



Town Hall, Castle Circus,
Torquay, Devon TQ1 3DR
Main Switchboard (01803) 201201
Fax (01803) 207006 DX 59006

Thursday, 18 February 2016

Meeting of the Council Revised Agenda

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 25 February 2016** commencing at **5.00 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Parrock'.

Steve Parrock
Executive Director of Finance and Operations

(All members are summoned to attend the meeting of the Council in accordance with the requirements of the Local Government Act 1972 and Standing Orders A5.)

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207012

Email: governance.support@torbay.gov.uk
www.torbay.gov.uk

Meeting of the Council

Revised Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

(Pages 5 - 36)

To confirm as a correct record the minutes of the meeting of the Council held on 3 February and the adjourned meeting held on 11 February 2016.

4. **Declarations of interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

5. **Communications**

To receive any communications or announcements from the Chairman, the Mayor, the Overview and Scrutiny Co-ordinator or the Executive Director of Operations and Finance.

6. **Petition - Health and Safety at Cary Park and immediate surroundings**

(Page 37)

To receive a petition in respect of the above and oral representations from the public in accordance with Standing Order A12.

7. **Members' questions**

(Pages 38 - 42)

To respond to the submitted questions asked under Standing Order A13.

8. **Revenue Budget 2016/2017** (To Follow)
To consider the final recommendations of the Mayor on the Budget proposals for 2016/2017. Included in this report are the following documents:

- Revenue Budget 2016/2017
- Budget Digest 2016/2017
- Proposals for service change, income generation and savings 2016/2017
- Equality Impact Assessments 2016/2017
- Fees and Charges 2016/2017
- Review of Reserves 2016/2017
- Treasury Management Strategy 2016/2017 (incorporating the Annual Investment
- Strategy 2016/2017 and the Minimum Revenue Provision Policy 2016/2017
- Revenue Budget Monitoring 2015/2016 – Quarter Three
- Children’s Financial Plan – Progress Report
- Record of Decision setting out the Mayor’s response to the Council’s objections to the Revenue Budget 2016/2017 (to follow)
- Record of Decision setting out the Executive Lead for Business’ response to the Council’s objections to the Revenue Budget 2016/2017 (to follow)

See pages 2 to 88 -

<http://www.torbay.gov.uk/DemocraticServices/documents/b13117/Revenue%20and%20Capital%20Plan%20Budget%20201617%20Thursday%2011-Feb-2016%2017.30%20Council.pdf?T=9>

9. **Capital Plan Budget 2016/17** (To Follow)
To consider the final recommendations of the Mayor on the Capital Plan Budget proposals for 2016/2017 to 2019/2020. Included in this report are the following documents:

- Capital Plan Update – Quarter 3 2015/2016
- Capital Strategy
- Asset Management Plan
- Record of Decision setting out the Mayor’s response to the Council’s objections to the Capital Plan Budget 2016/2017 (to follow)

See pages 89 to 174 -

<http://www.torbay.gov.uk/DemocraticServices/documents/b13117/Revenue%20and%20Capital%20Plan%20Budget%20201617%20Thursday%2011-Feb-2016%2017.30%20Council.pdf?T=9>

10. **Mayor's Response to Objection to the Current Corporate Plan - Libraries** (To Follow)
To consider the record of decision setting out the Mayor’s formal response to the Council’s objections to the current Corporate Plan in respect of Libraries.

11. **Executive Lead for Business Response to Objection to the Current Corporate Plan - Connections** (To Follow)
To consider the record of decision setting out the Executive Lead for Business’ formal response to the Council’s objections to the current Corporate Plan in respect of connections.

12. **Council Tax 2016/2017** (To Follow)
To consider the submitted report on the Council Tax for 2016/2017.
13. **Proposed Change to 2015/2016 Minimum Revenue Policy**
To consider the submitted report on the above and the recommendations of the Audit Committee.
- Please note that this item has been withdrawn.**
14. **Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust** (Pages 43 - 102)
To consider the submitted report on the above Policy Framework document and any recommendations from the Overview and Scrutiny Board.
15. **Collaton St Mary Masterplan Supplementary Planning Document** (Pages 103 - 189)
To consider the submitted report setting out the above Policy Framework document.
16. **Relocation of Torbay School and a New Primary School in Paignton** (Pages 190 - 204)
To consider the submitted report on the proposed relocation of Torbay School and creation of a new primary school in Paignton and any recommendations from the Overview and Scrutiny Board.
17. **Options for the Sustainable Support of Tourism in Torbay** (Pages 205 - 218)
To consider the submitted report on the above.
18. **Provisional Calendar of Meetings 2016/2017** (Pages 219 - 222)
To consider the submitted report setting out the provisional calendar of meetings for 2016/2017.
19. **Change of Job Title for Executive Director of Operations and Finance** (Page 223)
To consider the submitted report on the above.

Note

An audio recording of this meeting will normally be available at www.torbay.gov.uk within 48 hours.



Minutes of the Council

3 February 2016

-: Present :-

Chairman of the Council (Councillor Hill) (In the Chair)
Vice-Chairwoman of the Council (Councillor Brooks)

The Mayor of Torbay (Mayor Oliver)

Councillors Amil, Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, King, Kingscote, Lang, Lewis, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

111 Opening of meeting

The meeting was opened with a prayer.

112 Apologies for absence

Apologies for absence were received from Councillors Manning and Stringer.

113 Minutes

The Minutes of the meeting of the Council held on 10 December 2015 were confirmed as a correct record and signed by the Chairman.

114 Declarations of interests

Councillor O'Dwyer declared a non-pecuniary interest in respect of Minute 118 as he was a Board Member for Sanctuary Affordable Housing Ltd.

115 Communications

The Chairman advised that he undertook both Boxing Day Dips in Torquay and Paignton and thanked all those Members who attended to support these fundraising events.

The Overview and Scrutiny Co-ordinator updated Members on the recent work of Overview and Scrutiny including: the Priorities and Resources Panel review of the Mayor's budget proposals; and a training/workshop event on the Constitution and the Overview and Scrutiny work programme.

116 Order of Business

In accordance with Standing Order A7.2 in relation to Council meetings, the order of business was varied to enable agenda Item 7 (Members' Questions) to be considered after Item 18 (Urgent Decision taken by the Executive Director of Operations and Finance).

117 Public question time

In accordance with Standing Order A24, the Council heard from Ms Jeannie Green who had submitted a statement and question in relation to the Transatlantic Trade and Investment Partnership. The Mayor responded to the statement and question that had been put forward, plus a supplementary question asked by Ms Green.

118 Torbay Housing Strategy - 2015 2020 - Mayor's Response to Council Recommendations

Further to the Council meeting held on 10 December 2015, Members considered the submitted report on the Mayor's response to the objections raised by the Council and proposed a revised Torbay Housing Strategy 2015-2020.

It was proposed by Councillor King and seconded by Councillor Mills:

that Torbay's Housing Strategy including "My Home is My Life" and the new Homelessness Strategy set out at Appendices 2, 3 and 4 to the submitted report be approved.

An amendment was proposed by Councillor Thomas (D) and seconded by Councillor Darling (S):

- (i) that, subject to (ii) below, Torbay's Housing Strategy including "My Home is My Life" and the new Homelessness Strategy set out at Appendices 2, 3 and 4 to the submitted report be approved; and
- (ii) that the following table be added to the Housing Strategy as an action plan:

Increasing the supply of affordable homes		
Initiative	Key Actions	Milestones (Dates):
1. Work with developers to ensure early delivery of affordable homes on S106 sites	Affordable Housing Coordinator to discuss delivery proposals with private development partners to look at ways at securing early delivery	Write to and meet with developers currently on site or about to be on site – May 2016

<p>2. Work with an RP partner to accelerate the delivery of affordable homes at Hatchcombe Nurseries</p>	<p>Look at options to unblock this site for affordable housing including close liaison with the HCA to maximise funding into the project</p>	<p>Work with an RP partner to produce a detailed timeline and action plan which will include tenure options and value engineering solutions. June 2016</p>
<p>3. Identify potential Council owned sites that could be used for affordable housing delivery</p>	<p>Identify possible sites in partnership with strategic land task group</p>	<p>Identify 2 x sites and produce a cost benefit analysis linked to the Council priorities. This will include the various outputs along with the level of receipt the Council would forgo by not disposing of these sites on the open market. Sept 2016</p>
<p>4. Identify possible open market residential sites for acquisition to deliver affordable housing</p>	<p>Assess value for money on using affordable housing grant to purchase open market sites to meet strategic needs and accelerate delivery</p>	<p>Write to land agents operating in Torbay for current and future opportunities. Assess options and consider purchase. April 2016 and ongoing</p>
<p>5. Investigate the benefits of using providing grant funding to RPs to assist with purchasing additional properties 'off the shelf'.</p>	<p>Investigate opportunities to accelerate affordable housing delivery through providing grants to allow RPs to purchase of completed units on open market sites</p>	<p>Write to and meet with developers currently on site or about to be on site and assess VFM of providing grant funding to RPs to purchase clusters of properties to use as affordable housing. June 2016</p>
<p>6. Maximise the potential from the existing stock</p>	<p>Review allocation criteria to consider prioritising households that will be downsizing</p>	<p>Review current policy and consider prioritising all new affordable housing stock for 'downsizers' and/or increase priority within Devon Home Choice Dec 2016</p>
<p>7. Incentivise downsizing</p>	<p>Use affordable housing grant to fund a suite of incentives to free up family accommodation from householders currently under occupying</p>	<p>Look at financial assistance measures to assist with removals, carpets, curtains, white goods. Consider officer support to assist with logistical issues of phone and services. Dec 2016</p>

8. Provide affordable housing grant to subsidise affordable housing delivery through Registered Providers	Provide subsidy to RPs to ensure the delivery of a variety of tenures and to unblock potentially unviable sites	Write to all RPs making them aware of grant availability for developments within Torbay. April 2016
Dealing with our Care Homes		
We will explore the potential for re-use /development of care homes, by working with the private sector and care home owners to find viable development solutions for those care homes that need to exit the care market. Outcomes will include: more family homes, fewer empty / poorly maintained properties; Edwardian / Victorian Villa revival; better health outcomes.		
Land availability		
Unless there is specific approval at full Council to the contrary, the Council will not restrict or reduce the current or future value of its assets through the use of contractual restrictions, covenants, peppercorn rents (such an approach is consistent with the emerging Corporate Asset Management Plan).		

In accordance with Standing Order A19.4, a recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (23); Against: The Mayor, Councillors Mills, and Stubbley (3); Abstaining: Councillors Amil, Brooks, Excell, Haddock, Hill, King, Lang, Morris and Parrott (9); Absent: Councillors Manning and Stringer (2). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the amendment it was declared carried.

The substantive motion (amended (i) and additional (ii)) was then before Members for consideration.

In accordance with Standing Order A19.4, a recorded vote was taken on the substantive motion. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, King, Kingscote, Lang, Lewis, Morey, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (26); Against: The Mayor, Councillors Mills, and Stubbley (3); Abstaining: Councillors Amil, Brooks, Excell, Haddock, Hill and Morris (6); Absent: Councillors Manning and Stringer (2). Therefore, as more than two-thirds of Members present and voting had cast their vote in support of the substantive motion it was declared carried.

(Note: Prior to the consideration of Minute 118, Councillor O'Dwyer declared his non-pecuniary interest.)

119 Devolution for the Heart of the South West - A Prospectus for Productivity

Further to Minute 68/9/15, the Council considered the submitted report updating Members on the work of the Devolution for the Heart of the South West and introduced the completed prospectus 'Devolution for the Heart of the South West - A Prospectus for Productivity'. It was noted the prospectus set out formal devolution proposals with a view to negotiating a deal with the Government thereafter. Any final devolution deal with the Government would be subject to further approval by all partners individually.

It was proposed by Councillor Mills and seconded by Councillor Tyerman:

- (i) that the Council endorses the Mayor's current approach to devolution and the drafting of proposals, their submission and negotiation of a deal for the Heart of the South West, namely:

Working with local authorities, National Parks and the Heart of the South West Local Enterprise Partnership to deliver full proposals for devolution which will seek a formal agreement with Government on a formal devolution deal;

- (ii) that the submission of the final draft of the Heart of the South West Devolution Prospectus (Appendix 2 to the submitted report) to Government, be approved subject to any changes made to the final draft prior to submission; and
- (iii) that the Executive Director of Operations and Finance, in consultation with the Mayor, be authorised to make any final changes and approve the submission of the 'Heart of the South West Devolution – A Prospectus for Productivity' to Government.

On being put to the vote, the motion was declared carried (unanimous).

120 Local Government Association (LGA) Corporate Peer Challenge of Torbay Council and resulting outline Action Plan

The Council considered the submitted report on the outcome of the recent Local Government Association (LGA) Corporate Peer Challenge. The report set out the LGA's Corporate Peer Challenge feedback report and resulting outline action plan which responded to the recommendations of the LGA's report.

It was proposed by Councillor Mills and seconded by Councillor Ellery:

- (i) that the Local Government Association (LGA) Corporate Peer Challenge Feedback Report (as set out at Appendix 1 to the submitted report) and the resulting outline action plan (as set out at Appendix 2 to the submitted report) be endorsed;
- (ii) that the outline action plan be refined and reported as follows:

- a) an all Member/officer workshop be held, with assistance from the LGA if possible, to enable all Members and relevant officers to contribute towards the development of the outline action plan;
 - b) a joint Member and officer working group (comprising 15 Members politically balanced (11 Conservatives, 3 Liberal Democrats and 1 Independent Group) and lead officers for each of the action plan themes) be established to further refine the details of the action plan during February 2016; and
 - c) the final detailed action plan be presented to Council meeting on 25 February 2016 for adoption; and
- (ii) that the implementation of the action plan be monitored by the Audit Committee.

An amendment was proposed by Councillor O'Dwyer and seconded by Councillor Thomas (D):

- (iii) that a six monthly report be presented to full Council for debate.

On being put to the vote, the amendment was declared carried.

The substantive motion (the original motion with the addition of (iii)) was then before Members for consideration.

On being put to the vote, the substantive motion was declared carried (unanimous).

121 Corporate Plan Delivery Plans 2015-2019

This item was deferred to the meeting of Council to be held on 25 February 2016.

122 Revenue Budget 2016/17

At the invitation of the Chairman, the Mayor outlined his budget proposals for 2016/2017.

A copy of the record of decision setting out the recommendations of the Mayor in respect of the revenue budget proposals is attached to these Minutes.

The Chairman advised that in accordance with Standing Orders F2.13 and F3.12 in relation to the Budget and Policy Framework this item was referred to an adjourned meeting of Council to be held on 11 February 2016 to enable full consideration to be given to the implications of the proposals set out in the report circulated on 3 February 2016.

