Groups, while agreeing about the importance of seeking economic recovery, argue that there is a danger that more homes will be built than the area needs or can be justified on the basis of job creation. These people want what they describe as a "jobs led" strategy in which housing will follow job creation.
26. Taking a simplistic line the ideal would be to have a coordinated and direct link between job creation and house building to provide for unmet housing need arising from job creation. Realistically however it is not possible to get such a clear and direct link. Clearly there is a relationship between jobs and homes in an area but it is not one that lends itself to precise calculation. People will move into an area for a variety of reasons, only one of which may be to take up employment. Job creation is likely to alter commuting patterns and possibly economic activity rates while people moving to an area for work will look for accommodation in both the new and existing housing sectors. Nevertheless with a plan based on a strong growth agenda it would be illogical to have a strategy that did not support increases in both housing and employment. Critically, in an area like Torbay where economic performance has been poor in recent years, there is a danger that firms would be reluctant to move to the area or expand in the area if they fear that housing to support job creation will not be provided in a timely fashion.
27. The housing development industry is not generally particularly nimble and it often takes time for the industry to respond to need, particularly where it has to engage with the planning system. Consequently I consider that it is unrealistic to rely on a jobs led approach in an area where the local economy has been struggling and there is a clear need to strongly encourage local employers to expand or new employers to move to the area. I appreciate that there is a danger that homes may be provided without a corresponding increase in employment. While this has happened in the recent past it is noted that the strategy in the Plan assumes that net job growth will not pick up until 2016. Consequently the recent lack of substantial net job growth does not negate the Council's strategy. No one knows for certain at this point how much net new job growth will materialise in the future. However the danger of housing growth not being matched by jobs growth is outweighed by the advantage of support for the Council's growth strategy and the confidence the strategy may bring to those looking at the area for investment opportunities.
28. Turning to the second strand of the strategy, reliance on NP to deal with the spatial distribution of development, particularly housing development, in the medium and long term is fundamental to the approach taken by the Council.

Bearing in mind the Government's strong commitment to neighbourhood planning, the strategy proposed by the Council is in principle acceptable subject to three provisos. First, the Plan needs to deal adequately with the short term, especially the five year housing land supply position as required by national policy. Second, noting paragraph 184 of the NPPF, the Plan must contain a clear strategic framework for the NP to work within. In the case of Torbay this will need to quantify the scale and timing of the development needed to fulfil the Council's housing growth ambitions. Third, the Plan needs to include a clear policy commitment that the Council will undertake the necessary development plan work if the neighbourhood planning process does not successfully deliver the Local Plan strategy. I return to consider these matters below.

29. It is concluded that in general terms the strategic approach in the Plan is soundly based and justified in Torbay's circumstances subject to the qualifications outlined above.

## **Issue 2 – Is the level of growth justified**

### *Housing*

30. The quantum of housing development proposed in the Plan is very contentious. The contention arises largely from the relationship between homes and jobs that lies at the heart of the Council's strategic approach. In the SDP the level of housing growth proposed over 20 years (2012 - 2032) was put at 400 - 500 per year. In the Initial Findings it was concluded that the prudent approach would be to plan for the upper limit of that range – 10,000 additional dwellings over the 20 year plan period. In the **RMM** the Council is proposing to reduce the plan period to 2012 – 2030 and to plan for 8,900 dwellings over that shorter plan period. Confusingly the Council says that the Plan as submitted is for 21 years 2012/13 – 2032/33 but that the housing numbers are for 20 years. This report treats the plan period in the **RMM** as having been reduced by 2 years to 18 years and the housing numbers as being for 18 years. Although the **RMM** are suggesting a lower level of growth than the Interim Findings the difference is marginal at an annual average of 494 compared to 500 (although it is noted that the Council for unexplained reasons refers to 480 dwellings a year in revised Policy SS1). The confusing arithmetic is of no great consequence and it is accepted that the Council is correct in describing the revised approach as broadly in line with the Initial Findings. The housing tables and the related policy text will need to be amended as an editorial matter to take account of the points made in this paragraph.
31. Unsurprisingly a number of those making representations, notably house builders, challenge the reduced number of additional dwellings. Conversely other respondents remain convinced that the housing numbers are too high.
32. Since the SDP was prepared the Department of Communities and Local Government (DCLG) has produced its 2012 - 2037 Household Projections (published February 2015). These projections indicate an increase of 7,550 households in Torbay between 2012 and 2030. Within the figures 85% of the growth is accounted for by population growth, 10% to changes in household formation rates with the remaining 5% unattributed. The Council in the **RMM** has taken the Household Projections as the starting point for its housing

numbers and has added 1,350 dwellings to allow for what is described as a "buffer to allow for economic growth". This approach of combining demographic and economic considerations flows from the Plan's essential strategy of growth in both homes and jobs.

33. A number of those who consider the **RMM** housing figures as too high challenge the additional buffer figure. The view is that as Torbay's population growth is driven by domestic in-migration, the population growth already allows for people moving into the area for work. In fact some erroneously see the DCLG figures as job creation targets. Others, who favour higher housing growth figures, point out that the DCLG household formation figures are derived from the 2012 Sub National Population Projections which are based on five year migration trends. Hence the 2012 household formation figures reflect the post 2008 recession. The Council acknowledges this point and sees the DCLG figures as erring "on the side of pessimism". I agree with the Council. Evidence presented to the Examination by the Council (Examination documents SD/24 and PH/14) and Paignton Neighbourhood Forum considered the demographic projections in some detail. However there is nothing in these to alter my conclusions in this paragraph.
34. The PBA work for the Council included an employment led housing requirement. Based on about 5,340 net additional jobs PBA calculated that the housing requirement would be for about 12,300 new homes by 2032. Using the other new job projections referred to above, PBA calculated that 8,480 new homes would be needed with the lowest job growth projection and over 25,650 new homes for the highest projection. It is noted that the work by PBA is inevitably based on assumptions – for example the options are considered to be commuting neutral, that the unemployment rate will reduce over the plan period and that the economic activity rate will remain constant. These assumptions together with the job creation projections provide fruitful areas for challenge for those who prefer either higher or lower figures. PBA themselves accept that there is considerable uncertainty about the figures, describing the uncertainty as "acute". Given that there is considerable uncertainty and that the relationship between homes and jobs is not precise, there is little point in thinking in terms of a single definitive figure or to try to take into account factors that have a relatively modest impact on the figures. In the context of the overall strategy in the Plan the Initial Findings concluded that based on demographic factors and job creation estimates the full objectively assessed need for housing in Torbay is in the order 12,300 homes. The comparable figure for the shorter plan period would be between 11,000 and 11,500 homes. In the context of the Council's growth strategy this range is a justified estimate of the full objectively assessed need (FOAN) for housing in the area up to 2030.
35. I have considered the question of whether the plan is unsound because it has not taken into account whether the market housing provision should be increased to allow a higher amount of affordable housing to be provided in accordance with paragraph 54 of the NPPF. The updated Exeter and Torbay Housing Market Assessment 2011 identifies a need for 820 dwellings a year in Torbay, 60% of which would need to be affordable dwellings. Increasing the market sector housing to get more affordable housing would be inappropriate in Torbay for several reasons. First, paragraph 54 of the NPPF suggests that the intention is that the policy applies to rural areas and most of the proposed housing in Torbay will be in or immediately adjacent to urban areas. Second,

the quantum of development that would be needed to provide for an appropriate level of affordable housing would be wholly unrealistic in an environmentally sensitive area such as Torbay. Third, such a scale of development is not feasible given the demand side of the Torbay housing market.

36. The question of an adjustment for market signals has also been raised. Some argue that affordability of housing in Torbay is significantly worse than the national average and hence there is a need to increase the supply of housing to approaching 950 additional dwellings per year to improve affordability. While this may be theoretically correct it ignores the realities of the limited market for housing in Torbay. In the "boom" years of 2000/1 - 2007/8 average annual housing completions (545) were far lower than the suggested figure while in recent years house builders have informed the Council that on any one large site only about 35 open market dwellings a year are likely to be sold. Even if that sales rate has improved in the recent housing market upturn, it is unrealistic to think that the Torbay market can sustain a build rate of some 950 dwellings a year.
37. In some quarters the reduction of the plan period and the reduction in housing numbers is seen as a cynical ploy by the Council to avoid having to make difficult decisions about land needed for housing. However if the Plan is adopted by the Council in 2016 it will still be a plan that provides a framework for development in the area until 2030. There would be little point in finding the plan unsound because it does not provide for quite 15 years development from adoption. In any event the 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.
38. It is necessary to also consider policies that could reduce the final housing requirement figure. The Council's view is that there are environmental considerations, largely related to the undoubted quality of the Torbay landscape, that restrict the amount of housing development that is acceptable. Taking environmental considerations into account, the Council considers that the Torbay area can accommodate some 9,300 additional dwellings. A number of those making representations regard this as far too high a figure given the quality of the local environment and issues such as flooding and traffic congestion.
39. It is noted that in the past, when the Council was considering how to accommodate 15,000 additional dwellings as proposed in the emerging regional strategy, the 2008 Strategic Housing Land Availability Assessment (SHLAA) identified potential land for 16,140 dwellings. I accept the point made at the hearings by the Council that this figure does not adequately take into account environmental considerations. More recent work (2013) by consultants advising the Council updated the SHLAA and concluded, having taken more account of environmental considerations, that there is sufficient potential housing land to accommodate 11,600 additional dwellings. The Council believe that this assessment is also too high and favour a figure of 9,300 dwellings.

40. The Interim Findings concluded that the environmental capacity of the area is greater than 9,300 but less than 12,300 – the latter being the number of dwellings suggested by PBA as being needed to align with the PBA job growth figure to 2032. Calculating environmental capacity is difficult because it depends on a range of subjective judgements and the allocation of relative weight to a variety of factors. If the Council is correct and the capacity is around 9,300, it begs the question of why the Plan should not plan for 9,300 dwellings given a FOAN for 11,000 - 11,500 dwellings. There are three reasons why it is acceptable for the Plan to take the approach that it does. First, with environmental matters it is sensible to take a cautious approach as once lost, a valuable environment usually cannot be restored. Second, the Council's ambitious net job growth figures may prove to be optimistic as is feared by a number of those making representations. Third, it is not possible to be precise about the relationship between homes and jobs. In these circumstances the prudent approach is to initially be conservative with the number of dwellings to be planned for and to monitor the situation carefully.
41. Detailed monitoring and review are important considerations in the development plan process and the Council is committed to regular reviews of the Plan. 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.