123 Capital Plan Budget 2016/2017 to 2019/2020

At the invitation of the Chairman, the Mayor outlined his capital plan budget proposals for 2016/2017 to 2019/2020.

A copy of the record of decision setting out the recommendations of the Mayor in respect of the capital plan budget proposals is attached to these Minutes.

The Chairman advised that in accordance with Standing Orders F2.13 and F3.12 in relation to the Budget and Policy Framework this item was referred to an adjourned meeting of Council to be held on 11 February 2016 to enable full consideration to be given to the implications of the proposals set out in the report circulated on 3 February 2016.

124 Proposed Disposal of Surplus Asset - Lincombe Court, Lincombe Hill Road, Torquay (Mayoral Decision)

The Council made the following recommendation to the Mayor:

It was proposed by Councillor Haddock and seconded by Councillor Mills:

that the Mayor be recommended to:

- (i) consider any feedback received from Ward Members and the relevant Community Partnerships to the disposal of Lincombe Court as set out in Appendix 3 to the submitted report; and
- (ii) that subject to (i) above Lincombe Court be declared no longer required for service delivery and that the Head of Commercial Services be requested to advertise the intended disposal in accordance with the Council's Community Asset Transfer Policy 2008.

An amendment was proposed by Councillor Carter and seconded by Councillor Darling (S):

- (iii) that the Council be recommended to allocate any funds received from the sale of Lincombe Court, Torquay, to the development of social housing i.e. secure tenancy with socially regulated rent.

On being put to the vote, the amendment was declared lost.

The original motion was then put to the vote and declared carried.

The Mayor considered the recommendations of the Council set out above at the meeting and the record of his decision, together with further information is attached to these Minutes.

125 Chairman/woman and Vice-Chairman/woman Select

In accordance with the Council's Standing Orders (A9.1), the Council was requested to consider selecting the Chairman/woman-Elect and Vice-Chairman/woman-Elect for the next Municipal Year 2016/2017.

It was proposed by Councillor Thomas (D) and seconded by Councillor Darling (S):

- (i) that Councillor Hill be selected as Chairman (Elect) for the 2016/2017 Municipal Year; and
- (ii) that Councillor Brooks be selected as Vice-Chairwoman (Elect) for the 2016/2017 Municipal Year.

An amendment was proposed by Councillor Amil and seconded by Councillor Excell:

- (i) that Councillor Brooks be selected as Chairwoman (Elect) for the 2016/2017 Municipal Year.

In accordance with Standing Order A16.9, Councillor Amil, with the consent of Councillor Excell as seconder, withdrew her amendment.

On being put to the vote the original motion was declared carried.

126 Composition and Constitution of Executive and Delegation of Executive Functions

Members noted the submitted report which provided details of changes made by the Mayor to his Executive.

127 Urgent Decision taken by the Executive Director of Operations and Finance

Members noted the submitted report setting out details of an urgent decision taken by the Executive Director of Operations and Finance in respect of the creation of the Torbay Public Service Trust (SWIFT Project).

128 Members' questions

Members received a paper detailing the questions, attached to the agenda, notice of which had been given in accordance with Standing Order A13.

Verbal responses were provided at the meeting. Supplementary questions were then asked and answered in respect of the questions.

129 Adjournment

At this juncture, the Chairman adjourned the meeting to 5.30 p.m. on Thursday, 11 February 2016.

Chairman

Record of Decision Revenue Budget 2016/17

Decision Taker

Mayor on 03 February 2016

Decision

That it be recommended to Council:

- (a) that the net revenue expenditure and council tax requirement for 2016/17 as shown in paragraph 3.3, that includes the funding raised by the 2% council tax increase specifically for adult social care, be approved;
- (b) that in relation to (a) above Council confirms its commitment (by a statement signed by the s151 officer) to allocate the additional funding raised by the 2% council tax increase to adult social care in 2016/17 and in future years;
- (c) that the 2016/17 allocation of the revenue budget to services as per the budget digest and the associated fees and charges (both circulated separately) be approved;
- (d) that the Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations (para 11) and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed and this authorisation be included in the officer scheme of delegation;
- (e) that in accordance with the requirement of the Local Government Act 2003, to consider and note the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (para 12);
- (f) that Council approve the temporary use of £2.5m from the Insurance Reserve in 2015/16 to fund the projected 2015/16 overspend, which is to be repaid from the 2016/17 budget;
- (g) that Council note that Brixham Town Council have yet to set their budget for 2016/17 and this precept, when known, will be included as part of the Torbay Council budget for Council Tax setting purposes;
- (h) that, subject to clarification of the acceptance process from DCLG, that Council delegate acceptance of a four year funding settlement for Revenue Support Grant to the Chief Finance Officer in consultation with the Mayor and Executive Director of Operations and Finance;
- (i) that, the Review of Reserves 2016/2017 as set out in the submitted report attached at appendix 3, be approved; and
- (j) that, the Treasury Management Strategy 2016/2017 (incorporating the Annual Investment Strategy 2016/2017 and the Minimum Revenue Provision Policy 2016/2017) as set out in the submitted report attached at appendix 4 be approved.

Reason for the Decision

The Council has a statutory obligation to set a budget each year. The approval of the 2016/2017 revenue budget will assist the Council in delivering its key objectives and meet its statutory obligations.

For the Mayor to respond to the recommendations of the Overview and Scrutiny Board.

Implementation

The recommendation of the Mayor will be considered at the adjourned meeting of Council to be held on 11 February 2016.

Information

Further to the Mayor's provisional revenue budget proposals issued on 6 November 2015 for consultation, the submitted report outlined the basis of the Mayor's Revenue Budget proposals for 2016/2017, provided a summary of the approach for developing the proposals and the outcome of the local government finance settlement for 2016/2017 and the provisional allocation for 2016/2017, together with its affect on the overall financial position of the Council. The report also included the Chief Finance Officer's statement on the robustness of the budget proposals.

In addition to the Revenue Budget proposals for 2016/2017, the report also encompassed the following:

- Proposals for service change, income generation and savings for 2016/2017;
- Equality Impact Assessments 2016/2017;
- Fees and Charges 2016/2017;
- Review of Reserves 2016/2017;
- Treasury Management Strategy 2016/2017 (incorporating the Annual Investment Strategy 2016/2017 and the Minimum Revenue Provision Policy 2016/2017);
- Revenue Budget Monitoring 2015/2016 – Quarter three; and
- Children's Financial Plan – Progress Report

Due to the scale of the reductions faced by the Council, extensive consultation had been undertaken on the budget proposals. The report had been compiled taking into account the findings and conclusions reached by the Priorities and Resources Review Panel which had considered the proposals put forward by the Mayor as part of the budget consultation process.

At the Council meeting on 3 February 2016, the Mayor made a statement on the revenue budget 2016/2017 and responded to the Priorities and Resources Panel, as outlined in paragraph 6.7 of the submitted report.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the report and not discussed at the meeting.

Is this a Key Decision?

Yes – Reference Number: I021319

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

8 February 2016

Signed: _____
Mayor of Torbay

Date: 3 February 2016

This page is intentionally left blank

Record of Decision

Capital Plan Budget 2016/2017 to 2019/2020

Decision Taker

Mayor on 03 February 2016

Decision

That it be recommended to the Council:

- (i) that the latest position for the Council's Capital expenditure and funding for 2015/16 be noted;
- (ii) that 2016/17 Capital Strategy (set out at Appendix 1 to the submitted report) be approved;
- (iii) that prudential borrowing of £10 million for an Investment Fund to enable acquisition of properties for investment purposes to be funded from future rental income be approved and that purchases within the Fund to be subject to specific criteria:
 - Rate of Return expected to exceed 6% per annum net of costs;
 - Property assessed as an asset life in excess of 50 years (or repayment period);
 - Tenants assessed as reasonable credit quality and pre lets agreed if possible;
 - Independent valuation of asset to support purchase price
 - Any UK property to be considered subject to no more than 50% in any county area;
 - Any sale proceeds of assets purchased to be reinvested in fund;

and that the allocation of the Fund, if the criteria is met, be agreed by Executive Director of Operations and Finance in consultation with the Chief Finance Officer and the Mayor and Group Leaders with the Overview and Scrutiny Co-ordinator being notified in advance of any decisions;

- (iv) that prudential borrowing of £3 million for essential capital repair works be approved with the cost of borrowing to be included in future year revenue budgets and that the allocation of the budget be agreed by the Executive Head – Business Services in consultation with the Chief Finance Officer and the Mayor and Group Leaders with the Overview and Scrutiny Co-ordinator being notified in advance of any decisions;
- (v) that prudential borrowing of £0.350 million to upgrade and update the Council's CCTV equipment be approved with the cost of borrowing to be included in future year revenue budgets offset by any future external contributions and any resulting revenue savings;
- (vi) that prudential borrowing of £1.0 million for an IT Investment Fund for 2016/17 to 2019/20 be approved with the cost of borrowing to be included in future year revenue budgets and that the allocation of the Fund be agreed by Executive Director of Operations and Finance consultation with the Chief Finance Officer, the Executive Head – Customer Services and the Executive Lead for Customer Services;

- (vii) that the reallocation of £0.5m within the existing schools capital allocation to provide two mobile accommodation buildings at Paignton Community Sports Academy be approved to meet an immediate need for pupil places;
- (viii) that the allocation of £0.350m to improvements at The Strand in Torquay in line with the proposed Corporate Plan Delivery Plans be approved and that the Council determine whether this is funded from:
 - Option 1: prudential borrowing when the scheme is deemed to be self financing; or
 - Option 2: the Comprehensive Spending Review Reserve;
- (ix) that the Council will not take up the option in 2016/17 of using capital receipts to fund one off revenue costs of transformation to meet future budget reductions;
- (x) that, subject to approval of (iii) to (ix) above, the budget forecast for 2016/17 to 2019/20 at Appendix 2 to the submitted report be approved as the Capital Plan;
- (xi) that the Corporate Asset Management Plan for 2015 – 2019 (as set out in Appendix 4 to the submitted report) be approved.

Reason for the Decision

The Council has a statutory obligation to set a budget each year. The approval of the 2016/2017 to 2019/2020 capital budget will assist the Council in delivering its key objectives and meet its statutory obligations.

For the Mayor to respond to the recommendations of the Overview and Scrutiny Board.

Implementation

The recommendation of the Mayor will be considered at the adjourned meeting of Council to be held on 11 February 2016.

Information

Further to the Mayor's provisional capital budget proposals issued on 23 November 2015 for consultation, the submitted report outlined the basis of the Mayor's Capital Budget proposals for 2016/2017 to 2019/2020 and provided a summary of the approach for developing the proposals.

In addition to the Capital Budget proposals for 2016/2017 to 2019/2020 the report also encompassed the following:

- Capital Plan Update – Quarter 3 – 2015/2016;
- Capital Strategy
- Asset Management Plan (incorporating the Community Asset Transfer Policy)

Due to the scale of the reductions faced by the Council, extensive consultation had been undertaken on the budget proposals. The report had been compiled taking into account the findings and conclusions reached by the Priorities and Resources Review Panel which had considered the draft Capital Plan, Capital Strategy and Asset Management Plan.

At the Council meeting on 3 February 2016, the Mayor made a statement on the Capital Budget 2016/2017 to 2019/2020 and responded to the Priorities and Resources Panel, as outlined in paragraph 4.1 of the submitted report.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the report and not discussed at the meeting.

Is this a Key Decision?

Yes – Reference Number: I021319

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

8 February 2016

Signed: _____
Mayor of Torbay

Date: 3 February 2016

This page is intentionally left blank

Record of Decisions

Proposed Disposal of Surplus Asset - Lincombe Court, Lincombe Hill Road, Torquay

Decision Taker

Mayor on 03 February 2016

Decision

That, having considered the feedback received from Ward Members and the relevant Community Partnerships to the disposal of Lincombe Court as set out in Appendix 3 to the submitted report, Lincombe Court be declared no longer required for service delivery and that the Assistant Director Corporate and Business Services be requested to advertise the intended disposal in accordance with the Council's Community Asset Transfer Policy 2008.

Reason for the Decision

Lincombe Court is an empty property which has been declared surplus to operational requirements and is available for disposal which will enable the capital receipt to be reinvested into the Council's existing capital programme.

Implementation

This decision will come into force and may be implemented on 16 February 2016 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

Lincombe Court was vacated by Torbay and South Devon NHS Foundation Trust in 2014 and the existing 10 year lease to the Foundation Trust expired on 30 November 2015 and the property is no longer required for service delivery.

Lincombe Court is a vacant property and will start incurring business rates liabilities potentially by late April 2016. The Property is a dated Victorian villa. In order to maintain the integrity of the vacant building a programme of planned maintenance would be required to prevent deterioration. The asset will quickly become a maintenance liability otherwise.

The Mayor considered the recommendations of the Council made on 3 February 2016 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted report but not discussed at the meeting.

Is this a Key Decision?

Yes – Reference Number: I022290

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

8 February 2016

Signed: _____
Mayor of Torbay

Date: 8 February 2016

Minutes of the Adjourned Council

11 February 2016

-: Present :-

Chairman of the Council (Councillor Hill) (In the Chair)
Vice-Chairwoman of the Council (Councillor Brooks)

The Mayor of Torbay (Mayor Oliver)

Councillors Amil, Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Excell, Haddock, King, Kingscote, Lewis, Mills, Morey, Morris, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Stubbley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield

130 Apologies for absence

Apologies for absence were received from Councillors Lang and Manning.

131 Declarations of interests

At the invitation of the Chairman, the Monitoring Officer reminded Members of the dispensation granted in respect of Members' interests in relation to the setting of the Council Tax and matters relating to Council controlled companies where Members were appointed as unpaid directors by the Council. It was noted that this meant Members were permitted to discuss and vote on the budget in respect of these matters without the need to declare an interest.

The Mayor declared a pecuniary interest in respect of Minute 132 in relation to Connections.

132 Revenue Budget 2016/17

Further to the meeting of the Council held on 3 February 2016, Members considered the recommendations of the Mayor in relation to the Revenue Budget 2016/17, the Review of Reserves 2016/2017 and the Treasury Management Strategy 2016/2017 as set out in the submitted report. In addition, the Quarter 3 Revenue Budget Monitoring was noted.

In accordance with legislation, the Chairman advised that recorded votes would be taken on the motion and amendments.

It was proposed by the Mayor and seconded by Councillor Mills:

that it be recommended to Council:

- (i) that the net revenue expenditure and council tax requirement for 2016/17, as shown in paragraph 3.3 of the submitted report, that includes the funding raised by the 2% council tax increase specifically for adult social care, be approved;
- (ii) that in relation to (i) above, Council confirms its commitment (by a statement signed by the Section 151 Officer) to allocate the additional funding raised by the 2% council tax increase to adult social care in 2016/17 and in future years;
- (iii) that the 2016/17 allocation of the revenue budget to services as per the budget digest and the associated fees and charges (both circulated separately) be approved;
- (iv) that the Dedicated Schools Grant be used in accordance with the nationally laid down Schools Financial Regulations (paragraph 11 of the submitted report) and that the Chief Finance Officer be authorised to make amendments as required when the final figures are confirmed and this authorisation be included in the officer scheme of delegation;
- (v) that in accordance with the requirement of the Local Government Act 2003, to consider and note the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's reserves (paragraph 12 of the submitted report);
- (vi) that Council approve the temporary use of £2.5m from the Insurance Reserve in 2015/16 to fund the projected 2015/16 overspend, which is to be repaid from the 2016/17 budget;
- (vii) that Council note that Brixham Town Council have yet to set their budget for 2016/17 and this precept, when known, will be included as part of the Torbay Council budget for Council Tax setting purposes;
- (viii) that, subject to clarification of the acceptance process from DCLG, that Council delegate acceptance of a four year funding settlement for Revenue Support Grant to the Chief Finance Officer in consultation with the Mayor and Executive Director of Operations and Finance;
- (ix) that, the Review of Reserves 2016/2017, as set out in the submitted report at appendix 3, be approved; and
- (x) that, the Treasury Management Strategy 2016/2017 (incorporating the Annual Investment Strategy 2016/2017 and the Minimum Revenue Provision Policy 2016/2017), as set out in the submitted report at appendix 4, be approved.

(Note: Prior to consideration of the following two objections, the Mayor declared his pecuniary interest in relation to Connections and withdrew from the meeting.)

In accordance with Standing Order A14.4 an objection was proposed by Councillor Stocks and seconded by Councillor Doggett:

that the Council formally objects to the Mayor's revenue budget proposals on the basis that:

1. the deletion of the Social Fund from the baseline budget that will eventually end crisis support for those in desperate need in our community;
2. there is no clear strategy for how the reductions to the Connections offices will be applied which could result in impacting heavily on people in most need of Council services and support, and result in a second class service for residents in two of our three towns;
3. it is unclear from these proposals as to whether the Council have got the balance right between caring for those in need of social care in their homes and those in a residential setting, as the Council has yet to determine the priorities within the Annual Strategic Agreement;
4. cutting £331,000 from highways maintenance when there's a £19 million backlog of work in the Bay which is imprudent; and
5. finally we have grave concerns that Councillors are being expected to support this budget without considering this in the context of the Council determining the Efficiency Plan, which is urgently required to set out how the Council will achieve financial sustainability over the next 4 years and beyond.

In accordance with the Constitution at F2.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the estimates or amounts as amended by the elected Mayor with the reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or
- b) inform the Council of any disagreement that the elected Mayor has with any of the Council's objections and the elected Mayor's reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Carter, Darling (M), Darling (S), Doggett, Ellery, Morey, Sanders, Stockman, Stocks and Stringer (10); Against: Amil, Barnby, Bent, Brooks, Bye, Cunningham, Excell, Hill, King, Kingscote, Lewis, Mills, Morris, O'Dwyer, Parrott, Robson, Stubley, Sykes, Thomas (D), Thomas (J) Tolchard and Winfield (22); Abstain: Councillors Haddock and Tyerman (2); and Absent: Mayor

Oliver and Councillors Lang and Manning (3). Therefore the objection was declared lost.

In accordance with Standing Order A14.4 an objection was proposed by Councillor Morey and seconded by Councillor Ellery:

that the Council formally objects to the Mayor's revenue budget proposals in respect of the reduction to the Connections Service, on the basis that it is not clear how the savings will be achieved, despite significant opposition to change being indicated in the public consultation and the potential that any change could adversely affect senior citizens and the more vulnerable in society.

In accordance with the Constitution at F2.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the estimates or amounts as amended by the elected Mayor with the reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or
- b) inform the Council of any disagreement that the elected Mayor has with any of the Council's objections and the elected Mayor's reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Bent, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, Robson, Sanders, Stockman, Stocks, Stringer, Skyes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (22); Against: Councillors Amil, Barnby, Brooks, Bye, Excell, King, Mills, Morris, Parrott and Stubbley (10); Abstain: Councillors Haddock and O'Dwyer (2); and Absent: Mayor Oliver and Councillors Lang and Manning (3). Therefore the objection was declared carried and the Chairman advised that, as the Mayor had an interest in the matter, the Executive Lead for Business would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

In accordance with the Standing Order A14.4 an objection was proposed by Councillor Thomas (D) and seconded by Councillor Tyerman:

that the Council formally objects to the Mayor's revenue budget proposals on the basis that the £600,000 allocated for Investment in Transformation has no clear control mechanisms for how decisions on the allocation of this money will be undertaken.

In accordance with the Constitution at F2.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the estimates or amounts as amended by the elected Mayor with the reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or

- b) inform the Council of any disagreement that the elected Mayor has with any of the Council's objections and the elected Mayor's reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (25); Against: Amil, Excell, Haddock, King, Mills, Morris, Parrott and Stublely (8); Abstain: Mayor Oliver and Stocks (2); and Absent: Councillors Lang and Manning (2). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

The Chairman referred Members to the two recommendations of the Overview and Scrutiny Board to the Council in relation to objections to the Council's Policy Framework.

(Note: Prior to consideration of the following objection, the Mayor declared his pecuniary interest in relation to Connections and withdrew from the meeting.)

It was proposed by Councillor Lewis and seconded by Councillor Darling (S):

that the Council formally objects to the current Corporate Plan on the basis that the following should be included:

The Council will maintain a face-to-face customer service presence in Torquay, Paignton and Brixham for at least part of the week.

In accordance with the Constitution at F4.9, the Council therefore requires the Executive Lead for Business Services to consider this objection by 19 February 2016 either:

- a) submit a revision of the Corporate Plan with the reasons for any amendments to the Council for its consideration; or
- b) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.

An amendment was proposed by Councillor Thomas (D) and seconded by Councillor Tyerman:

The Council will maintain a face-to-face customer service presence in Torquay, Paignton and Brixham for at least part of the week and before any change is made to the locations of face-to-face customer service a report be presented to Council for approval.

On being put to the vote, the amendment was declared carried.

The substantive motion (the original motion with the additional wording) was then before Members for consideration.

On being put to the vote, the substantive motion was declared carried. The Chairman advised that, as the Mayor had an interest in the matter, the Executive Lead for Business would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

It was proposed by Councillor Lewis and seconded by Councillor Darling (S):

That the Council formally objects to the current Corporate Plan on the basis that the following should be included:

The Council will maintain libraries in Torquay, Paignton and Brixham.

In accordance with the Constitution, Standing Orders – Budget and Policy Framework, paragraph F4.9, the Council therefore requires the Mayor to consider this objection by 19 February 2016 either:

- a) submit a revision of the Corporate Plan with the reasons for any amendments to the Council for its consideration; or
- b) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.

An amendment was proposed by Councillor Mills and seconded by Councillor Parrott:

The Council will maintain libraries in Torquay, Paignton, Churston and Brixham.

On being put to the vote, the amendment was declared carried.

The substantive motion (the original motion with the additional word) was then before Members for consideration.

On being put to the vote, the substantive motion was declared carried. The Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

133 Capital Plan Budget 2016/2017 to 2019/2020

Further to the meeting of the Council held on 3 February 2016, Members considered the recommendations of the Mayor in relation to the Capital Plan Budget 2016/2017 to 2019/2020, 2016/17 Capital Strategy and Corporate Asset Management Plan 2015 to 2019. The report also set out the quarter 3 2015/2016 Capital Plan monitoring information.

In accordance with legislation, the Chairman advised recorded votes would be taken on the objections.

It was proposed by the Mayor and seconded by Councillor Mills:

- (i) that the latest position for the Council's Capital expenditure and funding for 2015/16 be noted;
- (ii) that 2016/17 Capital Strategy (set out at Appendix 1 of the submitted report) be approved;
- (iii) that prudential borrowing of £10 million for an Investment Fund to enable acquisition of properties for investment purposes to be funded from future rental income be approved and that purchases within the Fund to be subject to specific criteria:
 - Rate of Return expected to exceed 6% per annum net of costs
 - Property assessed as an asset life in excess of 50 years (or repayment period)
 - Tenants assessed as reasonable credit quality and pre lets agreed if possible
 - Independent valuation of asset to support purchase price
 - Any UK property to be considered subject to no more than 50% in any county area.
 - Any sale proceeds of assets purchased to be reinvested in fund.

and that the allocation of the Fund, if the criteria is met, be agreed by Executive Director of Operations and Finance in consultation with the Chief Finance Officer and the Mayor and Group Leaders with the Overview and Scrutiny Co-ordinator being notified in advance of any decisions;

- (iv) that prudential borrowing of £3 million for essential capital repair works be approved with the cost of borrowing to be included in future year revenue budgets and that the allocation of the budget be agreed by the Executive Head – Business Services in consultation with the Chief Finance Officer and the Mayor and Group Leaders with the Overview and Scrutiny Co-ordinator being notified in advance of any decisions;
- (v) that prudential borrowing of £0.350 million to upgrade and update the Council's CCTV equipment be approved with the cost of borrowing to be included in future year revenue budgets offset by any future external contributions and any resulting revenue savings;
- (vi) that prudential borrowing of £1.0 million for an IT Investment Fund for 2016/17 to 2019/20 be approved with the cost of borrowing to be included in future year revenue budgets and that the allocation of the Fund be agreed by Executive Director of Operations and Finance in consultation with the Chief Finance Officer, the Executive Head – Customer Services and the Executive Lead for Customer Services;

- (vii) that the reallocation of £0.5m within the existing schools capital allocation to provide two mobile accommodation buildings at Paignton Community Sports Academy be approved to meet an immediate need for pupil places;
- (viii) that the allocation of £0.350m to improvements at The Strand in Torquay in line with the proposed Corporate Plan Delivery Plans be approved and that the Council determine whether this is funded from:
 - Option 1: prudential borrowing when the scheme is deemed to be self financing; or
 - Option 2: the Comprehensive Spending Review Reserve;
- (ix) that the Council will not take up the option in 2016/17 of using capital receipts to fund one off revenue costs of transformation to meet future budget reductions;
- (x) that, subject to approval of (iii) to (ix) above, the budget forecast for 2016/17 to 2019/20 at Appendix 2 be approved as the Capital Plan; and
- (xi) that the Corporate Asset Management Plan for 2015 – 2019 (as set out in Appendix 4 of the submitted report) be approved.

In accordance with Standing Order A14.4 an objection was proposed by Councillor Ellery and seconded by Councillor Morey:

that the Council formally objects to the Mayor's capital budget proposals on the basis of the allocation of £0.35 million to the improvements at the Strand in Torquay, as there has been no matrix applied to prioritise capital projects within Torbay.

In accordance with the Constitution at F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the "revised draft Capital Plan"), with the reasons for any amendments made to the draft Capital Plan, to the Council for its consideration; or
- b) inform the Council of any disagreement that the elected Mayor has with any of the Council's objections and his reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling

(M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (25); Against: Councillors Amil, Excell, Haddock, King, Mills, Morris, Parrott and Stubley (8); Abstain: Mayor Oliver and Councillor Winfield (2); and Absent: Councillors Lang and Manning (2). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

In accordance with Standing Order A14.4 an objection was proposed by Councillor Carter and seconded by Councillor Sanders:

that the Council formally objects to the Mayor's capital budget proposals on the basis that:

this Council notes that £10.5 million (£161 per capita) has been spent on Torquay waterfront projects, £20.1 million (£1,201 per capita) spent on Brixham waterfront projects and £0.6 million (£12 per capita) spent on Paignton waterfront projects within the last 9 years as per figures set out in the table below:

Project	<u>Total project cost</u> £m	<u>Approx. Dates</u>
Torquay		
Tqy Town Dock	1.20	2007/08-2008/09
Tqy Townscape Heritage	0.70	2008/09-2010/11
Mallock Memorial	0.20	2010/11
Princess Promenade	4.00	2011/12-2013/14
Haldon/Princess Piers	3.10	2009/10-2015/16
Princess Pier decking	0.40	2015/16
Inner Harbour pontoons	0.90	2013/14-2015/16
	10.50	
Paignton		
Paignton Geopark	0.60	2011/12-2012/13
	0.60	
Brixham		
Bxm Harbour Regen	19.70	2007/08-2012/13
Harbours Major Repairs	0.30	2013/14
Bxm Breakwater	0.05	2013/14
	20.05	

In light of the lack of investment in Paignton seafront and harbour side that the Mayoral project for Torquay seafront and harbour side be deleted and that

public consultation be undertaken to ensure that appropriate projects are brought forward for the Paignton seafront and harbour side.

In accordance with the Constitution at F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the “revised draft Capital Plan”), with the reasons for any amendments made to the draft Capital Plan, to the Council for its consideration; or
- b) inform the Council of any disagreement that the elected Mayor has with any of the Council’s objections and his reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O’Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (23); Against: Mayor Oliver and Councillors Amil, Bye, Excell, Haddock, King, Mills, Morris, Parrott, Stubley and Winfield (11); Abstain: Councillor Brooks (1); and Absent: Councillors Lang and Manning (2). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

In accordance with Standing Order A14.4 an objection was proposed by Councillor Darling (M) and seconded by Councillor Darling (S):

that the Council formally objects to the Mayor’s capital budget proposals on the basis that:

This Council notes that the emerging Government policy in respect of the development of social housing means that funding for this provision will effectively end. Torbay also has less than half the national average of the number of affordable homes as part of our housing stock. In light of this, the Council should permit borrowing to facilitate a programme of affordable housing up to the value of an additional £2.5 million to ensure the provision of social housing in Torbay.

In accordance with the Constitution at F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the “revised draft Capital Plan”), with the reasons for any amendments made to the draft Capital Plan, to the Council for its consideration; or

- b) inform the Council of any disagreement that the elected Mayor has with any of the Council's objections and his reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Carter, Darling (M), Darling (S), Doggett, Ellery, Morey, Sanders, Stockman, Stocks, and Stringer (10); Against: Councillors Amil, Barnby, Bent, Brooks, Bye, Cunningham, Excell, Haddock, Hill, Kingscote, Lewis, Mills, Morris, O'Dwyer, Parrott, Robson, Stubley, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (23); Abstain: Mayor Oliver and Councillor King (2); and Absent: Councillors Lang and Manning (2). Therefore the objection was declared lost.