#### *Other forms of development*

42. There is little dispute about the quantum of development for other types of land use. The Plan provides for a minimum of 17 hectares for employment generating development over 20 years with more than half expected to be for uses such as tourism, retail and leisure. There is presently an adequate supply of land to meet demand in the short term and the Plan is based on high quality, well located and serviced employment generating floor space being provided in the medium and long term especially in the town centres, at Edginswell and on mixed use sites such as White Rock. No convincing evidence has been presented challenging the Council's approach.
43. There is a challenge to the boundary of the Core Tourism Investment Area in relation to the Corbyn Apartments, Torquay. The contention is that the mix of unrestricted occupation and holiday accommodation jeopardises the viability of the business. However the Council has been flexible in the past and Policy TO2 is expressed in a flexible way that allows viability to be taken into account. I agree with the Council that this is a key tourist area and that the boundary should remain as defined, especially given the importance of tourism to the local economy.

#### **Issue 3 – Is the Strategy likely to be effective**

44. Dealing with housing it is necessary to consider whether, as a minimum, the Plan adopts a realistic approach to the provision of housing in both the short and longer terms. The Plan presents the five year sub-divisions of the plan period in a somewhat confusing way with some periods apparently spanning six years, some five years and others four years. This is an editorial matter that the Council can readily resolve. For the purposes of this report it is taken

that year 1 is 2012/13 and thus the first five year period ends in 2016/17 as per Policy SS12.

45. The trajectory (Policy SS12) requires 400 dwellings pa in the first five years rising to 460 dwellings in the following five years and rising again to 510 from 2022/23. Although some see this rising trajectory as a device for the Council to delay making difficult decisions about housing sites, the trajectory logically relates to what the Council anticipates in relation to job creation. It is noted that this trajectory does not match the figures for housing in Section 5 of the Plan, presumably because delivery in the first three years of the plan period has been below the trajectory. In years 1-3 housing completions averaged around 320 pa rather than the 400 sought. There has therefore been a shortfall of about 240 dwellings since the start of the plan period.
46. Adopting the Policy SS12 trajectory results in a need for a five year housing supply of 2,540 dwellings (2 x400 + 3 x460 + 240 +5%). The period 2001 – 2012 has been considered to decide whether a 5% or a 20% land supply buffer should be applied. During this time the Devon Structure Plan requirement -300 dwellings per year - was consistently exceeded (2001 – 2006) as was the requirement in the previous Torbay Local Plan (395 dwellings per year) relevant during that time. After 2006 the Draft Regional Spatial Strategy proposed a much higher requirement of 750 dwellings per year. Although in the six years from 2006/7 – 2011/12 the requirement of 750 was only met once, it must be born in mind that the Regional Strategy was never adopted. Thus more weight has been given to the way Torbay performed against the Devon Structure Plan/Local Plan when there was no under-delivery.
47. As at April 2015 the Council identified deliverable housing land over five years for 2,210 dwellings. In addition the Council argues that windfall sites are likely to contribute 130 dwellings a year to the supply of housing land. The identified deliverable sites mostly have planning permission or are subject to a Council resolution to grant permission for housing. In calculating the five year supply, delivery on large sites has been assumed, following discussions with developers, to be limited to 35 market dwellings per year per site. The windfall figure is derived from reasonable evidence in the 2013 SHLAA and historic completion data. It is concluded that the Council have taken a justifiable view of land supply and is able at present to demonstrate a current five year supply of housing land as required by the NPPF.
48. The position beyond five years is much less clear and is very much dependent on the neighbourhood planning process. The three proposed NP for Torquay, Paignton and Brixham Peninsula cover what are described as Strategic Delivery Areas. Together these three areas cover the whole of the Torbay administrative area. The Council's intention was that the Local Plan would provide the overarching strategy while the NP would be developed in parallel providing the local detail. In terms of housing the intention was that the NP identify the required medium and long term sites. The Plan contains a pool of potential housing sites for consideration by the neighbourhood forums preparing the NP but this list is not intended to be prescriptive in the sense that the NP are free to bring forward alternative sites. The hope that these plans would, in the Council's phrase "dovetail" and be adopted with the Local Plan in 2015 has not been realised.

49. At the hearings in November 2014 the Paignton and Brixham NP Forums made it clear that they did not agree with the Council's view about the annual number of additional homes needed in Torbay. These groups promoted an annual figure of 150 -200 homes against the Council's figure of 400 – 500. In the light of the clear disagreement it was made clear in the Initial Findings that the Council would need to be prepared to undertake the necessary development plan work if the NP do not deliver the Plan's strategy. The Council has confirmed in **RMM 1, 2, 7 and 8** that it would be prepared, if necessary, to do so through site allocation documents that it would prepare.
50. Over the revised plan period the Plan with the **RMM** requires the provision of about 660 dwellings in the Brixham Peninsula area, about 3,950 in Torquay and just under 4,300 in the Paignton area. Since the November 2014 hearings progress has been made. Master plans for the regeneration of Torquay and Paignton Town centres were adopted by the Council as Supplementary Planning Documents in June 2015. The Brixham and Paignton Forums have been working closely together and have reached a common view. They consider that the fundamental issue of the pace and balance between jobs and homes has not been adequately addressed. They say that the FOAN for housing is about 8,300 to 2032 but they fear that in practice housing delivery will exceed job growth causing the premature release of green field sites. These Forums consider that the housing trajectory should adopt the DCLG household projection from 2012 as the number of dwellings to be planned for. The importance of the option of both upward and downward revisions of the housing numbers in the light of job creation monitoring is stressed.
51. The Paignton Neighbourhood Forum challenges the housing numbers proposed particularly in Collaton St Mary, largely on landscape character and drainage grounds. These views are strongly supported by the Collaton St Mary Defence League/Residents Association. Within the Paignton area the Forum favours the provision of 3,365 dwellings over a nineteen year period.
52. The Brixham Peninsula Forum apparently sees the DCLG household projection as largely a jobs projection. The Forum says that it will try to find capacity for 655 homes for demand arising from job creation and for 115 homes arising from reductions in household size. Having said that, the Forum does not believe that household formation rates will change and doubts that these 115 dwellings will be needed. In terms of countryside designations the Forum is seeking to have the Coastal Preservation Area extended and the 1<sup>st</sup> and 18<sup>th</sup> holes of Churston Golf Course included in the Countryside Area
53. Torquay Neighbourhood Forum accepts the Local Plan housing figures but stresses the importance of developing brown field sites as a priority. Like the other two forums the Torquay Forum also stresses the importance of robust monitoring to ensure that green field sites are only developed if justified by accompanying job creation.
54. The Brixham and Torquay Forums have undertaken to submit NP that conform with the Torbay Local Plan by March 2016. The Paignton Forum has not given that commitment and objects to the Council's approach on the grounds that it undermines the Forum's authority. Understandably some are unconvinced by the role to be played by NP largely because they feel that there is now insufficient time for NP to be prepared and adopted.

55. The undertaking by the Brixham and Torquay Forums to prepare NP by the 2016 deadline set by the Council provides a limited degree of reassurance. The resistance of the Paignton Forum to both the Council's approach and the strategic housing numbers is a major concern. The March 2016 deadline is clearly very tight but the notion of the Local Plan working in close concert with the NP is longstanding and a considerable amount of time and effort has gone into the preparatory work and essential evidence gathering needed for the NP. Notably a very substantial amount of effort has been made by all sides, including the development industry, on master planning exercises in the neighbourhood plan areas. The short timescale to March 2016 is therefore not unreasonable. The issue now is one of taking decisions, albeit hard ones, rather than yet more preparatory work.
56. If the NP are not in place soon the Council is likely to find itself in a position where it no longer has a five year supply of housing land. The disadvantage of not having an adequate supply of housing land should not be underestimated. In such circumstances the NPPF (paragraph 49) makes it clear that relevant policies for the supply of housing should not be considered up-to-date. This applies irrespective of when the policies were adopted. A lack of up-to-date housing supply policies would seriously prejudice the ways in which the Council is able to direct and control housing development in the public interest.
57. Because of the uncertainty about the effectiveness of the NP process in Torbay and the specific requirement in the NPPF to identify broad locations or sites for housing development in the medium term, a critical effectiveness consideration is how adequately the Plan identifies developable land.
58. The land south of White Rock is particularly important in this regard. At the **MM** stage the Council identified this land as a possible Future Growth Area with potential, subject to environmental considerations, for 450 dwellings. There were many objections to this proposal, notably from local residents. The Council's response was to record that further evidence about this site was needed in relation to ecology, landscape impact and agriculture. The Council noted that the ecology evidence would not be available until October 2015. In order to avoid further delaying the Plan, two options were suggested by the Council. First, to exclude the site at this stage but to reconsider it when the Plan is due to be reviewed in five years by which time the necessary further evidence would be available. The second was to identify a smaller Future Growth Area corresponding to land being promoted by a developer.
59. Unsurprisingly the second option (described as White Rock 2) is favoured by the developer in question. The developer argues that suitable environmental safeguards can be put in place through a master plan approach and that in any event it owns land in the immediate vicinity of White Rock 2 that could be made available if required to provide off site mitigation. The developer also points to its successful track record involving an adjoining development site (White Rock 1). Obtaining development on that site involved public consultation, stakeholder engagement and effective cooperation with the Council and Natural England.
60. The strong local opposition to development on White Rock 2 is understood. However in the context of the need to find additional housing land as a consequence of the Initial Findings, subject to environmental safeguards this



land was regarded at the MM stage by the Council as one of the best alternative green field locations for sustainable growth in Torbay. There are very limited options for strategic housing growth sites in Torbay and having regard to its relationship to existing development and the White Rock 1 site, it is considered that the Council has good reasons to regard the site as potentially offering an opportunity for strategic development.