In accordance with the Standing Order A14.4 an objection was proposed by Councillor Thomas (D) and seconded by Councillor Bent:

That the Council formally objects to the Mayor's capital budget proposals on the basis that a matrix scoring criteria (as referred to in the Capital Strategy at paragraph 2.5) is required for approval by Council as part of the Capital Strategy, to enable the Council to prioritise Capital Plan projects. This matrix to be used to approve and prioritise existing schemes on the reserve list and new schemes within the Capital Plan.

In accordance with the Constitution at F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the "revised draft Capital Plan"), with the reasons for any amendments made to the draft Capital Plan, to the Council for its consideration; or
- b) inform the Council of any disagreement that the elected Mayor has with any of the Council's objections and his reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Brooks, Bye, Carter, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard, Tyerman and Winfield (25); Against: Councillors Amil, Excell, Haddock, King, Mills, Morris, Parrott and Stubley (8); Abstain: Mayor Oliver (1); and Absent: Councillors Cunningham, Lang and Manning (3). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

(Note: Councillor Cunningham had left the meeting for a short period and during the recorded vote on the above objection.)

In accordance with the Constitution at A14.4 an objection was proposed by Councillor O'Dwyer and seconded by Councillor Thomas (D):

That the Council formally objects to the Mayor's capital budget proposals on the basis that currently any spending in respect of the £10 million Investment Fund has no clear strategic direction, no set parameters and no requirement for clear business plans.

In accordance with the Constitution at F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the "revised draft Capital Plan"), with the reasons for any amendments made to the draft Capital Plan, to the Council for its consideration; or
- b) inform the Council of any disagreement that the elected Mayor has with any of the Council's objections and his reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Brooks, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Parrott, Robson, Sanders, Stockman, Stocks, Stringer, Sykes Thomas (D), Thomas (J), Tolchard and Tyerman (26); Against: Councillors Amil, Excell, Haddock, King, Mills, Morris and Stubley (7); Abstain: Mayor Oliver and Councillor Winfield (2); Absent: Councillors Lang and Manning (2). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

(Note: At this juncture Councillors Morris and Winfield left the meeting.)

In accordance with the Constitution at A14.4 an objection was proposed by Councillor Lewis and seconded by Councillor Darling (S):

That the Council formally objects to the Mayor's capital budget proposals on the basis that in light of the earlier objection in respect of the Capital project matrix scoring criteria, that the Strand scheme should be prioritised alongside other schemes using the matrix and not treated as a standalone scheme.

In accordance with the Constitution, Standing Orders – Budget and Policy Framework, paragraph F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the "revised draft Capital Plan"), with the reasons for any amendments made to the draft Capital Plan, to the Council for its consideration; or

- b) inform the Council of any disagreement that the elected Mayor has with any of the Council's objections and his reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Brooks, Bye, Carter, Cunningham Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (25); Against: Councillors Amil, Excell, Haddock, King, Mills, Parrott and Stubbley (7); Abstain: Mayor Oliver (1); and Absent: Councillors Lang, Manning, Morris and Winfield (4). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

In accordance with the Constitution, Standing Orders – Council, paragraph A14.4 an objection was proposed by Councillor Tyerman and seconded by Councillor Kingscote:

That the Council formally objects to the Mayor's capital budget proposals on the basis that there is no mechanism for the Council to determine a choice of funding between the options set out in paragraph 3.8 of the submitted report.

In accordance with the Constitution at F3.9, the Council therefore requires the Mayor to consider this objection by 10 am on 19 February 2016 either:

- a) submit a revision of the draft Capital Plan as amended by the elected Mayor (the "revised draft Capital Plan"), with the reasons for any amendments made to the draft Capital Plan, to the Council for its consideration; or
- b) inform the Council of any disagreement that the elected Mayor has with any of the Council's objections and his reasons for any such disagreement.

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (24); Against: Councillors Amil, Excell, Haddock, King, Mills, Parrott and Stubbley (7); Abstain: Mayor Oliver and Councillor Brooks (2); and Absent: Councillors Lang, Manning, Morris and Winfield (4). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

The Chairman referred to the recommendations of the Overview and Scrutiny Board in respect of the Capital Plan budget (as set out on page 174 of the submitted report) and invited the Monitoring Officer to update the Council in respect of these recommendations. The Monitoring Officer confirmed that recommendation

5 had been incorporated in the submitted Capital Plan; recommendation 7 would come into force on the day it is approved by Council as it was a revision to the current Corporate Asset Management Plan 2015-2019; and recommendation 8 would be treated as an objection to the Capital Plan Budget and in accordance with Standing Orders A14.4. Therefore, the objection was proposed by Councillor Lewis and seconded by Councillor Darling (S):

That the Executive Director – Operations and Finance and Chief Finance Officer (or their nominees) work with the Mayor, Group Leaders and Overview and Scrutiny Co-ordinator to prioritise current potential capital projects (with the aim that the prioritised list is available when the next Capital Plan Monitoring Report is presented).

A recorded vote was taken on the objection. The voting was taken by roll call as follows: For: Councillors Barnby, Bent, Bye, Carter, Cunningham, Darling (M), Darling (S), Doggett, Ellery, Hill, Kingscote, Lewis, Morey, O'Dwyer, Robson, Sanders, Stockman, Stocks, Stringer, Sykes, Thomas (D), Thomas (J), Tolchard and Tyerman (24); Against: Councillors Amil, Brooks, Excell, Haddock, King, Mills, Parrott and Stubley (8); Abstain: Mayor Oliver (1); and Absent: Councillors Lang, Manning, Morris and Winfield (4). Therefore the objection was declared carried and the Chairman advised that the Mayor would consider the objection and publish his response for consideration at the Council meeting on 25 February 2016.

Chairman

Petition – Health and Safety at Cary Park and immediate surroundings

Approximately 103 valid signatures.

We undersigned ask the honorable councillors of Torbay Council and the honourable Mayor to consider the following petition:

‘Health & Safety at Cary Park and immediate surroundings’

Cary Park, in Torquay’s St Marychurch district, is a haven of tranquillity to Torquay residents and visitors alike. The park is mostly used by children, dog walkers and elderly people (particularly given the large number of retirement homes in its immediate surrounding areas).

We, as users, feel that by addressing a few health and safety issues, Torbay Council would provide a much safer experience to users in the park, and improve life quality to all.

The areas of concern are:

- * two-way traffic without speed restrictions;
- * lack of gates to three of the entrances to the Park (East, North and West), despite the existence of original gate piers. Gate in the South entrance in poor condition.
- * Hedging in the perimeter of the park seriously deteriorated (particularly along the North/North-East perimeter).

We call the council to consider the following motions to address the issue:

- *establishing a one-way system (clockwise around the park);
- *installation of speed bumps and a 20 miles per hour speed limit all along Cary Park and Cary Avenue (i.e. all the stretch between Manor Road and Reddenhill Road). This will ensure that children and elderly people feel safer.
- * installation of new safety (self-closing) gates in all four entrances to the park, to stop children and dogs running into the street and subsequently being injured and/or causing accidents, particularly as because there is no pavement immediately outside park hedges (which in turn create ‘blind spots’ for drivers who might not see children or animals leaving the park).
- * mending of hedging all along the whole perimeter of the park as, in addition to severely destroyed section in the North/North-West perimeter, there are various other spots on the North-West, South-West, South and South-East perimeter that needs mending in order to improve safety.

Agenda Item 7

Meeting of the Council

Thursday, 25 February 2016

Questions Under Standing Order A13

Question (1) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	If he will make it his policy to publish in the minutes of the next meeting replies to tabled questions that have been prepared in advance?
Question (2) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	What is the Mayor's strategy for obtaining more support from central government?
Question (3) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	Pursuant to his answer, Q9 on 3rd February, when will he formally report on meetings he has held with neighbouring local authorities where the provision of local services was discussed?
Question (4) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	How much would be in the base budget for 2015/2016 had the Council Tax been increased to the maximum amount before penalty in each year since 2011/12?
Question (5) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)	What does the Mayor see as the three major challenges facing seaside resort local authorities?

<p>Question (6) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</p>	<p>What targets has he set to support his mayoral resolution on sugar reduction?</p>
<p>Question (7) by Councillor Sanders to the Executive Lead for Tourism, Culture and Harbours (Councillor Amil)</p>	<p>If he will make a statement on the effectiveness of the Torbay Tourism Company in meeting the purposes for which it is funded?</p>
<p>Question (8) by Councillor Sanders to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</p>	<p>If he will commit to investigating the advantages of all non-statutory services being delivered by precepting town councils across Torbay?</p>
<p>Question (9) by Councillor Doggett to the Council's Representative on the TOR2 Board (Councillor Bent)</p>	<p>It was unveiled at the last Full Council that there are 11 roads in Brixham 21 roads in Paignton and 46 roads in Torquay where parking restrictions are unenforceable due to poor maintenance. What progress has been made in bringing these roads up to an enforceable standard?</p>
<p>Question (10) by Councillor Darling (S) to the Executive Lead for Community Services (Councillor Excell)</p>	<p>What consideration has been given to issuing Torbay's Civil Enforcement Officers with personal video cameras? This could both protect the officers and help settle disputes.</p>
<p>Question (11) by Councillor Darling (M) to the Executive Lead for Planning, Transport and Housing (Councillor King)</p>	<p>Shedden Hall, Shedden Hill, Torquay, B&Q in Torre and Conway Court Hotel, Warren Road, Torquay continue to be blots on the landscape of Torquay. What consideration has been given to serving a Section 215 Notice under the Town and Country Planning Act on the owners of these sites?</p>

<p>Question (12) by Councillor Darling (S) to the Executive Lead for Planning, Transport and Housing (Councillor King)</p>	<p>Torbay entered into a contract for an all year round ferry service between Brixham and Torquay, this Service commenced in November 2014. To date the contracted for ferry, has not been operating on this route. When should this service start with the contracted ferry and has any of the government subsidy been held back due to the contract not being complied with?</p>
---	---

<p>Question (13) by Councillor Doggett to the Executive Lead for Community Services (Councillor Excell)</p>	<p>Since September 2015 the number of fixed penalty notices issued per month by our contractor is as follows:</p> <table border="1" data-bbox="412 170 683 338"> <tr> <td>Sept</td> <td>114</td> </tr> <tr> <td>Oct</td> <td>128</td> </tr> <tr> <td>Nov</td> <td>65</td> </tr> <tr> <td>Dec</td> <td>80</td> </tr> </table> <p>Only five of these notices were issued for dog fouling. Are you satisfied with this low level of notices issued for Dog fouling?</p>	Sept	114	Oct	128	Nov	65	Dec	80
Sept	114								
Oct	128								
Nov	65								
Dec	80								
<p>Question (14) by Councillor Darling (S) to the Mayor and Executive Lead for Finance and Regeneration (Mayor Oliver)</p>	<p>When the Council is working with a developer to enhance a Council asset, what policies does the Council have in place to deal with developers that take legal action against residents who have made objections to their planning applications?</p>								
<p>Question (15) by Councillor Darling (M) to the Executive Lead for Community Services (Councillor Excell)</p>	<p>The shelter north of the foot bridge to Abbey Sands has been fenced off for some months now. When does the Council plan to ensure that this shelter is in a fit state to be reopened?</p>								
<p>Question (16) by Councillor Darling (S) to the Executive Lead for Business (Councillor Haddock)</p>	<p>In the Herald Express on the 3 February 2016 you stated that officers were failing to inform senior Councillors of major opportunities for events in Torbay such as concerts and the Radio One Big Weekend. What evidence do you have regarding these claims?</p>								
<p>Question (17) by Councillor Stringer to the Executive Lead for Planning, Transport and Housing (Councillor King)</p>	<p>On the 5 February 2015 I put the following question:</p> <p>‘In recent weeks Devon County Council have stopped Torbay residents from using the Recycling Centre at Brunel Industrial Estate Newton Abbot. What representations have you made to try to ensure that our residents continue to have use of this valued facility.’</p> <p>In light of the close working over the last few months with Devon County Council over the devolution deal, when will Torbay residents be able to access the recycling centre at Brunel Industrial Estate in Newton Abbot?</p>								
<p>Question (18) by Councillor Darling (M) to the Executive Lead for Planning, Transport and Housing (Councillor King)</p>	<p>The Local Development Plan includes the ‘Community Investment Areas’ policy. This policy is meant to be one of the key tools to help Torbay tackle the deprivation in our communities. What work has been undertaken to progress the development of this vital policy?</p>								



Meeting: Council

Date: 25 February 2016

Wards Affected: All

Report Title: Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS Foundation Trust

Is the decision a key decision? Yes

When does the decision need to be implemented? As soon as possible

Executive Lead Contact Details: Councillor Parrott, Executive Lead for Children's and Adults Services, 01803 293217, julien.parrott@torbay.gov.uk

Supporting Officer Contact Details: Caroline Taylor, Director of Adult Services, 01803 208949, caroline.taylor@torbay.gov.uk

1. Proposal and Introduction

- 1.1 This is the Annual Agreement which sets out the way in which Torbay Council and South Devon and Torbay Clinical Commissioning Group (the CCG) will commission services from Torbay and South Devon NHS Foundation Trust (the Trust).
- 1.2 It sets out within the budget target the performance for Adult Care in the forthcoming financial year. It also refers to the broader context in which the agreement is framed and sets out roles and responsibilities for the forthcoming year. The Council is trying to achieve continuing good service in Adult Care for local citizens within the context of tight financial constraints, and preserving the principle of integrated health and social care at the frontline.

2. Reason for Proposal

- 2.1 The Annual Strategic Agreement sets out the strategic direction which is designed to maximise choice and independence for those requiring adult social care and support. It sets out the objectives which the Council and the CCG require the Trust to meet and forms the basis on which performance can be monitored and managed.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Annual Strategic Agreement between Torbay Council, South Devon and Torbay Clinical Commissioning Group and Torbay and South Devon NHS

Foundation Trust set out at Appendix 1 (and annexes 1 to 13) to the submitted report be approved.

4. Supporting Information

4.1 The Annual Strategic Agreement has been prepared within the overall context of:

- The implementation of the Care Act 2014 – the most significant reform of care and support in more than 60 years and locally is one of the significant elements of delivery in 2015 across our local system
- The creation of the Integrated Care Organisation – as well as the success of being a national Pioneer and Vanguard for further integration and innovation
- The development of a new model of care
- The funding arrangements for the NHS and Adult Social Care – whilst there is welcome reform through the Care Act and the proposals in the Chancellors Autumn Statement, there remain overall pressure on the NHS and councils to provide safe and quality services with less resources.