61. The Council has chosen to follow the first option and says that development of the site should be considered in 5 years when the Plan is scheduled to be reviewed. There are several disadvantages to this approach. First, Government policy clearly looks to local authorities in their local plans to identify sites or broad locations for housing growth for at least 10 years and preferably for 15 years (NPPF paragraph 47). Second, there is an immediate need to provide as much strategic certainty as possible, not least to allow effective NP to be produced. Third, although it is a matter for the Neighbourhood Plan Forums working with the Council, to finally resolve how much housing is allocated to the three different neighbourhood plan areas, it is clear that there could be a problem with identifying sufficient medium and long term housing land. Finally a comprehensive review of the Plan will itself take some time. To wait until the Plan has been completely reviewed would run a high risk of the site not being available for development, if environmentally acceptable, when it or some alternative might be needed.
62. The difficulty is that the necessary "in combination" AA under Regulation 61 of the Habitats and Species Regulations (2010) cannot be done at this point in time to the satisfaction of Natural England. Furthermore the Council says that the necessary work on outstanding issues relating to the impact on greater horseshoe bats and the adjoining AONB cannot be completed for at least 12 months. In these circumstances it is agreed that the Council is right to exclude the land as a Future Growth Area at present. However if the necessary work is undertaken and shows that from an environmental point of view the site is developable, there is nothing to stop the Council from carrying out a partial review of the Plan as soon as it has the necessary evidence. This course of action would enable sensible medium term planning to be undertaken in a timely fashion not least because in 12 months the Council should be much better informed about the likely medium and long term housing supply position as a consequence of the neighbourhood planning process.
63. As regards other potential medium or longer term housing sites there is an inevitable degree of uncertainty about the quantum and timing of growth that the NP will provide for. This is the case particularly at Collaton St Mary where there is apparently still a wide disparity of views despite the master planning work that has been undertaken. This uncertainty is reflected in **RMM2** where reference is made to the possibility of some sites in Collaton St Mary and Yalberton coming forward early if infrastructure, environmental and other planning matters can be satisfactorily addressed.
64. The land at Churston Golf Club is also relevant to the medium/long term housing situation. Outline planning permission was granted for housing on part of the golf course (1<sup>st</sup> and 18<sup>th</sup> holes and club house land) in 2012. The land was included as an imminently deliverable housing site for 132 dwellings in the SDP. However a considerable degree of uncertainty into the deliverability of the site was introduced in 2014 when the Mayor was

persuaded by local residents to seek to impose a covenant on this Council owned land which would not allow development of the golf course without first obtaining the agreement of the majority of residents in the ward at a referendum. The members of the Council were advised by their officers that the proposed covenant would have serious consequences for the Local Plan because it could remove an important housing supply site and could set a precedent that might prevent the use of other Council owned land from being used as part of the housing land supply. In September 2014 the officers advised that in their view the Local Plan would be found unsound if the referendum prevented the land from being included as an imminently deliverable housing site. At the hearings in November 2014 the officers took a different stance arguing, amongst other things, that the covenant might not be confirmed, that other sites owned by the Council might not be treated in the same way and, possibly optimistically, that a referendum might not result in residents resisting development.

65. Others, particularly the developers, stress the clear September advice from the Council's officers and the danger that investor's confidence would be eroded by the actions of the Mayor. In the MM the site was removed from the short term land supply pool of sites and placed in the table of sites to be considered by the Neighbourhood Forums when looking for long term housing sites. In May 2015 in correspondence the Council explained that the site would be "one that is further explored to assess deliverability in the 15 year+ period"
66. A further complication was introduced when an application to replace the facilities that would be lost if parts of the course were to be developed for housing was refused and an appeal (APP/X1165/A/13/2205208) against the refusal was dismissed on 3 February 2015. The appeal was dismissed on the grounds of harm to highway safety, to the character and appearance of the area and to the integrity of the South Hams Special Area of Conservation and protected species.
67. Notwithstanding the view taken in May 2015 the Council's approach to the site appears to have changed again as the land has been eliminated altogether from the potential housing sites in the Council's **RMM14**. The explanation is that the site "appears to be undeliverable based on the appeal decision". It is noted that the reason for eliminating the site is not expressed in unequivocal terms. It may be that an alternative acceptable way of replacing potentially lost golfing facilities can be found. Bearing in mind how well the potential housing site relates to the form of existing development around it and the planning permission granted in 2012, there is a strong case for retaining it as a potential housing site whose deliverability needs to be explored in accordance with the approach taken by the Council in May 2015. Consequently **RMM13** (which was the Council's **RMM 14** – see below) which adds Churston Golf Club to the pool of housing sites in Table 2 of Appendix D is necessary to enable the question of its suitability for housing to be assessed as part of the neighbourhood planning process. Given the importance of NPs to the Council's overall strategy and the difficulty of finding suitable land for housing in the area, this is a matter that goes to the soundness of the Plan.
68. The question of the possible impact of the Mayor's idea for a referendum on investor confidence has been addressed by the Council. Since the covenant was granted by the Council on the golf course site no comparable covenants

have been granted. There has been pressure to grant a comparable covenant on land at Cary Green, Torquay but this was refused by the Council. Clearly one cannot know what a Council may do in the future but at this time the evidence suggests that the covenant approach taken by the Council at Churston Golf Club will not be repeated elsewhere.

69. The Officers' concern about the impact of the covenant on the soundness of the Plan has been removed since the site no longer forms a critical part of the Council's short term housing land supply.
70. There has been pressure from some to have the 1<sup>st</sup> and 18<sup>th</sup> hole/current clubhouse at Churston Golf Course included within the Countryside Area. The Council's assessment that the land is not suitable for inclusion is accepted because of the way the land in question is contained by existing development and the Paignton and Dartmouth Steam Railway. It has also been argued that the 3<sup>rd</sup> tee fairway (the appeal site referred to in paragraph 66 above) should be included in the Undeveloped Coast (Policy C2). The Council has addressed this issue in its consideration of Replacement Additional Modification 109.
71. Given the strategic approach favoured by the Council neither the Plan nor this report can resolve matters that the Council has decided should be addressed in the NP. Accordingly this report does not make any recommendations about matters that are left to the NP to resolve, where there is a lack of evidence at present on which to make a recommendation or where the issue is one that does not go to the heart of the soundness of the Plan. This includes the future of sites such as Kingsland, St Mary's Campsite and Sladnor Park. RMM13 of the schedule provided by the Council is excluded as a RMM as it is considered that this relatively minor matter relating to retail impact assessments should be treated as a minor alteration to the Plan. This change means that the Council's RMM 14 now becomes **RMM13**.
72. Nor does this report deal with minor changes that do not affect the fundamental soundness of the Plan. The Council has suggested a large number of these. Some are challenged by people making representations but I am satisfied that all the proposed minor changes are matters for the Council as they do not impact on the fundamental soundness of the Plan

## Assessment of Legal Compliance

73. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Local Plan is identified within the approved LDS February 2014 which sets out an expected adoption date of February 2015. The Local Plan's content is compliant with the LDS but adoption has been delayed by the modifications process.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in March 2014 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' and replacement main modification changes (MM) and ( <b>RMM</b> )
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (February 2014) sets out that the plan may have some negative impact on the South Hams Special Area of Conservation (SAC), Lyme Bay and Torbay cSAC and Dartmoor SAC. The AA has concluded that the mitigations provided by the Local Plan policies as modified along with the recommendations provided by the AA would ensure that the Local Plan alone or in combination with other plans and projects will not have adverse effects on the integrity of the European protected sites.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

74. **The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20 (7A) of the 2004 Act.**
75. **The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended replacement main modifications set out in Appendix 1 and 1A the Torbay local plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*K Holland*

Inspector

This report is accompanied by the Appendix 1 and 1A containing the Main Modifications and Appendix 2 the Initial Findings. The Council will need to amend the Proposals Maps in accordance with **RMM13**

## **Appendix 1**

### **TORBAY LOCAL PLAN**

# **SCHEDULE OF PROPOSED REPLACEMENT MAIN MODIFICATIONS TO THE LOCAL PLAN**



**The Proposed Replacement Main Modifications are expressed as follows:**

Replacement Main Modifications to Local Plan Policies – new text is shown as **underlined emboldened red text**; deleted text is shown as a ~~strike~~through.

Replacement Main Modifications to Local Plan explanatory text – new text is shown as underlined text (not emboldened); deleted text is shown as a ~~strike~~through.

Unchanged text (from the Proposed Submission Version) is shown as unemboldened black text (headings emboldened as per original document)

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Replacement Modification reference	Local Plan Policy/para	<p><b>Amended text:</b> Amended Policy text is set out in <b><u>red emboldened underlined text.</u></b> New Explanatory text is shown as non-emboldened <u>underlined</u> text. Deleted text is shown as <del>strikethrough text</del>)</p> <p>(RMM= Replacement Main Modification. Note that this schedule shows Replacement Main Modifications (FMM) as currently proposed. Some of these were previously part of the (original) Main Modifications (February 2015).</p>
RMM1	Policy SS1	<p>Revise Policy as follows in accordance with Inspector's "Initial Findings" dated 15 December 2014 : <i>Note change to Plan Period from 2012-2032 and beyond to <u>2012-2030 and beyond.</u></i></p> <p><b>Policy SS1 Growth Strategy for a prosperous Torbay</b></p> <p>The Local Plan promotes a step change in Torbay's economic performance. It supports urban regeneration that creates sustainable living, working and leisure environments, supported by high quality infrastructure. This will be achieved within the Bay's built and natural environmental capacity, ensuring the environment continues to be a driver of economic success and that there is investment in the Bay's environmental assets.</p> <p>Development should reinforce Torbay's role as a main urban centre and premier resort. <b><u>All development should contribute to safeguarding or enhancing the area's natural and built environment.</u></b></p> <p>All development will make full and appropriate use of opportunities for low carbon and renewable energy technologies, consistent with the need to reduce Torbay's carbon footprint, and provide resilience to climate change.</p> <p>The Plan supports the creation of 5,000-6,000 <b><u>5,500</u></b> net additional jobs (<b><u>equating to an average of around 275 jobs per annum</u></b>) and delivery of at least 17 hectares of employment land over the next 20 years (<del>equal to 250-300 jobs per annum</del>), with an emphasis on bringing employment space forward as early as possible in the Plan period. The Plan also seeks to identify land for <b><u>the delivery of around</u></b> <del>between 400-500</del> <b><u>480</u></b> homes per annum, equating to about <b><u>8,900</u></b> <del>10,000</del> new homes over the Plan period of 2012-<del>2032</del> <b><u>2030.</u></b></p> <p><b>Existing Commitments</b></p> <p>In the first 5 years (2012-17), the Plan will enable delivery of <del>1,250-1,500 net new jobs, and land for</del> around 2,000 new homes. <b><u>Most of this</u></b> growth will come forward on committed sites – with planning permission or allocated - and on urban brownfield sites, including windfall sites. <b><u>These are shown in Appendix D (first table) and will be updated as part of the Council's annual monitoring activity</u></b></p>