4.2 All organisations are committed to working in partnership with the NHS, local authority, other providers and the third sector to develop the new model of integrated care for which Torbay and South Devon is renowned. This includes our commitment to drive integration to a new level, including further structural integration and extended organisational pathways between health and social care services.

4.3 The agreement makes reference to the Adult Social Care Outcomes Framework which is a national framework. The majority of performance indicators associated with each domain will be measured monthly although several rely on annual or bi-annual surveys and they will be reported as national results become available. It also refers to outcome frameworks for the NHS and public health and a final set of targets will be agreed by all parties in July which reflects the later planning timetable of NHS commissioners.

4.4 The ASA outlines service development areas within the budget envelope provided by the Council and outlines elements of the work plan being undertaken by the Trust on our behalf in the next financial year as well as specifying roles and responsibilities and areas of risk. It aligns with the section of the corporate plan which sets out our aims to support vulnerable adults. Risks remain in respect of the scale of savings required, the stability and sufficiency of the independent market, the appetite and acceptance for change in this model of care by the community, the continuing pressures of DOLS (Deprivation of Liberty Safeguards), as well as the impact of specific operational pressures in the ICO. A risk to the council is the lack of final proposals for the NHS elements of the ICO which are still in the process of being agreed due to the distinct planning timetables of the 2 commissioners.

4.5 Included as an Appendix to the ASA are the savings proposals for adult social care. The overall savings for the NHS element of the ICO will be re-presented to July Council. The budget for the ICO is supported by a risk share between the 2 commissioners and the provider.

Appendices

Background Documents



Annual Strategic Agreement

Between:

**Torbay Council and Torbay and South
Devon NHS Foundation Trust**

For the delivery of:

**Adult Social Care
April 2016 to March 2017**

v2.3.20 FINAL VERSION FOR APPROVAL

15th February 2016

Contents

1. Purpose and Overview
2. Workforce
3. Delivery and Performance Management
4. Revenue Budget 2016-17
5. Client Charges – Rates 2016-17
6. Governance

Annexes

- | | |
|-----------------|---|
| Annex 1 | ASC Budget Proposals 2015/16 – Progress Update |
| Annex 2 | ASC Potential CIP schemes 2016/17 |
| <i>Annex 3</i> | <i>Summary of Acute & Community CIP Plans (to be attached in July)</i> |
| Annex 4 | Trust Budget |
| Annex 5 | Care Model Savings Summary |
| Annex 6 | Joint Outcomes Framework |
| Annex 7 | Key Performance Indicators, targets and benchmarking information |
| Annex 8 | Risk Matrix |
| <i>Annex 9</i> | <i>Commissioning Roles and Responsibilities (to be attached in July)</i> |
| Annex 10 | Risk Share Agreement |
| Annex 11 | Torbay Council Roles in Emergency Cascade |
| Annex 12 | Terms of Reference for Risk Share Oversight Group |
| Annex 13 | Torbay Council Corporate Plan: Priorities for Adult Social Care Services |
| <i>Annex 14</i> | <i>Better Care Fund 2016/17 (to be attached in July)</i> |

1. Purpose and Overview

1.1 Purpose and Scope of this agreement

This agreement sets out the way in which Torbay Council (referred to in this document as 'the Council') in partnership with South Devon and Torbay Clinical Commissioning Group ('the CCG') will commission services from Torbay South Devon NHS FT ('the Trust').

On the 1st October 2015 the Trust was created as an Integrated Care Organisation through the merger of the community and acute provider Trusts in Torbay and South Devon. This commissioning agreement therefore represents the first year of the operations for the integrated provider. NHS reforms have indicated that commissioning is separate from provision. Commissioning continues to be locally delivered by the CCG undertaken jointly with the Council. Strategic commissioning of adult social care services remains with the Council to ensure joint commissioning with NHS commissioners.

The most significant change to the contractual arrangement resulting from the inception of the Trust is the Risk Share Agreement (RSA). This agreement provides that the risk of any overspend and the benefit of any underspend from the planned position is shared between the commissioners and the provider.

Governance of the RSA is provided by the 'Risk Share Oversight Group' which reviews the impact of the RSA each month allowing directors and senior officers, of the Council, the CCG and the Trust to take corrective early action in circumstances where the financial plan is not being delivered.

The RSA applies to the aggregate financial position of the integrated provider; this agreement contains detail on some of the savings plans particularly these relating to Adult Social Care. However the complete position across all NHS services is not currently available, due to the national healthcare planning cycle. Consequently there will be two iterations for this agreement for the financial year 2016/17:

- The first will be agreed through a sign off process at Part 2 of the Trust Board on the 3rd February 2016, the Council Overview & Scrutiny Board on the 17th February and full Council on the 25th February.
- A second iteration of this document will then be produced through similar process culminating at the meeting of the full Council in July 2016.

This phased approach is necessary because planning in regard to Health Services will not be finalised by the time of the Council meeting in February. The finalisation of these plans may have an impact on the need or demand for Adult Social Care Services (but not the eligibility thresholds for access to those services). The Trust accepts that the planned budgets for Adult Social Care Services in 2016/17 will be fixed at the Council meeting on the 25th February 2016.

The scope of this agreement is Adult Social Care in Torbay; however in addition to the services described in this Agreement, the Trust provides other services, including those commissioned by South Devon and Torbay CCG, NHS England specialist, dental and

screening teams and, in addition, acts as a supplier to other Trusts and organisations for clinical and support services.

All organisations are committed to working in partnership with NHS, Local Authority, other providers and the third sector to deliver the model of integrated care for which Torbay and South Devon is renowned. This includes our commitment to drive integration to a new level, including extended organisational care pathways between health and social care services. We will use the opportunities of the Better Care Fund and our Pioneer and Vanguard status to pool budgets and increase joint commissioning across all our health and care providers and ensure there is a diverse range of care and support services available.

Where specific service specifications are required to ensure clarity and accountability for specific functions, or to ensure successful and timely delivery of the work outlined, these will be developed separately.

1.2 Overall Context and Strategy

1.2.1 National agenda

The Care Act 2014

The Care Act 2014 represents the most significant reform of care and support in more than 60 years, putting people and their carers in control of their care and support. The element of the Act which places a limit on the amount anyone will have to pay towards the costs of their care has been delayed until 2020. However the principles of wellbeing and putting people in control of their care and support is policy direction which is, and will continue to be, reflected in the local redesign of service and the development of new models of care. The Act strengthens previous commitments to an integrated approach across organisations and health and social care boundaries, including a requirement of continuity during transition between children's and adult services.

Five Year Forward View

NHS England has produced a five year forward view (October 2014). This document sets out a clear direction for the NHS-showing why change is needed and what it will look like. It supports patients being in control of their own care, and supports combined budgets with local government as well as personal budgets. It supports integration between GPs and hospitals, physical and mental health, health and care. It described a strategic direction which is in line with local plans and our Health and Wellbeing Board strategy. It also stresses a radical upgrade in prevention and public health. Public Health England has been created and public health commissioning responsibilities is now embedded in local government. Our local strategy reflects those ambitions to improve the health and support of our local population through prevention and self-care and community support, wherever possible.

Adult Social Care Outcomes Framework (ASCOF)

The ASCOF is part of a suite of three outcomes frameworks covering Health, Public Health and Adult Social Care along with an outcomes framework for training for care. The guidance that it provides sets a framework which supports the council to improve the quality of the care and support services it provides. At a national level it is the Department of Health's main tool for setting direction and strengthening transparency in adult social care. There are clear inter-linkages between the three main outcomes frameworks and these enable priorities and work to be directed to supporting one and all.

Transforming Care Partnerships

The aim of the Transforming Care Partnerships is primarily to improve the support to the community for people of all ages who have a learning disability and/or autism who display behaviour that challenges. The focus will be those individuals who are at risk of being admitted into hospital for lack of appropriate community support. Partnerships are required to have robust system wide plans in place to ensure a long term development of local services that enable people to be supported and treated as close to home as possible.

All stakeholders are required to work collaboratively and to make the best use of economies of scale and collective leverage within the market. It is hoped that this will result in positive, coordinated, proactive and planned strategic change for this population. Locally a Devon wide Transforming Care Partnerships has been put in place to work across local authority and CCG boundaries.

Integrated Personal Commissioning

Announced in the Summer of 2014 the Integrated Personal Commissioning (IPC) Programme is a new programme that joins up health and social care funding for individuals with complex needs and gives them greater control over how their combined health and social care budget is used. The goals of the IPC programme are to improve the quality of life of people with complex needs and their carers by:

- Enabling them and their families to achieve important goals through greater involvement in their care.
- Being able to design support around their needs and circumstances.
- Preventing crises in people's lives that lead to unplanned hospital and institutional care by keeping them well and supporting self-management.

The Trust is part of a south west regional demonstrator pilot and as part of this will be testing the use of IPC tools and integrated personal budgets during 2016/17.

National Financial Context

The outcome of the spending review for local government is a planned reduction of £6.1bn or 56% in real terms over four years. In the provisional local government finance settlement announced 17th December 2015 the Revenue Support Grant for Torbay is to reduce from £26m to £6m over four years (in 2016/17 this will mean a £7m reduction). As a result the resources available to Torbay Council will reduce to the lowest level ever over the next three

years. However it has also been announced, by the Government, that councils will have the flexibility to raise an extra 2% locally each year specifically to support adult social care services.

The NHS Comprehensive Spending Review was delivered on the 25th November setting out the budget for NHS England's from which local CCG's receive their funding. Nationally the NHS England budget will increase from £101.3bn in 2015/16 to £119.9bn in 2020/2, an average annual increase of 1.5%. The average growth across England that is being allocated to CCG's next year is 3.4%. However our local CCG is assessed as being over funded and they will therefore not receive this level of growth. South Devon and Torbay CCG will therefore receive growth provided nationally at 2.3% in 2016/17 and will continue to receive less than average growth for each year through to 2020/21, when its allocation will have been brought back to within 5% above target share; a level of tolerance deemed acceptable by NHS England.

1.2.2 Local Position

The joint commissioning and delivery of services underpins the direction of travel which the Council, CCG and provider Trusts set out since the recent NHS reforms. The local context is shaped by the creation of the Integrated Trust, as well as the success of being a national 'pioneer' and Vanguard area to deliver further integration and innovation.

The CCG, Council, and the Trust and other providers will continue to pursue a strategic direction designed to maximise choice and independence for those requiring adult health, social care and support.

Torbay Council Corporate Delivery Plan

The Corporate Plan 2015-2019 has been prepared by the Mayor and the council Executive and approved by the Council. It is a key document and provides an overarching framework setting out the strategic ambitions for the council over the next four years and the principles within which the council will operate. The Plan provides clarity as to the council's ambitions and gives staff, partners and the community a clear understanding of what it seeks to achieve and how it prioritises spending.

The priorities for Adult Social care set out in the Torbay Council Corporate Plan are summarised in Annex 13.

Local Financial context

Funding arrangements for NHS and Adult Social Care (ASC) are under great pressure to ensure the NHS and councils can continue to provide safe and quality services within constrained resource and against a backdrop of rising public expectations and a more challenging demography.

The Trust will use the flexibility of the Risk Share Agreement (RSA) to deliver a transfer of resources from inpatient beds to care provided in people's homes, which is of high quality and value for money for our population. To deliver this we expect to see a shift in the current workforce configuration to more community based care and support, delivering seven day a week services.

Care Model

The care model represents a significant change in how the Trust will deliver services to our local population, now and in the future. By fundamentally transforming the way we work and using the resources available to us differently, the Trust will be able to provide a credible, robust service offer which is financially sustainable and enables a cultural shift for both staff and local people in approaches towards health care and wellbeing.

There will be a significant focus on changing culture and behaviour; moving from a paternalistic relationship between professional and patient, to a partnership approach where identifying 'what matters to you' is the new focus, as opposed to the traditional 'what is the matter with you' relationship. The Trust seeks to develop multi-agency partnership arrangements and ensure that volunteers, carers, neighbourhoods and civic functions all play an equal role within integrated multi-disciplinary teams, in the attainment of a balanced and empowered way of life for our residents of Torbay and South Devon.

The core principles underpinning the care model will run as a thread through our plans for change:

- Shifting the focus of care into the community and away from a bed-based model of care.
- Providing consistent and reliable alternatives to hospital admission and embedding the ethos that, wherever possible, **“the best bed is your own bed”**.
- Establishing a model of care in which the focus is on **“what matters to people”** rather than *‘what is the matter with them’*.
- Focusing on prevention and early intervention to reduce demand for acute services and release specialist capacity to support more people in community settings.
- Integrating the services we provide to ensure a seamless experience of care by working in partnership with other statutory providers, independent organisations, voluntary and community groups.
- Removing traditional financial barriers and restrictions to deliver more flexible and effective responses to people’s needs.
- Using our current workforce more flexibly, developing new, multi-skilled roles and extending the scope of existing roles.
- Adopting a strengths-based approach to practice, which empowers people to take greater responsibility for their own health and wellbeing.
- Working much more closely with independent providers, voluntary and community groups.

Health and Wellbeing Board

The emphasis for the work of Torbay’s Health and Well-being Board is on adding value by focussing the causes of poor health and cross-cutting issues. This is reflected in strap line for the Joint Health and Well-being Strategy: **“Building a Healthy Community”**.

Since the previous joint strategy was written, much work has taken place to bring partners together around a joint plan. Consequently the Joint Health and Well-being Strategy for

2015 to 2020 represents a pragmatic approach to joining up a number of plans which are already in existence:

- The Joined-up Health and Social Care Plan
- The Healthy Torbay framework
- The Community Safety and Adult and Children's Safeguarding plans

With this emphasis on integration, it is recognised within this strategy is now the over-riding framework which incorporates many of the previous strategies and plans. Consequently the Children's and Young People plan, the Older People Active Ageing Strategy and the Supporting People strategy will be taken forward within the Joined-up plan. In addition the Health and Well-being Board will agree three or four key cross-cutting issues each year for particular consideration where there are significant issues for health and well-being.

1.3 Quality Assurance

1.3.1 National: CQC (Care Quality Commission)

The Commission will make sure health and social care services provide people with safe, effective and compassionate high-quality care and encourage care services to improve. They monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety and publish what they find, including performance ratings to help people choose care.

CQC principles:

- We put people who use services at the centre of our work
- We are independent, rigorous, fair and consistent
- We have an open and accessible culture
- We work in partnership across the health and social care system
- We are committed to being a high performing organisation and apply the same standards of continuous improvement to themselves that they expect of others
- We promote equality, diversity and human rights.