		<p><b>Identified Sites</b></p> <p>In years 6-10 of the Plan, development will come from completion of committed sites and developable sites identified in Neighbourhood Plans. The pool of developable housing sites is included in Appendix D to this Plan. <u><b>If Neighbourhood Plans do not identify sufficient sites to provide the growth requirement of the Local Plan, the Council will bring forward sites through site allocations development plan documents.</b></u></p> <p><u><b>If it appears that a shortfall in five year supply of deliverable sites is likely to arise, the Council will bring forward additional sites as indicated in Policy SS12 below.</b></u></p> <p><b>Strategic Delivery Areas</b></p> <p>Strategic Delivery Areas, shown outlined in red on the Key Diagram, are the focii for delivery of growth and change in the Bay over the Plan period. They provide strategic and sustainable locations for new employment space, homes and infrastructure. Future Growth Areas (see Policy SS2) are located within these SDAs. There will be some initial delivery of development in Future Growth Areas, within the first 10 years, if required to meet demand for new employment space and homes. Development in these areas will be set out in detail via masterplanning, concept plans and/or in Neighbourhood Plans. They will deliver a balance of jobs, homes and infrastructure, including green infrastructure. Future Growth Areas are shown on the Policies Map.</p> <p>The focus areas for delivery of improvements to AONB, countryside, green infrastructure, as well as sport, leisure and recreation, are also illustrated (outlined in green) in the Key Diagram (See Figure 4.1).</p> <p>Major development proposals, outside the <b>built up area and Future Growth Areas</b>, will need to be the subject of environmental assessment. This will need to take account of the impacts of the proposed development itself and the cumulative impact of development.</p> <p>The Plan will be reviewed at regular intervals to ensure that the growth strategy remains sustainable and conforms to the requirements of the NPPF, or subsequent Government policy.</p> <p>Communities will have a greater influence in determining how development in their area will look and feel, specifically through the new framework of Neighbourhood Plans.</p> <p><b>For Information: Replacement Main Modification 1 (RMM1) is a revised version of withdrawn Main Modification 1 (MM1)</b></p>
<p><b>RMM2</b></p>	<p>4.1.25</p>	<p>Amend paragraph 4.1.25 which is under the section heading "Sequence and phasing of development":</p> <p>Expected phasing is set out broadly in Policy SS1 above, with more details set out in Policies <u>SS11 Housing</u>, and <u>SS12 "Five Year Housing Supply"</u>. <u>These Policies set out a trajectory and broad areas of housing growth. More detailed area specific requirements are set out in the Strategic Delivery Areas' Policies (SDT1, SDP1 and SDB1 etc).</u></p> <p>Development over the first 5 years (<u>2012-17</u>) will arise on committed sites. <u>These are indicated for information in Appendix D of</u></p>

		<p><u>the Local Plan (first table), which will be regularly updated as part of the annual Housing Land Monitor and Authority Monitoring Report. Larger sites are expected to last until the second phase of the plan (i.e. years 6-10) and be supplemented by (mainly urban) developable sites allocated in Neighbourhood Plans using the SHLAA as a starting point.</u></p> <p><u>There will be an emphasis on delivering employment developments in the early phases of the Local Plan. This will include existing commitments to B1, B2, B8 employment space provision at:</u></p> <ul style="list-style-type: none"> <li>• <u>White Rock, which itself includes a new innovation centre (EPIC)</u></li> <li>• <u>Edginswell Business Park</u></li> <li>• <u>Town centre sites, including, Torwood Street; and other developments in the adopted Town Centre Masterplans</u></li> <li>• <u>Devonshire Park, Paignton</u></li> <li>• <u>South Devon College's emerging Hi Tech Centre</u></li> <li>• <u>Claylands, Paignton</u></li> <li>• <u>Land at Yalberton Road/ Yannons Farm Paignton</u></li> </ul> <p><u>Whilst development in Future Growth Areas is anticipated to arise towards the latter part of the Plan period, it is noted that there is active developer interest in some sites, such as Collaton St Mary and Yalberton, Paignton. The Plan will support early delivery where infrastructure, environmental and other relevant planning matters are satisfactorily addressed.</u></p> <p><u>Where there appears to be a risk of a shortfall of deliverable sites against the Local Plan rolling five year requirement, or overall housing trajectory, the Council will bring forward additional sites through site allocations development plan documents. In order to avoid a policy vacuum occurring after year 5 of the Plan (i.e.2017), the Council will start to prepare site allocation documents if neighbourhood plans, which meet the necessary regulations and are in general conformity with the Local Plan, have not been Submitted to the Local Authority by 31 March 2016. If this arises the Council will present site allocations documents to Council within 12 months (i.e. by 1 April 2017). It will be noted that Neighbourhood Plans/site allocations development plan documents only need to identify sufficient sites to maintain a rolling five year housing supply from 2017, with broad locations for longer term growth. Neighbourhood Plans will not be required to allocate sites where there would be likely significant effects on Habitats Regulations related matters.</u></p> <p><b>For Information: RMM2 is a revised version of former MM2</b></p>
RMM3	SS2	<p>Revise Policy as follows:</p> <p>Future Growth Areas are proposed in the following locations:</p> <ol style="list-style-type: none"> <li>1. Edginswell, Torquay</li> <li>2. Land around <b>Paignton North and West Area including</b> Collaton St. Mary, Paignton</li> </ol>

	<p>3. Brixham Road, Paignton</p> <p>4. Wall Park, Brixham</p> <p>.....A bespoke Greater Horseshoe Bat (GHB) mitigation plan for all development within the <b>following</b> Future Growth Areas must be submitted and approved before planning permission will be granted.</p> <p><b><u>SDP 3.2 Great Parks</u></b></p> <p><b><u>SDP 3.3 Totnes Road/Collaton St Mary</u></b></p> <p><b><u>SDP 3.4 Brixham Road/Yalberton</u></b></p> <p><i>(N.B. Wall Park moves up into the category of deliverable site, having received planning permission).</i></p> <p>The <b>mitigation</b> plans must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the local foraging area and flyway used by commuting GHBs associated with the South Hams SAC. The mitigation plan must demonstrate that development will have no adverse effect on the SAC alone or in combination with other plans or <del>projects</del> <b>developments</b>. Development should have regard to Policy NC1 concerning the need for developer contributions to mitigate the impact of <b>increased</b> recreational pressure on the South Hams SAC.</p> <p>Development will <del>be</del> deliver the following:</p> <p>(i) -(vii) no change from Proposed Submission Plan.</p> <p><b><u>(viii) Integrated Green Infrastructure rich in biodiversity to be enjoyed by local people.</u></b></p> <p>All major development outside of the established built up area should be within the identified Future Growth Areas. Major development outside of these areas will only be permitted where the site has been identified by the relevant neighbourhood plan or a subsequent development plan <b><u>document and has first been subject to Habitat Regulations Assessment that has concluded there will be no likely significant effect on the South Hams SAC.</u></b> Such development proposals will need to take account of the impacts of the proposed development itself and the cumulative impact of development.</p> <p><b>Note: Policies Map changes - Wall Park (SDB3.1) shown as a committed site (greyed out), as the site has planning permission.</b></p> <p><b>For Information: RMM3 is a withdrawn version of former MM3</b></p>
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RMM3A	Policy SS4	<p>The Local Plan supports the creation of at least 5,000-6000 <b>5,500</b> net additional jobs by <b>2030</b> with an emphasis on delivering 1,250-1,500 net new jobs in the first 5 years of the Plan Period.</p> <p><b>For Information: RMM3A is a new Modification, arising out of RMM1 above. See Policy SS5 (Replacement additional Modification 23) for employment site specific information.</b></p>
RMM4	Table 4.3	<p>Make Table part of Policy SS11 "Housing". Amend Table to indicate distribution of <b>8,900</b> dwellings by area: <b>See MM5 below.</b></p> <p><b>For Information: RMM4 is a revised version of former MM4</b></p>
RMM5	SS11	<p>Amend first paragraph of Policy in line with changes to SS1 above:</p> <p><b>Policy SS11 Housing</b></p> <p>In accordance with Policy SS1, provision will be made for <b>8,900</b> <del>between 8,000-10,000</del> new homes over the Plan period or beyond, so long as these can be provided without harm to the economy or environment, including sites protected under European legislation.</p> <p>Major new housing schemes will be brought forward via partnership between landowners, developers , the community and Council , in accordance with <b>the broad numbers set out in Table 4.3 (H1)</b>, Policies SDT1 Torquay, SDP1 Paignton and SDB1 Brixham.</p> <p><b>(Insert housing table 4.3 (see RMM4 above) as part of policy). Note that housing numbers have been revised as part of these Replacement Modifications. The revised housing tables are set out at Annex 2.</b></p> <p><b>For Information: RMM5 is a revised version of withdrawn MM5</b></p>
RMM6	4.5.36	<p>Clarify numbers in Policy as per MM1:</p> <p>Development in Torbay is nearing the area's total capacity. A cross-boundary review of strategic housing land availability <del>may be needed</del> <u>will be undertaken</u> as part of a longer term assessment of growth options, particularly if there is evidence of significant employment growth, which would <del>take the requirement above 8,000-10,000 homes.</del> <u>generate a demand for additional housing.</u> <u>The 2012 based DCLG Household Projections indicate 7,550 additional households in Torbay between 2012-30. These figures are not based upon short term migration trends but assume that inwards migration will return to pre-2008 levels later in the Plan period. This strongly implies that economic success is built into the household projections. Therefore it is not expected that this</u> there will be a jobs generated housing demand <u>above the Local Plan level</u> <del>will be needed</del> for at least the first 15 years of the Plan (i.e. before the late 2020s), and possibly later.</p> <p><b>For Information: RMM6 is a revised version of withdrawn MM6</b></p>
RMM7	SS12	<p>Revise Policy as follows:</p> <p><b>SS12 Five year housing land supply</b></p> <p>The Council will maintain a rolling 5 year supply of specific deliverable sites sufficient to meet a housing trajectory of 400 <del>dwellings a year i.e. 2000 dwellings over 5 years) made up from 270 a year on committed or identified sites and 130 on windfall</del></p>