The CQC will change what they look at when they inspect so that the following five questions about services are tackled:

- Are they safe?
- Are they effective?
- Are they caring?
- Are they well led?
- Are they responsive to people's needs?

1.3.2 Local: Torbay and South Devon NHS FT

The Trust will provide quality assurance of both its own integrated business activity and the services it commissions on behalf of the community. A Quality Assurance Framework has been developed and is now in use with independent and voluntary sector providers to provide assurance in regard to the quality of care provided to people in their own homes and in care homes.

1.4 Safeguarding

The Trust will continue to deliver the delegated responsibilities of Torbay Council regarding Safeguarding Adults. The Care Act 2014 put Safeguarding Adults into a statutory framework for the first time from April 2015. This placed a range of responsibilities and duties on the Local Authority with which the Trust will need to comply. This includes requirements in the following areas:

- Duty to carry out enquiries
- Co-operation with key partner agencies
- Safeguarding Adults Boards
- Safeguarding Adult Reviews
- Information sharing
- Supervision and training for staff

Accountability for this will sit with the Torbay Safeguarding Adults Board (SAB). This is a well-established group that will provide a sound basis for delivering the new legislative requirements. The Board will incorporate the requirements into its terms of reference and Business Plan for 2016/17, ensuring that all relevant operational and policy changes are in place for April implementation.

Regular performance analysis from all partner agencies will be reported to the SAB to give a clear picture of performance across the agencies. The Council will ensure high level representation on the Board by the DASS and Executive Lead for Adult Social Care.

In order to maximise capacity Torbay SAB will work closely with the Devon SAB with an increased number of joint sub committees and shared business support. In addition to this to provide internal assurance that the Trust is fulfilling its Safeguarding Adult requirements, the Board will have a sub-committee which will oversee performance. This will have a particular focus on training and performance activity.

The Council has signed up to the national initiative of **Making Safeguarding Personal**. This is an exciting initiative designed to measure Safeguarding Adult performance by outcomes for the individual, rather than the current reliance on quantitative measurement of timescales for strategy meetings and case conferences. Work will be done through SAB during 2015/16 to implement these new measures in Torbay.

The trust also has delegated responsibility as a provider of social care services to ensure that we participate as a full partner in the TSAB and meet all regulatory requirements in safeguarding adults and children.

1.4.1 Children and Family Act 2014

Alongside the Care Act 2014, this is a new piece of legislation which will amend a range of issues affecting children and young people. It complements the Care Act's 'whole family' approach to needs assessment and will require Adult Social Care Services to work in close partnership with Children's Services to develop pathways around transition to adulthood, a key aspect of the Special Education Needs and Disability (SEND) reforms which are incorporated into this legislation. There is also a need to develop protocols for carrying out

other work relating to children, e.g., parenting assessments, which are often a requirement in care proceedings where parent/carers have disabilities.

1.4.2 Multi-agency Safeguarding Hub (MASH)

Since October 2015 the Single Point of Contact (SPOC) for safeguarding adults has been co-located with Torbay Council Children's Services

There will be a continued focus on ensuring that all staff have the appropriate level of training for their role, as set out in the Torbay Safeguarding Adults Multi-Agency Training Policy.

1.5 Commissioning Intentions and Associated Work plan

1.5.1 Commissioning priorities 2016-17:

The Council and the CCG have developed a joint approach to strategic commissioning for adult care services aligned with NHS commissioning for health outcomes and public health outcomes in the Joint outcomes framework. The intention is to work with the CCG to further integrate commissioning governance and support for health, adult social care, support, housing, public health and children linked to the Health and Wellbeing Board and the pioneer and Vanguard programmes over the year. This will increase the potential to further streamline and make best use of resources across organisations to support the commissioning function.

To ensure the effective and efficient delivery of services it is vital that colleagues in commissioning and provider functions work closely together to share knowledge and intelligence relating to demand, performance, supply sufficiency and customer feedback to build capacity and resilience in the market place, ensure that quality is monitored and that provider capability is matched to the needs of service users. This work will be pursued in line with the principles of the Pioneer and Vanguard projects and the Risk Share Agreement.

Whilst the Council and CCG will work together as strategic, or macro, commissioners the Trust will deliver a range of operational, or micro, commissioning responsibilities including:

- The assessment of need, development of integrated person centred support plans and commissioning of care packages to meet assessed needs on an individual basis.
- Regular monitoring and reporting on the quality of services provided by all providers of adult social care services in Torbay including, service improvement plans and escalation to commissioners as required.
- Monitoring budgets and spend on social care services and review of individual care package costs
- Design and delivery of cost and quality improvement plans
- Procurement and brokerage of packages of care ensuring best value and most economically advantageous packages.
- Working with Torbay Council's Joint Commissioning Team's Knowledge and Intelligence Team to identify and analyse data on demand, supply and performance to support the commissioning cycle.

- Provision of regular performance and benchmarking reports to Social Care Programme Board and implementation of improvement plans where necessary.
- Instigating safeguarding processes where these are necessary and escalating circumstances where providers are not complying with agreed improvement plans to Commissioners for decision in regard to contract enforcement and if necessary decommissioning.
- Issue of warning and default notices up to serious default in response to contract performance, safety and quality issues and incidents and preparation and agreement of variations to contracts as required.

Torbay's annual Market Position Statement is in line with the commissioning intentions of both the Council and the CCG. The resulting service developments will be implemented by working in conjunction with providers with the objective of securing more cost effective system wide solutions, which take account of the resources available. A joint commissioning work programme for 2016-2017 will be agreed between the Council, the CCG and the Trust. This work programme will be reflected in the refreshed version of this Agreement in the first quarter of 2016/17 and monitored through the governance arrangements for this Agreement.

This agreement addresses Adult Social Care Services however many of the developments described here will be need to be delivered in conjunction with the Council's Housing Strategy. This interrelationship will be considered further in the refreshed version of this Agreement which it is expected will be produced in July 2016.

1.6 Consultation, Engagement and Involvement Process

As the Accountable Authority the Council will lead consultation processes where the need for change is being driven by the needs and requirements of the Council. The Trust is committed to supporting the consultation and engagement processes the Council undertakes in relation to service changes recognising the Council's statutory duty and good practice.

As a provider the Trust will engage all stakeholders in service redesign and quality assurance including, playing an active role with Torbay Council Health Overview and Scrutiny Committee. Additionally the Trust will be engaged with the CCG Locality Teams where the primary focus will be on consultation in regard to NHS services.

Where service changes will result in variation in the level or type of service received by individual service users, the Trust will comply with statutory guidance on the review/reassessment of care needs and ensure that those service users affected are given appropriate notice of any changes.

The Council, the Trust and the CCG will continue to support the role of Healthwatch and the community voluntary sector in involving people who use services in key decisions as well as service improvement and design. The Council also expects the Trust to engage actively with service users and the voluntary sector in Torbay in developing new service solutions. This will apply irrespective of whether the service changes are driven by the necessities of the

current financial environment or the need to ensure the continual evolution and development of services.

1.7 Mental Health

The Council has **statutory responsibilities** for providing services to eligible people with poor mental health under the Mental Health Act 1983 and NHS and Community Act 1990 which are delegated to the Trust. These include:

- Approval and provision of 'sufficient' numbers of Approved Mental Health Practitioners (AMHP)
- Aftercare under section 117
- Guardianship under section 7
- Care management services

Torbay Council delegated responsibility for mental health commissioning to the former Torbay and Southern Devon Health and Care Trust; the Trust commissions mental health services from Devon Partnership Trust (DPT) on the Council's behalf. This responsibility has transferred to the Trust under this agreement, pending implementation of the recommendations of a mental health commissioning review. In the interim, a joint improvement plan has been agreed by Devon County Council, Torbay Council and DPT; roles and responsibilities in relation to this will be further developed in 2016, and a variation to this agreement will be agreed if deemed necessary.

2. Workforce

2.1 Current Position and issues for 16/17

The provision of an integrated health and social care service through local multidisciplinary teams has proved to be an effective model for delivery, able to respond to customer needs swiftly and able to facilitate rehabilitation and avoidance of residential and hospital admissions. However, the existing model relies on a level of staff resources which will not be sustainable in future given the additional demands and an alternative model is being designed. This will have an impact on how staff are deployed.

3. Delivery and Performance Management: Adult Social Care Services

3.1 Activity Baselines and Planning Assumptions:

At any one time the Trust will be supporting around 2,200 people with social needs through the provision of Adult Social Care Services and support funded through the Adult Social care budgets delegated to the Trust under this Agreement.

The activity assumptions taken into account in the Council's planning processes for setting the 2016/17 budget are summarised in the table overleaf:

Number of People in Torbay Receiving Care and Support at Home or in Care Homes

Types of Care and Support Plans	Mental Health Under 65	Mental Health Over 65	Learning Disability	Adults & Older People			Total
				Torquay	Paignton	Brixham	
Packages of Care Under £70 week (At Home)	38	17	7	129	75	42	308
Care between £70 & £606 per week (At Home)	58	45	209	286	214	86	898
Care under £606 per week (Residential Care)	38	144	66	164	111	32	555
Care Over £606 per week (At Home & Residential)	7	5	109	16	6	5	148
Full Cost care (Residential)		44		38	32	6	120
Full Cost Care (At Home)	9	12	10	73	58	26	188
Total	150	267	401	706	496	197	2,217 <i>People</i>

These figures relate to the position as it was at the end of December 2015 and have been used as the basis of planning for 2016/17.

Delivery is monitored through local operational meetings, the Trust's Community Divisional Board and the Adult Social Care Programme Board against financial run rates and performance targets.

The Trust will operate autonomously to take any management action is necessary to correct performance which can be taken within the parameters of this Agreement. However where there are exceptional circumstances where through excess demand or other external factors not taken into account when the budget allocations underpinning this agreement were made the impact and any corrective actions will be discussed through the Adult Social care Programme Board and Risk Share Oversight Group.

Performance indicators for the service will be those set nationally, under the Adult Social Care Outcomes Framework (ASCOF), or agreed locally. A description of the ASCOF indicators is set out in Annex 6.

The targets for the ASCOF and locally agreed indicators relating to this Agreement are set out in Annex 7. This Annex also includes details of the performance and benchmarking information against each KPI.

At this stage the actual outturn for 2014/15 and the projected outturn for 2015/16 are shown against each of the performance indicators set out in Annex 7. Substantive targets for

2016/17 will be negotiated for inclusion in the refreshed version of this Agreement which it is expected will be produced in July 2016.

Annex 6 provides details of the ASC Outcomes Framework alongside the NHS Outcomes Framework and the Public Health Outcomes Framework.

3.2 Financial Risk Share and Efficiency:

The Risk Share Agreement developed as part of the transaction creating the Integrated Care Organisation took effect from its inception on 1st October 2015. This is attached as Annex 10. The share of financial risk going forward is a function of the wider performance of the Trust, rather than specifically in relation to Adult Social Care.

The most significant risks facing the wider Integrated Care Organisation include:

- Delivery of the wider cost improvement programme
- Agency and temporary staffing costs
- Increasing costs of medical technologies
- Rate of expenditure in both Adult Social Care and Placed People
- Delayed delivery of financial benefits associated with the implementation of the revised care model

Risks pertinent to Adult Social Care expenditure include:

- The scale of savings required.
- The Judicial Review challenging Care Home fees set by the Council.
- Insufficient capacity in the domiciliary care market.
- Sufficiency in the care home market.
- Community Support for Change.
- Impact of case law relating to the Deprivation of Liberty Safeguards.
- Pressures within the out of hours Emergency Duty Service.
- Impact of the Care Act.
- The increasing complexity of needs.

Please refer to Annex 8 Risk Matrix for further details.

4. Revenue Budget 2016-17

4.1 The budget for the Integrated Care Organisation is set out in Annex 4. Delivery against this budget will require:

- Commissioners to maintain the funding levels set out in the Long Term Financial Model in 2016/17 and beyond,
- Shortfalls in Adult Social Care Cost Improvement Plans carried forward from 2015/16 to be addressed. The scheme shortfall and associated explanations are described in Annex 1. Proposals to address the shortfall in 2016/17 are included in Annex 2.
- Achievement of Cost Improvement Plans (a summary of these plans will be added as Annex 3 when this Agreement is refreshed). These schemes are designed to improve efficiency and are not expected to have any impact on either the volume or

quality of services provided by the Trust. Before finalisation each will be subject to a formal Quality Impact Assessment

- Delivery of care model changes and their associated savings (Annex 5)

4.2 This budget includes the receipt of income, approved as part of the Transaction Agreement and further mandated under this Annual Strategic Agreement, from Torbay Council:

	2015/16	2016/17	2017/18	2018/19	2019/20
	£m	£m	£m	£m	£m
Torbay Council ASC	38.0	36.5*	35.6*	34.7*	33.9*

* These figures are subject to final reconciliation and agreement between the Section 151 Officer of the Council and the Directors of Finance for the Trust and CCG

This commitment excludes the impact of any increase in Care Home fees associated with final outcome of the Judicial Review, which the Council have agreed to fund over and above this agreement.

4.3 To the extent that either Commissioner is unable to provide the funding envelope approved as part of the Transaction Agreement, and further mandated under this Annual Strategic Agreement, the Trust will work with commissioners to identify opportunities (either through income or service design), to reduce the cost of delivery.

The spending review for local government has set the departmental expenditure limit to fall by £6.1b or 56% in real terms over four years. In the provisional local government finance settlement announced 17th December, Torbay's Revenue Support Grant is to reduce from £26m to £6m over four years (in 2016/17 this means a £7m reduction). It was also announced that councils can raise by an extra 2% each year to be used for adult social care. This equates to an additional £1m per annum extra in a year, or £4m extra per annum by 2019/20.

South Devon & Torbay Clinical Commissioning Group face a significant funding gap, currently estimated at £11.9m for 2016/17.

5. Client Charges for 2016/17

5.1 Power to Charge

With the introduction of the Care Act, the Trust now has a 'power to charge for services' whereas previously, there was a 'duty to charge' for long term residential/nursing care and a 'power to charge' for non-residential care.

The Trust with the Council has made the decision to utilise the 'power to charge' for both residential and non-residential services and as it continues to charge for services, sections 14 and 17 of the Care Act and the Care and Support (charging and assessment of resources) regulations 2014 will apply.

5.2 Residential & Non Residential Charges

Residential charges are amended each April as directed by the Department of Health new rates.

For non-residential care reviews are conducted annually on the anniversary of the assessment in line with The Care Act.

There is no charge for services provided to clients under Intermediate Care or Continuing Care.

Client contributions are based on an individual financial assessment of the service users financial circumstances, including capital and income. The Trust will ensure that individual financial assessments will be updated at least annually (but more frequently where the financial circumstances of an individual service user are known to have changed during the course of the year).