	<p>sites <u>8,900 dwellings over the Plan period 2012-30, including an allowance for windfall sites.</u></p> <p><u>The trajectory is:</u></p> <p><u>400 dwellings per year for the period 2012/13 – 2016/17</u></p> <p><u>460 dwellings per year for the period 2017/18 – 2021/22</u></p> <p><u>510 dwellings per year for the period 2022/23- 2030/31</u></p> <p>New housing will be monitored to ensure that it is matched by the provision of infrastructure, particularly infrastructure that would support job creation. Five year supply of housing land will be updated annually as part of the Council's Housing Land Monitor.</p> <p><u>Monitoring within the five year period</u></p> <p><u>Sites comprising the Council's five year supply will be published annually as part of the Authority Monitoring Report.</u></p> <p><u>Housing completions and permissions will be monitored on an annual basis to ensure that a rolling supply of deliverable sites sufficient to meet the five year requirement, and to meet any shortfall within five years, is maintained (see Appendix D).</u></p> <p>Where the supply of specific deliverable sites (<u>plus windfall allowance</u>) falls below this figure, <u>or Neighbourhood Plans do not identify sufficient sites to meet Local Plan requirements in years 6-10 of the housing trajectory</u>, the Council will, either:</p> <ol style="list-style-type: none"> <li>1). bring forward housing land from later stages of the Plan, working closely with land owners, developers and Neighbourhood Forums; or</li> <li><u>2). identify additional sites through new site allocation development plan documents, or</u></li> <li>23). consider favourably applications for new housing, consistent with Policy SS2, <b>H1</b> and other policies of this Plan.</li> </ol> <p>New housing leading to the 5 year supply figure being exceeded will be permitted where:</p> <ol style="list-style-type: none"> <li>i. the proposal would bring social, regeneration or employment benefits, including through the provision or funding of infrastructure;</li> <li>ii. the proposal would not lead to serious infrastructure shortfalls; and</li> <li>iii. the proposal is consistent with other policies in the Local Plan.</li> </ol> <p><u>Five year Review of the Local Plan</u></p>
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		<p><u>The Local Plan will be reviewed on a five year basis from adoption, and the housing trajectory adjusted if assessed by the Council to be necessary to meet objectively assessed needs. Further details of criteria to be considered at review are set out at Section 7.5</u></p> <p><u>An early review of the Local Plan's housing trajectory will be triggered where there is evidence of a potential imbalance between jobs and homes.</u></p> <p><b>For Information: RMM7 is a revised version of withdrawn MM7</b></p>
<p><b>RMM8</b></p>	<p>4.5.40</p>	<p>Add the following text at end of paragraph (n.b. will necessitate renumbering of paragraph numbers in printed Adopted Local Plan):</p> <p><u>It is important that the provision of new homes keeps pace with the likely provision of jobs and that a shortage of homes does not impede job creation or deter inward investment. On this basis, the ongoing relationship between new homes and jobs will be reviewed on a yearly basis. If evidence suggests that a shortage of homes is in danger of curtailing growth, additional land will be identified through a Local Plan review. Examples of evidence that could trigger this review are:</u></p> <ul style="list-style-type: none"> <li>• <u>An increase of more than 275 net new FTE jobs per annum for two consecutive years (based on BRES/NOMIS data).</u></li> <li>• <u>Economic projections showing an increase in FTE jobs of more than 275 FTE per year sustained over a five year period.</u></li> <li>• <u>Population projections or mid year estimates indicate an increase of working age population (aged 18–65) of more than 275 people per year over a five year period.</u></li> <li>• <u>Evidence of market signals (as set out in Planning Practice Guidance) indicating a high level of unmet demand for housing.</u></li> </ul> <p><u>Where monitoring indicates a danger of a shortfall against the five year supply or overall trajectory, action to identify additional sites will commence in the first year of a shortfall being identified, to ensure that a rolling five year supply can be maintained, as set out in SS12.</u></p> <p><u>The Local Plan enables and expects Neighbourhood Plans to come forward and allocate land to assist meeting growth needs after the first five years – i.e. expected requirements from April 2017. The Local Plan identifies a pool of sites, based on a Strategic Housing Land Availability Assessment, which could provide a suitable selection of sites for development subject to further scrutiny through the neighbourhood planning process (see Appendix D). Neighbourhood Plans are at a draft stage of preparation for the Brixham, Paignton and Torquay areas which will cover 100% of the administrative area of Torbay. It is expected that these three Neighbourhood Plans will, drawing on the pool, allocate sufficient housing land to enable delivery of the growth strategy outlined in Policy SS1 and Table 4.3.</u></p> <p><u>Should Neighbourhood Plans not be adopted (made) by the Council, for example an emerging Neighbourhood Plan is found to not be in general conformity with the strategic policies of the Local Plan and/or does not pass the Examination or Referendum process, then under those circumstances the Council undertakes to produce a Site Allocations DPD to allocate land to meet housing needs later in the Plan period. Sufficient land is allocated within the Local Plan to meet housing needs during the first five years, so either Neighbourhood Plans and/or a Site Allocations DPD will allocate sites to contribute to providing clarity over</u></p>

		<p><u>housing supply from April 2017.</u></p> <p><u>To deliver the second phase of the Local Plan and avoid a policy vacuum after 2017, the Council will assess the proposed emerging Neighbourhood Plans when submitted to the Council, under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012, to check that Plan proposals endorse and implement the strategy in the Local Plan. If Neighbourhood Plans are not submitted to the Council in a form that it is in general conformity with the Local Plan by 31 March 2016, the Council will commence production of site allocations development plan documents, in order to provide sufficient time to produce and adopt any Site Allocations DPDs that may be required.</u></p> <p><b>For Information: RMM8 is a revised version of withdrawn MM8</b></p>
RMM9	SDT1	<p>In final paragraph amend housing numbers in accordance with changes to SS1, SS11 and Table 4.3 (above).</p> <p>Torquay will deliver <b>a minimum of 37,200 sq m (net) of employment floorspace and</b> around 3,865 <b>3,955</b> new homes, at 150-200 new homes per annum and a minimum of 37,200m<sup>2</sup> sq m (net) of employment floorspace over the Plan period. The sources and timing of delivery are set out in Tables 5.1 and 5.2 below and Policies SDT2–SDT4 (see also Policy W5).</p> <p>Note that numbers in Tables 5.2, 5.4, 5.6 revert to the figures in the Proposed Submission Local Plan.</p> <p><b>For Information: RMM9 is a revised version of withdrawn MM9</b></p>
RMM10	SDP1	<p>In final paragraph, amend housing numbers in accordance with changes to SS1, SS11 and Table 4.3 above.</p> <p>Paignton will <b>provide a minimum of 30,100 sq m (net) of employment floor space</b> and around 4585 <b>4,290</b> new homes (averaging 230 per annum) and a minimum of 30,100m<sup>2</sup> sq m (net) of employment floor space over the Plan period. The expected delivery pace and sequence of delivery are set out in Tables 5.7 and 5.8 below and Policies SDP2-SDP4. See also Policy W5.</p> <p>Note that numbers in Tables 5.8, 5.10 and 5.12 will be amended as a result of RMM10 and RMM11. This includes a reduction in numbers at SDP3.3 Totnes Road, as a result of Masterplanning. The revised housing tables are set out at Annex 2</p> <p><b>For Information: RMM9 is a revised version of former MM9</b></p>
RMM11	SDP3	<p>Reduction of 376 dwellings at Collaton St Mary as a result of Masterplanning (to 460 dwellings in total)</p> <p>The revised housing table 5.12 showing this change is set out at Annex 2</p> <p><b>For Information: RMM11 is the same wording as former MM11</b></p>
RMM12	SDB1	<p>In final paragraph, amend housing numbers in accordance with changes to SS1, SS11 and Table 4.3 (above).</p> <p>Brixham is expected to provide sufficient land to enable delivery of at least 2,700m<sup>2</sup> sq m of employment <b>floor</b> space and <b>800 660</b> new homes (around 40 per annum) over the Plan period.</p>

		<p>Note that numbers in Tables 5.14, 5.16 and 5.18 will be amended as a result of RMM1 and RMM11 The revised housing tables are set out at Annex 2</p> <p><b>Note Policies Map Change: Policies Map changes at Churston Golf Club (site of 1<sup>st</sup> and 18<sup>th</sup> holes and Clubhouse) – reclassification as a Potential Housing Development Site for consideration in the Brixham Peninsula Neighbourhood Plan.</b></p> <p><b>For Information: RMM12 is a revised version of withdrawn MM12</b></p>
<p><b>RMM13</b></p>	<p><b>Appendix D</b></p>	<p>Amend Appendix D: Pool of Housing Sites as follows.</p> <p><b><u>Table 1</u></b></p> <p>The following sites are 'committed development sites' i.e. have planning permission or are considered imminently deliverable (at January 2014). They are sites for 6 or more dwellings. They are shown on the Policies Map (as greyed out areas) for information purposes. <u>These sites are part of the Council's Five Year supply of deliverable sites. The list will be updated as part of the Council's Annual Housing Land Monitor and Authority Monitoring Report.</u></p> <p>Remove:  <del>Churston Golf Club (Dartmouth Road)</del></p> <p>Add:          Wall Park Brixham (165 dwellings) (Note that Future Growth Area designation has been removed, as the land has planning permission- see RMM3 (policy SS2) above).</p> <p><b>Note: Policies Map Change.</b></p> <p><b><u>Table 2</u></b></p> <p>Add the following sites to the pool of housing sites:</p> <p><b>Torquay</b>  <u>Town Hall Car Park (50). Subject to retention of sufficient car parking.</u>  <u>Temperance Street (65). Subject to retention of sufficient car parking.</u>  <u>Lower Union Lane (20). Subject to retention of sufficient car parking.</u>  <u>Terrace Car Park (20). Subject to retention of sufficient car parking.</u></p> <p><b>Paignton</b>  <u>Victoria Square (60). Subject to retention of sufficient car parking.</u>  <u>Station Lane (30). Subject to retention of sufficient car parking.</u></p>