The Trust will ensure that all clients in receipt of a chargeable service receive a full welfare benefit check from the FAB team and an individual financial assessment in person for new assessments where possible. Increased benefits can also increase the amount of the service users charge.

5.3 Carers

Services provided specifically to carers will, in principle, not be subject to a charge but this will be reviewed in view of final guidance on implementation of the Care Act, dependent upon resource allocation. These are services provided directly to the carer (rather than the person that they care for) which include open access services such as Carers Emergency Card and Carers Education Courses, and simple services provided as a result of an assessment including emotional support or one-off direct payments for a carer's break.

5.4 Universal Deferred Payments

The Care Act 2014 established a requirement for a universal deferred payments scheme which means that people should not be forced to sell their homes in their lifetime to pay for the cost of their care. A deferred payment is, in effect, a loan against the value of the property which has to be repaid either from disposal of the property at some point in the future or from other sources. The scheme has now been running since April 2015 as all Councils in England are required to provide a deferred payment scheme for local residents who go to live in residential or nursing care, own a property and have other assets with a value below a pre-determined amount (currently £23,250). They must also have assessed care needs for residential or nursing care.

The deferred payments policy is now fully implemented and the Council now has the ability to recover any reasonable costs it may incur in setting up a DPA from the Client, the costs of which is included in the total deferred or may be paid as and when they are incurred. Interest (rate advised by the Department of Health and changed every 6 months) is also now being added to the balance outstanding on the deferred arrangement on a compound daily basis, in accordance with the regulations.

6. Governance

6.1 Roles and Responsibilities

6.1.1 Social Care Programme Board (SCPB)/CCG Contract Management

The Council and the CCG intend to take a joint approach to the commissioning of services from the Trust. This will include establishing revised governance structures, which will include the acknowledgement of the Health and Wellbeing Board, and the Joint Commissioning Group. The Adult Social Care Programme Board will become the contract management board for Torbay adult social care and terms of reference will be reviewed to reflect these changes during the course of the year.

The Board will drive adult social care work and improvement plans. Its Terms of Reference cover the following areas:

- To assist the development of the strategic direction of adult social care services supporting the new context faced by the Council and Trust in terms of public sector reform, reducing public resources and potential devolution.
- To receive regular reports and review progress against transformation and cost improvement plans differentiating between those areas incorporated within the budget settlement and any cost pressures over and above this.
- To receive reports and review performance against indicators and outcomes included in the Annual Strategic Agreement providing and/or participating in regular benchmarking activities.
- To monitor action plans against any in-year areas of concern, raising awareness to a wider audience, as appropriate.
- To discuss and determine the impact of national directives translating requirements into commissioning decisions for further discussion and approval within the appropriate forums. This will include the initial list of service improvement areas planned for 2014-15 and onwards.
- To discuss and develop future Annual Strategic Agreements.
- Co-ordinate the production of the 'Annual Account'.

6.1.2 Risk Share Oversight Group

The Risk–Share Agreement (RSA) describes the framework for the financial management of the multi-year investment by commissioners for services provided by the Trust. The RSA sits alongside the NHS Standard Contract and whilst does not override the quality or administrative elements, does supersede all financial components.

The implementation of the RSA is monitored by the Risk-Share Oversight Group (RSOG), which includes senior officer representation from Torbay Council and Directors from the integrated Trust and SDTCCG, to provide strategic oversight of the agreement. Please refer to **Annex 12**, Terms of Reference for Risk Share Oversight Group

6.1.3 Torbay Council Executive Lead Adults and Children

The role of Executive Lead is held by an elected Member of Torbay Council, as part of their duties they will sit as the Council's representative on the Trust Board to provide oversight, challenge and liaison.

6.1.4 Director of Adult Social Services:

The role of Director of Adult Social Services (DASS) is a statutory function, and is fulfilled by a senior officer of the Council who is accountable for all seven responsibilities of the role set out in statutory guidance dated May 2006. However responsibility for Professional Practice and Safeguarding are delegated to the Deputy DASS employed within the professional practice directorate of the Trust.

6.1.5 Assistant Director of Adult Social Services

The role will provide professional leadership for social care services and lead on workforce planning, implementing standards of care, safeguarding and support the running of the Adult Social Care Programme Board.

6.1.6 Emergency Cascade

Please see **Annex 11** for details of Torbay Council's Emergency Planning Roles in Council's Emergency cascade. The Trust will be expected to identify social care senior officers to be part of emergency cascade, to co-ordinate delivery of Adult Social Care in an emergency situation.

6.2 Key Decisions

Whilst this agreement places accountabilities on the Trust for the delivery and development of Adult Social Care Services, the Trust may not act unilaterally to make or enact decisions if they meet the criteria of a 'key decision' as described in the standing orders of the Council.

This requirement reiterates section 22.3 of the Partnership Agreement under which services were originally transferred from the Council to Torbay Care Trust. Key decisions are made by Torbay Council in accordance with its constitution. In Schedule 8 of the Partnership Agreement a key decision is defined as a decision in relation to the exercise of Council functions, which is likely to:

- result in incurring additional expenditure or making of savings which are more than £250,000
- result in an existing service being reduced by more than 10% or may cease altogether
- affect a service which is currently provided in-house which may be outsourced or vice versa and other criteria stated within schedule 8 of the Partnership Agreement.

When agreeing what constitutes a key decision, consideration should be given to the level of public interest in the decision. The higher the level of interest the more appropriate it is that the decision should be considered to be a 'key decision'.

6.3 Governance of Other Decisions

Governance of other decisions will vary according to the scope and sensitivity of the decision being made. To ensure clarity about whether decisions are to be taken within the Trust or the Council and at what level the decision can be made a 'Decision Tracker' will be agreed and held the Social Care Programme Board for decisions in regard to each of the service developments mandated by the Agreement. The Decision Tracker will be developed and agreed for inclusion with the refreshed version of this Agreement which it is expected will be produced in July 2016.

Adult Social Care

Director: Caroline Taylor
Executive Lead: Cllr Christine Scouler

Agreed Savings – Outline details	Savings for 2015/16			Balance	Notes
	Income £	Budget reduction £	Estimated Recurrent Savings £		
Adult Social Care (via Partnership Agreement with Torbay and Southern Devon Health and Care NHS Trust / ICO)					
1. Renegotiation of Contracts:		220,000	188,000	(32,000)	Secured best value from a range of existing contracts, without affecting service volumes or outcomes, through negotiation of terms and conditions with suppliers.
2. Review of all existing community care support plans		381,000	413,000	32,000	This was within existing policy and continued to ensure equity and parity between service users. The scheme has delivered savings in 2014/15 and successfully continued into 2015/16. This has been predominantly underpinned by savings on Packages of Care over £606 per week.
2a. Review of all existing community care support plans (Low Cost Packages of Care specific)		117,000	(428,000)	(545,000)	This area is under severe pressure in 2015/16 and not only has no progress been made on the CIP target of £117K but there is an additional cost pressure of £428K forecast for the year. It should be noted that this is year 2 of a two year programme and that the first year target of £400K was undelivered and this underlying issue has been carried forward into 2015/16.
3. Care Home Placement Numbers & Rates		360,000	380,000	20,000	There has been a year on year reduction in the number of placements, which are necessary to meet assessed needs, over the last five years and this continued throughout 2015/16. This trend has developed as alternative forms of care have come on stream.

Agreed Savings – Outline details	Savings for 2015/16			Balance	Notes
	Income £	Budget reduction £	Estimated Recurrent Savings £		
4. Equitable Application of Non-residential Charging policy	50,000		50,000	Nil	This was within existing policy and ensured equity and parity between service users. The scheme started in 2014/15 and all relevant service users had been assessed by April 2015.
5. Community Alarms		48,000	48,000	Nil	Operations based – Managed within the bottom line of operational spend, within the Trust and laterally the ICO.
6. Learning Disability Development Fund		17,000	17,000	Nil	Operations based – Managed within the bottom line of operational spend, within the Trust and laterally the ICO.
7. Voluntary Sector Block Contracts		38,000	17,000	(21,000)	Reduction in block contracts with the voluntary sector. Only partial savings achieved in 2015/16.
8. Service Redesign - Learning Disability		525,000	650,000	125,000	Detailed review through engagement processes which included people with learning disabilities and representative groups. Over achieving this target required a range of challenging redesign work to be completed on a co-production basis with stakeholders and services users. This covered day care and residential service including transport arrangements.
9. Service Redesign - Respite Care		250,000	Nil	(250,000)	Following a consultation process a revised policy (now referred to as short breaks) was implemented to ensure equitable availability of respite care services according to need. Unfortunately, since this scheme was originally proposed (late 2013 as part of 2 year CIP programme) there has been a significant demand pressure that has resulted in no CIP being achievable.

Agreed Savings – Outline details	Savings for 2015/16			Balance	Notes
	Income £	Budget reduction £	Estimated Recurrent Savings £		
10. Service Redesign - St Kilda's		320,000	61,000	(259,000)	The proposed business case and new building has temporarily been paused. No assurance can be given that it will be fully implemented and if it is what the timescale will be for completion. In the interim to try and deliver some financial savings, a variation to the contract is being negotiated with SCCT in order to facilitate shared running of the service and to achieve savings. It is expected that £61K will be realised against a target of £320K
11. Delivery Model 1 - Assessment Process		668,000	668,000	NIL	Operations based – Managed within the bottom line of operational spend, within the Trust and laterally the ICO.
12. Delivery Model 2 - Emergency Duty Team		274,000	274,000	NIL	Operations based – Managed within the bottom line of operational spend, within the Trust and laterally the ICO.
13. Delivery Model - Quality Assurance		127,000	127,000	NIL	Operations based – Managed within the bottom line of operational spend, within the Trust and laterally the ICO.
14. Movement of clients from residential homes to Extra Care Housing		500,000	Nil	(500,000)	The scheme objective was to support people to remain, or return to, living independently in their own accommodation. This area was looked into in some detail specifically with regard alternative accommodation alternatives specific to the Learning Disability client group. Nothing suitable could be sourced within the two year CIP time frame.
TOTAL	50,000	3,845,000	2,465,000	(1,430,000)	

ASC – Potential CIP Schemes 2016/17 – Draft 3

(11th January 2016)

Scheme Number	Area	Scheme	Savings £'000s	Notes
ASC 1	In House Learning Disability	Bay tree (Reprovision of Respite Care)	250	Could be one off costs in 2016/17 if staff cannot be redeployed. Public consultation is underway and Trust Board decision is anticipated March 2016. Scrutiny date (Torbay Council) to be confirmed. This effects circa 40 users per annum.
ASC 2	Independent Sector	Reduction in Care Home Placements (Standard under £606 per week)	175	2% reduction of base budget. In the previous three financial years there has been a 4% year on year reduction but client numbers are currently at their lowest point and further savings will be more difficult to achieve. A snapshot of client numbers (October 2015), indicate there are 565 clients in a Care Home costing under £606 per week so there would need to be a net reduction of 11-12 clients.
ASC 3	Independent Sector	Removal of Community Care Trust block and replace with spot purchase	100	This is specific to Mental Health Under 65 (Mental Illness) client group and assumes a saving of circa 33% could be achieved on the block payment as a result of negotiated efficiencies with the provider.
ASC 4	Independent Sector	Reduction in High Cost Packages of Care (Over £606 per week) and Non-Residential Packages of Care (£70 to £606)	750	See Enabler Schemes Listed (over page) and £750K is a 4.5% saving on current October 2015 levels. There are circa 150 clients with a high cost package of care and 920 clients with a non-residential package of care between £70 and £606. It should be noted that the enabler schemes could effect all clients and some clients might be impacted by more than one scheme.
	Total		1,275	

Enabler Schemes for ASC 4 (Note that in isolation all the schemes below ultimately cut across the same client base)

- **Double Handed Care** - Reduce cost of double handed care through effective moving & handling assessment. Initial pilot of ten clients to be undertaken in early 2016. In total there are estimated to be 70 clients in ASC (Domiciliary Care) and this has proved successful in other local authorities, for example Bournemouth. Based on an estimated 2 hours saving, per client, per week a full year effect saving could be in the region of £100K.
- **SPACE** - will entirely focus upon supporting planning and independence for Learning Disability clients in Supported Living and making savings on those packages by working with providers and matching service users in shared arrangements or moving people with consent into new settings that enhance their independence. A new contract with SPACE for 16/17 has been agreed and the service will also develop working with other clients using the support planning model, such as Mental Under 65 and younger physically disability and head injury clients. It is planned to review 40 clients and an average saving of £100 per week, per client would deliver £200K of savings (full year effect). The exact timing of this will be linked to the Baytree CIP scheme detailed above.
- **Supported Living** - Reviewing the supporting living contracts to separate the cost of care and accommodation costs. This will require partnership working between the Trust and Council / CCG commissioners.
- **Telecare / Telehealth** - This would require pump priming that has not been available in recent years. Scoping work is currently underway through the Transformation team within the Trust and will be linked / progressed through the Social Care Programme Board.
- **Enhanced brokerage** for high cost packages - More expertise in brokerage can reduce unit cost and manage the market across a range of providers. A review is currently underway and learning is being taken from a pilot with Continuing Healthcare placements (South Devon) which utilised an enhanced brokerage service provided by Devon County Council. This scheme would require an element of pump priming (invest to save).
- **Responsive management** of domiciliary care. Working with Mears, our prime living well at home contractor to have a seconded social care worker with Mears to support early review and reduction of care packages. Anticipated start date of April 2016.

17 Appendix A – Baseline income and costs

	2015/16	2016/17	2017/18	2018/19	2019/20
	£m	£m	£m	£m	£m
INCOME					
South Devon & Torbay CCG (Community) ¹	60.4	62.2	64.1	66.1	68.2
South Devon & Torbay CCG (Acute) ²	160.4	162.6	164.9	167.2	169.6
Torbay Council ASC	38.0	36.5	35.6	34.7	33.9
Other operating revenue ³	115.7	117.6	120.5	121.7	124.4
Non-operating revenue	-6.0	0.0	0.0	0.0	0.0
Total income	374.5	378.9	385.1	389.7	396.1
COSTS					
Employee Benefit expenses	-210.1	-206.4	-200.7	-198.8	-198.8
Drug expenses	-27.1	-29.1	-30.8	-32.8	-35.0
Clinical supplies and services expenses	-30	-30.6	-31.9	-33.1	-34.5
Adult Social Care	-39.4	-38.9	-38.4	-37.9	-37.4
Other Expenses	-57.2	-54.5	-55.6	-58.3	-61.8
PFI operating expenses	-0.9	-0.9	-0.9	-1.0	-1.0
Non-operating expenses	-17.7	-21.5	-21.6	-23.8	-21.1
Total costs	-382.5	-382.0	-380.0	-385.7	-389.6
NET SURPLUS / DEFICIT	-13.9	-3.1	5.2	4.0	6.6
Normalised surplus / deficit	-7.4	-0.6	6.2	6.5	6.6

Notes

¹ The TSD CCG element of ICO income combines the growth rates of the CCG assumptions on CHC and the balance of TSD budgets.