		<p><u>Paignton Harbour (40). Subject to retention of sufficient car parking.</u></p> <p><b><u>Brixham</u></b> <u>Churston Golf Club (Dartmouth Road) Subject to resolution of environmental and traffic concerns</u></p> <p><b>Note: Policies Map Change. See Annex 1.</b></p> <p>Note that the lists of sites in Appendix D (both Tables 1 and 2) are shown for information purposes and will be updated as part of the Council's housing monitor and Authority Monitoring Report. The lists are based upon the Strategic Housing Land Availability Assessment (PBA 2013) and are not definitive. They do not preclude other sites coming forward or being identified by Neighbourhood Forums.</p>
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## **Appendix 1A**

### **TORBAY LOCAL PLAN**

# **SCHEDULE OF PROPOSED REPLACEMENT MAIN MODIFICATIONS TO THE LOCAL PLAN**

## **Annex 2: Housing policy tables**

**Explanatory note: Schedule of Proposed Replacement Main Modifications to the Proposed Submission Plan for Torbay - Annex 2: Housing policy tables**

These Tables are the revised Housing Tables that accompany the Replacement Main Modifications. Housing numbers have been changed as a result of additional amendments to overall housing numbers made in the Replacement Main Modifications (RMMs) and the revised numbers are set out below.

Further information is set out in the Schedule of Proposed Replacement Main Modifications.

Note that Table 4.3 is rounded to the nearest 5 dwellings. Other tables are shown unrounded, although the numbers of homes arising must be regarded as approximate.

**Amended Table 4.3 Source of new homes (rounded to nearest 5 dwellings).** (Note table becomes part of Policy SS11)-See RMM4 RMM5 and RMM13

	Approx. Numbers in Submission Plan	Approx numbers in Modifications	Notes on change (Modification) from Submission Draft
<b>Torquay (SDT1)</b>			
SDT2 Torquay Town Centre & Harbour	670	<b>825</b>	<p>The following sites are proposed for inclusion as Replacement Main Modifications (RMMs):</p> <p><b>+50 Town Hall car park, +65 Temperance Street, +20 Lower Union Lane, +20 Terrace car park</b></p> <p>These sites have been included in the Torquay Town Centre Masterplan, which was adopted by Council on 1st June 2015. The Council considers that water-run off can be managed through SuDS, and that the development of town centre sites brings other sustainability benefits.</p> <p>The Council notes Natural England's concerns about run-off impact on the cSAC. Former MM sites that have not been included in Masterplans are not included in the RMMs, because further information would be needed about their (potential) deliverability.</p>
SDT3 Torquay Gateway	745	745	No change
SDT4 Babbacombe and St Marychurch	255	<b>255</b>	<p><u>Revert to number in Proposed Submission Plan.</u></p> <p>The Council notes Natural England's concerns about run-off impact on the cSAC. In relation to Steps Cross, objections were raised (inter alia) issues about NPPF paragraph 74 (loss of playing fields) that require further resolution before the land could be developed.</p>
Elsewhere in SDT1 (excluding SDT2, 3 & 4)	1025	<b>1025</b>	<u>Revert to number in Proposed Submission Plan.</u>
Small windfalls <6 dwellings)	1170	<b>1105</b>	Reduction in the Plan period results in a pro-rata reduction in the windfall allowance of 65 dwellings (1 year).
<b>Torquay sub total</b>	<b>3865</b>	<b>3955</b>	
<b>Paignton (SDP1)</b>			
SDP2 Paignton Town Centre and Seafront	460	<b>590</b>	<p>The following sites are proposed for inclusion as Replacement Main Modifications (RMMs):</p> <p><b>+60 Victoria Square, +30 Station Lane, +40 Paignton Harbour,</b></p> <p>These sites are included in the Paignton Town Centre Masterplan which was adopted by Council on 1st June 2015. The Council notes issues of sewer capacity and flooding but considers that these can be addressed through SuDS and flood prevention measures. The Local plan contains safeguards about sewer capacity and flooding issues.</p> <p>The Council notes concerns about sewer capacity and has not retained MM car park sites from outside of the Town Centre Masterplan area, due to potential cumulative effects.</p>

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SDP3 Paignton North and Western Area	2625	<u>2250</u>	<u>Revise the number of dwellings at Collaton St Mary to 460 dwellings in line with the recommendation of the Collaton St Mary Draft Masterplan. This is a reduction of 376 dwellings from the Proposed Submission Local Plan.</u>
SDP4 Clennon Valley	N/A		
Elsewhere in SDP1 (excluding SDP2, 3 & 4)	600	600	No change
Small windfalls <6 dwellings)	900	<u>850</u>	Reduction in the Plan period results in a pro-rata reduction in the windfall allowance of 50 dwellings (1 year).
<b>Paignton sub total</b>	<b>4585</b>	<b><u>4290</u></b>	
<b>Brixham Peninsula (SDB1)</b>			
SDB2 Brixham Town Centre and Waterfront	65	<u>65</u>	<u>Revert to number in Proposed Submission Plan.</u>  The Council's HRA Site Appraisal Report, February 2015 (TC Mod/8) notes the need for additional further assessment of the former MM site at Shoalstone overflow car park, to ensure no likely significant effects on greater horseshoe bats, which could arise from removal of woodland and lighting.
SDB3.1 & SDB3.2 Brixham Urban Fringe and AONB	245	<u>260</u>	The Council notes Natural England's and the HRA Site Appraisal Report's (TC Mod/8) concern about impact on greater horseshoe bats from the development of St Mary's Campsite.  The number of dwellings at Wall Park has been increased to 165 (an increase of 15), to reflect the site's planning approval. Wall Park becomes a committed site rather than a Future Growth Area.
<del>SDB 1 (New Proposal) South of White Rock (Relates to SDP3, but within Brixham Peninsula NP area.</del>	0	<u>0</u>	Land south of White Rock is excluded from the Future Growth Area in the proposed RMMs. The Council notes Natural England's concerns about likely significant effects on greater horseshoe bats, and outstanding objections relating to the impact on the South Hams AONB.
Elsewhere within SDB1 (excluding SDB2, 3.1 & 3.2)	220	<u>220</u>	
Small windfalls <6 dwellings)	260	<u>245</u>	Reduction in the Plan period results in a pro-rata reduction in the windfall allowance of 15 dwellings (1 year).
<b>Peninsula sub total</b>	<b>790</b>	<b><u>790</u></b>	
<b>Total</b>	<b>9240</b>	<b><u>9040</u></b>	

Table 5.2 SDT1: Source of housing in Torquay See RMM9						
Estimated delivery period (years)	0-5	6-10	11-15	16-20- <u>19</u>		
Policy	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites and Future Growth Area			Total	Notes and key infrastructure requirements
<b>SDT2</b> Torquay Town Centre & Harbour	224	275- <u>327</u>	139 <u>191</u>	30- <u>82</u>	668 <u>824</u>	Flood alleviation works in the town centre in addition to repairs at Meadfoot and Livermead Sea Wall, and Haldon and Princess Piers.  <u>+50 Town Hall car park (only possible as part of a mixed-use regeneration of site if preferred scheme of a large supermarket is not delivered here), +65 Temperance Street, +20 Lwr Union Lane, +20 Terrace car park. (155 in total Divided equally across years 6-20).</u>  <u>Subject to retention of sufficient car parking.</u>
<b>SDT3</b> Torquay Gateway	112	224	200	210	746	Buckland Sewage Treatment works may require upgrading.  Public transport improvements needed.  Open space and leisure schemes important as part of place-making and green infrastructure.
<b>DT4</b> Babbacombe & St Marychurch	128	127			255	Primary school education capacity.
SHLAA sites elsewhere within <b>SDT1</b>	447	205	100	271	1023	
<b>Windfalls</b>	197	325	325	<del>325</del> <u>258</u>	4472 <u>1105</u>	<u>Reduction in windfall allowance due to reduced Plan period.</u>
<b>Total Torquay</b>	1108	4456 <u>1208</u>	764 <u>816</u>	836 <u>821</u>	<b>3864</b> <u>3953</u>	

Table 5.4 SDT2: Torquay Town Centre & Harbour - Key sites for housing (excluding windfalls - see Table 5.2) See RMM9						
Estimated delivery period (years)	0-5	6-10	11-15	16-20- <del>19</del>		
Site	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites			Total	Notes and key infrastructure requirements
Torre Marine	75				75	
SHLAA deliverable urban		275	139	30	444	
Other sites of 6+	149	<del>52</del>	<del>52</del>	<del>52</del>	449 <del>304</del>	<u>+50 Town Hall car park, +65 Temperance Street, +20 Lower Union Lane, +20 Terrace car park</u> <u>+155 in total Divided equally across years 6-20.</u> <u>All car parks subject to retention of sufficient car parking.</u>
<b>Total SDT2</b>	224	<del>275</del> <b><u>327</u></b>	<del>439</del> <b><u>191</u></b>	<del>82</del> <b><u>82</u></b>	<del>668</del> <b><u>823</u></b>	

Table 5.6 SDT3: Torquay Gateway - Key sites for housing (excluding windfalls - see Table 5.2) See RMM9						
Estimated delivery period (years)	0-5	6-10	11-15	16-20 <u>19</u>		
Site	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites and Future Growth Area			Total	Notes and key infrastructure requirements
Scotts Meadow	90	65			155	Planning permission in place
Edginswell Future Growth Area	N/A	140	200	210	550	As part of a strategic mixed use development to be brought forward through Masterplanning. <u>This should make allowance for the high pressure gas pipeline north of the Future Growth Area, in consultation with National Grid</u>
SHLAA deliverable urban		19			19	
Other sites of 6+	22				22	
<b>Total SDT3</b>	112	224	200	210	746	



Table 5.8 SDP1: Source of housing within Paignton See RMM10						
Estimated delivery period (years)	0-5	6-10	11-15	16-20		
Policy	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites and Future Growth Area			Total	Notes and key infrastructure requirements
<b>SDP2</b> Paignton Town Centre and Seafont	68	<del>122</del> <b>165</b>	<b>43</b>	<del>270</del> <b>314</b>	<del>460</del> <b>590</b>	Investment in flood defence/resilience infrastructure <u>+60 Victoria Square, +30 Station Lane, +40 Paignton Harbour (130 total)</u> <u>Subject to sufficient car parking being retained.</u>
<b>SDP3</b> Paignton North and Western Area	433	1022	<del>676</del> <b>500</b>	<del>494</del> <b>294</b>	<del>2625</del> <b>2250</b>	Improvements to Western Corridor. Longer term improvement to A385 Totnes Road. Significant investment in drainage and landscaping. <u>-376 fewer dwellings in Collaton St Mary Masterplan than shown in the Proposed Submission Local Plan</u>
SHLAA sites elsewhere within <b>SDP1</b>	358	150		90	598	
<b>Windfalls</b>	121	260	260	<del>260</del> <b>208</b>	<del>904</del> <b>849</b>	Reduction in windfall allowance due to reduced Plan period.
<b>Total Paignton</b>	980	<del>1554</del> <b>1597</b>	<del>936</del> <b>803</b>	<del>1114</del> <b>906</b>	<del>4584</del> <b>4287</b>	

Table 5.10 SDP2: Paignton Town Centre and Seafont - Key sites for housing (excluding windfalls - see Table 5.8) See RMM10						
Estimated delivery period (years)	0-5	6-10	11-15	16-20-19		
Site	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites			Total	Notes and key infrastructure requirements
Courtland Road	45				45	Committed site
Crossways				150	150	Mixed use development
Hyde Rd/Torbay Rd				50	50	Mixed use development
Queens Park				50	50	Flood protection infrastructure.
SHLAA Deliverable Urban		122			122	Masterplanning of town centre
SHLAA Constrained Urban		<u>43</u>	<u>43</u>	<u>64</u> <del>20</del>	<del>20</del> <u>150</u>	Subject to CTIA Policy <u>+60 Victoria Square, +30 Station Lane, +40 Paignton Harbour, (130 total)</u> <u>Subject to sufficient car parking being retained in the Town Centre.</u>
Non-identified sites of 6+	23				23	Seaford Hotel and Seaford Sands Hotel, committed sites
<b>Total SDP2</b>	<b>68</b>	<del>422</del> <b><u>165</u></b>	<b><u>43</u></b>	<del>270</del> <b><u>314</u></b>	<b><u>460</u></b> <b><u>590</u></b>	

Table 5.12 SDP3: Paignton North and Western Area- Key sites for housing (excluding windfalls - see Table 5.8) See RMM10 and RMM11						
Estimated delivery period (years)	0-5	6-10	11-15	16-20		
Site	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites, Future Growth Areas			Total	Notes and key infrastructure requirements
SDP3.1 Preston Down Rd		50	50		100	Qualitative improvements to green infrastructure provision .
SDP3.2 Great Parks	144	265	76		485	Western corridor improvements (underway). Masterplan completed.
SDP3.3 Totnes Rd		62	<del>280</del> <u>104</u>	<del>494</del> <u>294</u>	<del>836</del> <u>460</u>	Masterplanning underway. Western corridor improvements (underway). Improvements to A385 . Flooding and sewerage infrastructure. New community facilities including primary school expansion. Development of brownfield land <u>will be promoted in the [RAM57] shorter term.</u>  <u>Reduction of 376 dwellings at Collaton St Mary as a result of Masterplanning</u>
SDP3.4 Yannons/Holly Gruit/ Devonshire Park [RAM75]	150	470	220		840	Western corridor improvements. Need to support investment in sewerage capacity, flood protection. New community facilities including primary school expansion.  <u>The former Nortel site (Devonshire Park) is within Policy SDP3.4. Early delivery of brownfield sites such as this will be supported.</u>
SPD3.5 White Rock	125	175	50		350	Site has planning permission for mixed use development.
Non-identified sites of 6+	14				14	Kings Ash House (unless retained as offices)
<b>Total SDP3</b>	<b>433</b>	<b>1022</b>	<del>676</del> <b><u>500</u></b>	<del>494</del> <b><u>294</u></b>	<del>2625</del> <b><u>2249</u></b>	

Table 5.14 SDB1: Source of housing within Brixham Peninsula. See RMM12						
Estimated delivery period (years)	0-5	6-10	11-15	16-20		
				<u>19</u>		
Policy	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites and Future Growth Area			Total	Notes and key infrastructure requirements
<b>SDB2</b> Brixham Town Centre & Waterfront	20		45		65	Investment in sea wall, Northern Arm or similar flood defence infrastructure needed to unlock development.
<b>SDB3.1 &amp; SDB3.2</b> Brixham Urban Fringe & AONB	43 <u>73</u>	150 <u>135</u>	29	25	<del>247</del> <u>262</u>	Provision of Tourism to be considered. Note: Wall Park <b>has planning permission (165 dwellings)</b> . Future Growth Area should be brownfield development only (see SA/HRA recommendations), unless there are significant benefits from development of larger area. <b>30 dwellings assumed to be within first 5 years. The remaining 105 in years 6-10.</b>  Note: Fishcombe Cove subject to AONB, tourism and transport impacts being acceptable.
SHLAA sites elsewhere within <b>SDB1</b>		52	<u>139</u>	25	<u>216</u>	<u>Churston Golf Club added as medium /long term possibility</u>
Windfalls	66	65	65	<del>65</del> <u>52</u>	<del>264</del> <u>248</u>	
<b>Total Brixham</b>	<del>227</del> <u>159</u>	<del>267</del> <u>252</u>	<u>278</u>	<del>145</del> <u>103</u>	791	

<b>Table 5.16 SDB2: Brixham Town Centre and Waterfront- Key sites for housing (excluding windfalls - see Table 5.14) See RMM12</b>						
<b>Estimated Delivery Period (years)</b>	<b>0-5</b>	<b>6-10</b>	<b>11-15</b>	<b>16-19</b>		
<b>Policy</b>	<b>Commitments and other deliverable sites</b>	<b>Commitments (continued delivery), Neighbourhood Plan sites</b>			<b>Total</b>	<b>Notes and key infrastructure requirements</b>
<b>SDB2</b> Brixham Town Centre & Waterfront	20		45		65	Investment in sea wall, Northern Arm or similar flood defence infrastructure needed to unlock development. Brixham town centre and waterfront sites could help fund harbourside regeneration.
<b>Total SDB2</b>	20		45		65	

Table 5.18 SDB3: Brixham Urban Fringe and AONB: Key sites for housing (excluding windfalls - see Table 5.14) See RMM12						
Estimated delivery period (years)	0 - 5	6 - 10	11 - 15	16 - 20		
Policy	Commitments and other deliverable sites	Commitments (continued delivery), Neighbourhood Plan sites, Future Growth Areas			Total	Notes and key infrastructure requirements
SDB3.1 Brixham Urban Fringe & AONB	9				9	<u>Note: Wall Park Future Growth Area should be brownfield development only (see SA/HRA recommendations), unless there are significant benefits from development of a larger area, including the enhancement and safeguarding of AONB and biodiversity features, particularly for greater horseshoe bats [RAM63]</u>
SDB3.2 Brixham Urban Fringe & AONB (Berry Head and Sharkham)	<del>34</del> <b>64</b>	<del>150</del> <b>135</b>	29	25	<del>238</del> <b>253</b>	<u>Note: Wall Park has planning permission (RAM63) Future Growth Area should be brownfield development only (see SA/HRA recommendations), unless there are significant benefits from development of a larger area, including the enhancement and safeguarding of AONB and biodiversity features, particularly for greater horseshoe bats. 30 dwellings assumed to be within first 5 years. The remaining are within years 6-10</u>  Provision of Tourism to be considered.  Note: Fishcombe Cove subject to AONB, tourism and transport impacts being acceptable.
<b>Total</b>	<del>43</del> <b>73</b>	<del>150</del> <b>135</b>	29	25	<del>247</del> <b>262</b>	

## Appendix 2

### Torbay Local Plan - Initial Findings

1. At the conclusion of the first three days of hearings on 18 – 20 November 2014 I indicated that I would provide the Council with a summary of my preliminary findings regarding the objectively assessed need for housing in the area and general strategy being proposed by the Council in the Plan. The intention is to allow the Council to take into account my initial findings when it progresses the various matters that it is considering as a result of the hearing discussions. It should be noted that these interim findings are not final and are subject to review following receipt of the additional material that the Council has agreed to supply and any relevant representations relating to the additional material supplied by the Council.
2. Dealing first with the strategy, the Plan makes it abundantly clear that this is a Plan for growth. The intention is to achieve what the Council describes as a “step change” in the local economy and to link this with an appropriate level of growth in the supply of housing. Having said that, the Council considers that there is an environmental limit on the amount of housing that can be provided and the Plan puts this limit at 9,300 dwellings. Consultants advising the Council concluded that if the economic strategy is successful there will be a need for some 12,300 new homes over the plan period. A number of those making representations argue that there is an inconsistency between the housing proposed and the housing need that would arise if the economic strategy is successful. These groups argue that the economic strategy will be put at risk if the housing supply is restricted to a level below what is needed on the basis of the predicted job growth. They consider that the inconsistency should be resolved by increasing the level of housing provided for in the plan.
3. Others, notably the Neighbourhood Forums, argue that while they support the economic recovery strategy, there is a danger that more homes will be built than the area needs or can be justified on the basis of job creation. These people want what they describe as a “jobs led” strategy in which housing will follow job creation. The Council does not support a jobs led strategy – it wants a “tandem approach” and points to a recent permission for a mixed use scheme as an example of the sort of approach that it favours. The Council agrees that the job creation anticipated in the Council's formal Economic Strategy (6000 gross new jobs between 2013 and 2018) is somewhat aspirational, but it claims that the strategy is broadly on track even though there is no evidence of net new job creation at present.

4. Clearly the ideal is to have a coordinated link between job creation and house building to provide for unmet housing need arising from job creation. Realistically however it is difficult, if not impossible, to get a completely coordinated link. In an area like Torbay, where economic performance since 2008 has been poor, there is a danger that firms will be reluctant to move to the area or expand in the area if they fear that housing to support job creation will not be provided in a timely fashion to meet their needs.
5. The housing development industry is not particularly nimble and it often takes time for the industry to respond to need, particularly where it has still to engage with the planning system to obtain planning permission for development. Consequently I consider that it is unrealistic to rely on a jobs led approach in an area where the local economy has been struggling and where the strategy is to strongly encourage local employers to expand or new employers to move to the area. I appreciate that there is a danger that homes may be provided without a corresponding increase in employment. However given the strong emphasis in the plan on economic recovery and the Government policy which requires councils to do everything they can to support the economy (National Planning Policy Framework NPPF paragraph 19) I consider that the danger of housing supply outstripping job creation is outweighed by the advantage of support for the Council's economic strategy.
6. Reliance on Neighbourhood Plans to deal with the spatial distribution of development in the medium and long term is a critical part of the strategy proposed by the Council. This is an acceptable approach provided that the Plan then adequately deals with the first 5 years of the plan period and contains a clear strategic framework for the Neighbourhood Plans to work within. Such a framework will need to quantify the scale and timing of the development proposed for the medium and long term.
7. At present the housing position in relation to the first 5 years of the plan is not clear enough as regards deliverable housing sites. There is a need for the Council to review the sites considered suitable for housing development in the next 5 years in accordance with paragraph 47 of the NPPF and to produce a definitive list of its 5 year housing land sites. This is a critical consideration that must be fully addressed if the plan is to be found sound.
8. Secondly, in relation to Neighbourhood Plans there is a need for the Council to make it clear in a formal policy that the Council will undertake the necessary development plan work should the Neighbourhood Planning process not successfully deliver the strategy in the Local Plan. At the hearings the Council confirmed that, if necessary, it would do so by



undertaking site allocation development plan documents. This commitment needs to be formally included as a strategic policy in the Plan together with an indication of the timing of such work to ensure that Torbay is not left with a policy vacuum beyond year 5 of the plan period. The need for such a policy is reinforced by the present situation where there is a fundamental lack of agreement between the Council and some of the local groups who will be responsible for preparing neighbourhood plans about the scale and timing of housing provision.

9. Turning to the question of the scale of housing required it is important to appreciate the national planning context because a critical test of soundness is consistency with national planning policy. The NPPF requires every effort to be made to meet the housing, business and other development needs of an area. Specifically there is a need to boost significantly the supply of housing. Some argue that Torbay is unique because of the characteristics of the population and that the national priority for increasing the supply of housing is less relevant in the Torbay area than elsewhere. However many areas have local characteristics. The national housing supply policy is a generic one and read as a whole there is nothing in the NPPF that justifies setting it aside or giving it less weight within an area such as Torbay.
10. Demographic projections are the starting point for establishing the full objectively assessed need (FOAN) for housing development in an area. Evidence prepared by consultants instructed by the Council concluded that based on demographic evidence there is a need for between 8,900 and 11,200 dwellings in Torbay over the plan period. The Plan states that based on the 2011 interim household projections (April 2013) extrapolated to 2031, there will be a need for 8,800 new homes in Torbay over the 20 years from 2012 to 2032.
11. A number of those making representations say that these figures are far too high, arguing that national population and household forecasts have consistently been too high, mostly because recent net in-migration has been much lower and incorrect household size inputs have been used in the official calculations for Torbay. Based mainly on a continuation of recent trends these groups say that the demographic need is for 150 – 200 homes per year rather than the 400 – 500 per year proposed in the Plan. However the Council is aiming to reverse recent economic trends and, if successful, this strategy is likely to produce migration trends that are significantly different to recent trends. The consultants advising the Council noted that migration in Torbay is highly volatile and that the recent decline in migration levels was heavily influenced by poor economic performance. During the years when the Torbay economy was doing well (1998 to 2008) some 3000 net new jobs were created while in roughly the

same period - 1997 to 2007 - net in-migration averaged 1570 per year. This is very considerably higher than in the recent past when net in-migration has fallen below the long-term average of just under 660. Hence I do not consider that migration projections based on recent trends are appropriate in the context of the Council's economic aspirations and I do not support assessments of housing need that are significantly lower than the Council's figures.

12. The Council's consultants, Peter Brett Associates, considered various employment scenarios, including two based on work done for the Council by other consultants. The anticipated additional jobs up to 2032 ranged between 2,000 and 17,000. The lowest forecast is based on a "do nothing" approach and the highest on regional trends. Peter Brett Associates regards the highest forecast as exceptionally optimistic and the lowest as unreliable given the Council's proactive approach to job creation and the benefits likely to flow from the construction of the Devon Link Road. I agree. Peter Brett Associates suggests a growth figure of around 5,340 jobs assuming economic growth resumes in 2016 as a consequence of the Council's strategy.
13. The housing consequences of the various job growth projections is put by Peter Brett Associates at 8,480 new homes with the lowest job projection, 25,653 new homes with the highest and slightly under 12,300 with their projection of 5,430 additional jobs. Based on the evidence before me to date I regard the figure of 5,430 jobs/12,300 homes as the most reliable figure for the FOAN in the area.
14. The Peter Brett Associates work is seen by the Council as updating their Strategic Housing Market Assessment (SHMA). A 2007 Exeter and Torbay Market Area Partnership study concluded that there was a need for slightly less than 820 new homes per annum in Torbay. The housing market area work was updated in 2011 when it was concluded that there had been little change to the housing need position. The original SHMA work was based on high migration levels between 2001 and 2006. High migration levels in Torbay are linked to economic recovery and notwithstanding the Council's ambitious Economic Strategy there is no evidence of significant net job creation yet. That is of course not to say that job growth will not occur in the near future as Peter Brett Associates have forecast, but it does mean that the scale of housing growth suggested in the SHMA work is not justified at present and that the Peter Brett Associates forecast of jobs may be optimistic.
15. It is necessary to also consider policies that could reduce the final housing requirement figure. The Council's view is that there are environmental considerations, largely related to the undoubted quality of the Torbay

landscape, that restrict the amount of housing development that is acceptable. Taking environmental considerations into account, the Council considers that the Torbay area can accommodate some 9,300 additional dwellings. A number of those making representations regard this as far too high a figure given the quality of the local environment and issues such as flooding and traffic congestion.

16. I note that in the past, when the Council was considering how to accommodate 15,000 additional dwellings as proposed in the emerging regional strategy, the 2008 Strategic Housing Land Availability Assessment (SHLAA) identified potential land for 16,140 dwellings. I accept the point made at the hearings by the Council that this figure does not adequately take into account environmental considerations. More recent work (2013) by consultants advising the Council updated the SHLAAA and concluded, having taken more account of environmental considerations, that there is sufficient potential housing land to accommodate 11,600 additional dwellings. The Council believe that this assessment is also too high.
17. The 2008 and 2013 SHLAA figures suggest that the figure of 9,300 promoted by the Council may not reflect a reasonable balance between environmental, social and economic considerations. When pressed the Council produced evidence of additional land that they consider may be suitable for housing, albeit with undesirable environmental consequences and in some instances doubts about delivery issues. The Council describes these as "excluded sites" that should only be included in the plan if I conclude that there is a need for more housing land than the Council is proposing in the Plan. The excluded sites could, according to the Council, accommodate some 2,452 dwellings. On the other hand the Council is currently engaged in master planning exercises for the 3 neighbourhood planning areas which may result in some reduction in the amount of land considered suitable for housing.
18. Taking into account the potential gains and losses my view is that the environmental capacity of the area to accommodate additional development is greater than 9,300 but less than 12,300. Inevitably there is a degree of imprecision about any capacity figure because of the wide range of judgements involved including the extent to which mitigation measures may be effective and acceptable. There is also the possibility that the relative weight given to various considerations may change if circumstances change. My conclusions about the capacity of the area to accommodate development should not be seen as immutable and hence inhibit the ability of the future reviews of the plan to either raise or lower the housing growth figure.

19. Drawing these threads together, because of the Council's economic strategy, the Plan should allow for more growth than the demographic modelling suggests (8,800 dwellings) but not allow for a quantum of housing growth that would lead to significant environmental harm. It is by no means certain that the Council's economic strategy will be wholly successful and the extent of net job creation cannot at this stage be predicted with any confidence. I consider that the prudent approach is plan for 10,000 dwellings over the 20 year plan period. This figure is the top of the growth range detailed in the Plan and would allow for slightly higher housing growth than the long-term Torbay average of 450 dwellings per annum and quite significantly higher than the average over the last 6 years of just under 360 dwellings per annum. The scale of housing development allowed for would therefore reflect to a reasonable degree support for the Council's economic growth strategy and meet the Government's aim of boosting the supply of housing.
20. There are policies in part 5 of the Plan that are intended to provide the strategic framework for the Neighbourhood Plans from year 6 onwards. These policies need to be reviewed by the Council in the light of my conclusion about the scale of development over the next 20 years and the master planning being done at present. The review will need to consider both the quantum of development allocated to the various Neighbourhood Plan areas and the timing of development. A clear housing trajectory and delivery strategy should then be articulated in the Plan in a much clearer way than is currently the case. The trajectory and strategy should fully take into account the Council's economic ambitions and the anticipated timing of net new job creation. On the basis of current evidence it seems likely that the housing delivery trajectory should reflect a trend of increasing in-migration as the Council's economic strategy gains momentum.
21. The Council has quite rightly stressed that it will monitor the situation carefully and will revise the Plan as and when necessary. Monitoring of plans is always important but especially so in Torbay where there is a high degree of volatility and uncertainty about critical factors such as job creation and migration trends. The development plan system provides for a considerable degree of flexibility to allow for uncertainties and changing circumstances. The Council is currently thinking in terms of 5 yearly reviews of the plan. Given the importance of the "tandem" approach to jobs/homes and the reliance that the Council is placing on Neighbourhood Plans it is important that the Council adopts a flexible and highly responsive approach which will allow for reviews whenever necessary. This type of approach may give some comfort to those who fear that the Council's "tandem" approach to homes/jobs will not be successful.

Torbay Local Plan Inspector's Report October 2015

Keith Holland

December 2014