² The baseline value is consistent with the opening contract identified in the Heads of Terms and the Standard NHS contract. As the Trust and commissioners secure the savings needed to manage the costs down by £2.2M in year and £4.4M recurrently this will reduce the contract value to the target level of £156M.

³ The transaction finance from commissioners has been excluded from clinical income, but is included in Other Operating Revenue, this is separately referenced in the Transaction Agreement.

Annex 5

Element	Activity Change			Savings		Investments		Net impact
	Bed Reduction	ED Attendance Reduction	Outpatient Appointment Reduction	Pay	Non Pay	Pay	Non Pay	
	£	£	£	£	£	£	£	
3a Acute Frailty	24	4,000	-	893,405	169,743	849,224	-	TOTAL £6,379,834
3b Community frailty	-	-	-	175,000	-	310,000	-	
3c Single Point of Contact	-	-	-	-	-	-	20,000	
3d Community Localities	-	-	-	383,790	63,980	425,580	610,332	
3e Community Hospitals	18	3,000	-	2,016,579	1,318,105	-	101,000	
4a – e Acute Innovations	15	24,000	29,500	4,767,850	1,683,171	1,374,420	30,000	
MAAT	8	4,000	-	399,196	65,543	289,312	10,000	
Intermediate Care	-	-	-	-	499,276	-	-	
A&E Investment	-	-	-	-	-	1275,000	-	
Medical skill mixing*	-	-	-	-	-	-	-	
TOTAL	65	35,000	29,500	8,635,820	3,799,818	5284,772	771,332	
				TOTAL £12,435,638		TOTAL £6,055,804		

Annex A- Shared and complementary measures in the Health and Social Care Outcomes Frameworks

Complementary indicators indicated by *

NHS & Public Health

- NHSOF1.1 & PHOF4.4 Under 75 mortality rate from cardiovascular disease
- NHSOF1.2 & PHOF4.7 Under 75 mortality rate from respiratory disease
- NHSOF1.3 & PHOF4.6 Under 75 mortality rate from liver disease
- NHSOF1.4 & PHOF4.5 Under 75 mortality rate from cancer
- NHSOF1.5 & PHOF 4.9 Excess under 75 mortality rate in adults with serious mental illness
- NHSOF1.6i & PHOF4.1 Infant Mortality
- NHSOF2.6i & PHOF4.16 Estimated diagnosis rate for people with dementia
- NHSOF3b & PHOF4.11 emergency readmissions within 30 days of discharge from hospital

NHS Outcomes Framework

The NHS Outcomes framework contains a number of indicators selected to provide a balanced coverage of NHS activity. It provides a national level overview of how well the NHS is performing, provides accountability between the Secretary of State for Health and the NHS, and acts as a catalyst for driving up quality throughout the NHS.

- #### NHS & Adult Social Care
- NHSOF2 Health related quality of life for people with long term conditions & ASCOF1A Social-care related quality of life*
 - NHSOF2.4 Health related quality of life for carers & ASCOF1D Carer- reported quality of life*
 - NHSOF3.6i-ii & ASCOF 2B Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement / rehabilitation service and proportion offered rehabilitation following discharge from acute or community hospital
 - NHSOF 2.6ii & ASCOF 2F *A measure of the effectiveness of post-diagnosis care in sustaining independence and improving quality of life (in development)**
 - NHSOF 4.9 *People's experience of integrated care & ASCOF 3E Effectiveness of integrated care (both in development)**

Public Health Outcomes Framework

The Public Health Outcomes Framework introduces the overarching vision for public health, the outcomes we want to achieve and the indicators that will help us understand how well we are improving and protecting health.

NHS, Public Health & Adult Social Care

- NHSOF2.2 & PHOF1.8 Employment of people with long term conditions & ASCOF1E Proportion of adults with a learning disability in paid employment*
- NHSOF2.5 Employment of people with mental illness & PHOF1.8 employment of people with long term conditions & ASCOF 1F: Proportion of adults in contact with secondary mental health services in paid employment*

Adult Social Care Outcomes Framework

The Adult Social Care Outcomes Framework, provides information on the outcomes for people using social care services and their carers, allowing assessment of how well individual local authorities are meeting the needs of their populations, as well as providing a national picture of the overall effectiveness of the sector as a whole.

Public Health & Adult Social Care

- PHOF1.6 & ASCOF 1G Proportion of adults with a learning disability who live in their own home or with their family
- PHOF1.6 & ASCOF 1H Proportion of adults in contact with secondary mental health services living independently, with or without support
- PHOF1.18 & ASCOF 1I Proportion of people who use services and their carers, who reported that they had as much social contact as they would like
- PHOF1.19 Older people's perception of community safety & ASCOF 4A The Proportion of people who use services who feel safe*

Annex B - Adult Social Care Outcomes Framework 2015/16 - at a glance

Domain One: Enhancing quality of life for people with care and support needs

Overarching measure

- 1A. Social care-related quality of life

Outcome measures

People manage their own support as much as they wish, so they are in control of what, how and when support is delivered to match their needs

- 1B. Proportion of people who use services who have control over their daily life
- 1C. Proportion of people using social care who receive self-directed support, and those receiving direct payments

Carers can balance their caring roles and maintain their desired quality of life

- 1D. Carer-reported quality of life

People are able to find employment when they want, maintain a family and social life and contribute to community life, and avoid loneliness or isolation

- 1E. Proportion of adults with a learning disability in paid employment
- 1F. Proportion of adults in contact with secondary mental health services in paid employment
- 1G. Proportion of adults with a learning disability who live in their OWN home or with their family
- 1H. Proportion of adults in contact with secondary mental health services living independently, with or without support
- 1I. Proportion of people who use services and their carers, who reported that they had as much social contact as they would like

Domain Two: Delaying and reducing the need for care and support

Overarching measure

- 2A. Permanent admissions to residential and nursing care homes, per 100,000 population

Outcome measures

Everybody has the opportunity to have the best health and wellbeing throughout their life, and can access support and information to help them manage their care needs

Earlier diagnosis, intervention and reablement means that people and their carers are less dependent on intensive services

- 2B. Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services
- 2D. The outcomes of short-term services: sequel to service.
- *Placeholder 2E: The effectiveness of reablement services*

When people develop care needs, the support they receive takes place in the most appropriate setting and enables them to regain their independence

- 2C. Delayed transfers of care from hospital, and those which are attributable to adult social care
- *Placeholder 2F: Dementia – a measure of the effectiveness of post-diagnosis care in sustaining independence and improving quality of life*

Domain Three: Ensuring that people have a positive experience of care and support

Overarching measure

People who use social care and their carers are satisfied with their experience of care and support services

- 3A. Overall satisfaction of people who use services with their care and support
- 3B. Overall satisfaction of carers with social services
- *Placeholder 3E: The effectiveness of integrated care*

Outcome Measures

Carers feel that they are respected as equal partners throughout the care process

- 3C. The proportion of carers who report that they have been included or consulted in discussions about the person they care for

People know what choices are available to them locally, what they are entitled to, and who to contact when they need help

- 3D. The proportion of people who use services and carers who find it easy to find information about support

People, including those involved in making decisions on social care, respect the dignity of the individual and ensure support is sensitive to the circumstances of each individual

- This information can be taken from the Adult Social Care Survey and used for analysis at the local level

Domain Four: Safeguarding adults whose circumstances make them vulnerable and protecting them from avoidable harm

Overarching measure

- 4A. The proportion of people who use services who feel safe

Outcome measures

Everyone enjoys physical activity and feels secure

People are free from physical and emotional abuse, harassment, neglect and self-harm

People are protected as far as possible from avoidable harm, disease and injuries

People are supported to plan ahead and have the freedom to manage risks the way that they wish

- 4B. The proportion of people who use services who say that those services have made them feel safe and secure
- *Placeholder 4C. Proportion of completed safeguarding referrals where people report they feel safe*

Annex C- NHS Outcomes Framework 2014-15- at a glance

Domain One: Preventing people from dying prematurely

Overarching indicators

1a Potential years of life lost (PYLL) from causes considered amenable to healthcare
i Adults ii Children and young people

1b Life expectancy at 75 i Males ii Females

Improvement Areas

Reducing premature mortality from the major causes of death

1.1 Under 75 mortality rate from cardiovascular disease

1.2 Under 75 mortality rate from respiratory disease

1.3 Under 75 mortality rate from liver disease

1.4 Under 75 mortality rate from cancer

i One- and ii Five-year survival from all cancers

iii One- and iv Five-year survival from breast, lung and colorectal cancer

Reducing premature death in people with mental illness

1.5 Excess under 75 mortality rate in adults with serious mental illness

Reducing deaths in babies and young children

1.6 i Infant mortality

ii Neonatal mortality and stillbirths

iii Five year survival from all cancers in children

Reducing premature death in people with a learning disability

1.7 Excess under 60 mortality rate in adults with a learning disability

Domain Two: Enhancing quality of life for people with long-term conditions

Overarching indicators

2 Health-related quality of life for people with long-term conditions

Improvement Areas

Ensuring people feel supported to manage their condition

2.1 Proportion of people feeling supported to manage their condition

Improving functional ability in people with long-term conditions

2.2 Employment of people with long-term conditions

Reducing time spent in hospital by people with long-term conditions

2.3 i Unplanned hospitalisation for chronic ambulatory care sensitive conditions

ii Unplanned hospitalisation for asthma, diabetes and epilepsy in under 19s

Enhancing quality of life for carers

2.4 Health-related quality of life for carers

Enhancing quality of life for people with mental illness

2.5 Employment of people with mental illness

Enhancing quality of life for people with dementia

2.6 i Estimated diagnosis rate for people with dementia

ii A measure of the effectiveness of post-diagnosis care in sustaining independence and improving quality of life

Domain Three: Helping people to recover from episodes of ill health and following injury

Overarching indicators

3a Emergency admissions for acute conditions that should not usually require hospital admission

3b Emergency readmissions within 30 days of discharge from hospital

Improvement Areas

Improving outcomes from planned treatments

3.1 Total health gain as assessed by patients for elective procedures

i Hip replacement ii Knee replacement iii Groin hernia

iv Varicose veins v Psychological therapies

Preventing lower respiratory tract infections (LRTI) in children from becoming serious

3.2 Emergency admissions for children with LRTI

Improving recovery from injuries and trauma

3.3 Survival from major trauma

Improving recovery from stroke

3.4 Proportion of stroke patients reporting an improvement in activity/lifestyle on the Modified Rankin Scale at 6 months

Improving recovery from fragility fractures

3.5 Proportion of patients with hip fractures recovering to their previous levels of mobility/walking ability at i 30 and ii 120 days

Helping older people to recover their independence after illness or injury

3.6i Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement / rehabilitation service

ii Proportion offered rehabilitation following discharge from acute or community

Domain Four: Ensuring that people have a positive experience of care

Overarching indicators

4a Patient experience of primary care
i GP services ii GP out-of-hours services iii NHS dental services

4b Patient experience of hospital care

4c Friends and family test

Improvement Areas

Improving people's experience of outpatient care

4.1 Patient experience of outpatient services

Improving hospitals' responsiveness to personal needs

4.2 Responsiveness to in-patients' personal needs

Improving people's experience of accident and emergency services

4.3 Patient experience of A&E services

Improving access to primary care services

4.4 Access to i GP services and ii NHS dental services

Improving women and their families' experience of maternity services

4.5 Women's experience of maternity services

Improving the experience of care for people at the end of their lives

4.6 Bereaved carers' views on the quality of care in the last 3 months of life

Improving experience of healthcare for people with mental illness

4.7 Patient experience of community mental health services

Improving children and young people's experience of healthcare

4.8 Children and young people's experience of inpatient services

Domain Five: Treating and caring for people in a safe environment and protecting them from avoidable harm

Overarching indicators

5a Patient safety incidents reported

5b Safety incidents involving severe harm or death

5c Hospital deaths attributable to problems in care

Improvement Areas

Reducing the incidence of avoidable harm

5.1 Deaths from venous thromboembolism (VTE) related events

5.2 Incidence of healthcare associated infection (HCAI)

i MRSA ii C. difficile

5.3 Proportion of patients with category 2, 3 and 4 pressure ulcers

5.4 Incidence of medication errors causing serious harm

Improving the safety of maternity services

5.5 Admission of full-term babies to neonatal care

Delivering safe care to children in acute settings

5.6 Incidence of harm to children due to "failure to monitor"

Annex D - Public Health Outcomes Framework 2013-16 - at a glance

Vision: To improve and protect the nation's health and wellbeing and improve the health of the poorest fastest

Outcome measures:

Outcome 1) increased healthy life expectancy, i.e. taking account of the health quality as well as the length of life

Outcome 2) Reduced differences in life expectancy and healthy life expectancy between communities (through greater improvements in more disadvantaged communities)

1: Improving the wider determinants of health

Objective:

Improvements against wider factors which affect health and wellbeing and health inequalities

Indicators:

- 1.1 Children in poverty
- 1.2 School readiness
- 1.3 Pupil absence
- 1.4 First time entrants to the youth justice system
- 1.5 16-18 year olds not in education, employment or training
- 1.6 Adults with a learning disability/in contact with secondary mental health services who live in stable and appropriate accommodation
- 1.7 People in prison who have a mental illness or a significant mental illness
- 1.8 Employment for those with long-term health conditions including adults with a learning disability or who are in contact with secondary mental health services
- 1.9 Sickness absence rate
- 1.10 Killed and seriously injured casualties on England's roads
- 1.11 Domestic abuse
- 1.12 Violent crime (including sexual violence)
- 1.13 Re-offending levels
- 1.14 The percentage of the population affected by noise
- 1.15 Statutory homelessness
- 1.16 Utilisation of outdoor space for exercise/health reasons
- 1.17 Fuel poverty
- 1.18 Social isolation
- 1.19 Older people's perception of community safety

2: Health improvement

Objective:

People are helped to live healthy lifestyles, make healthy choices and reduce health inequalities

Indicators:

- 2.1 Low birth weight of term babies
- 2.2 Breastfeeding
- 2.3 Smoking status at time of delivery
- 2.4 Under 18 conceptions
- 2.5 Child development at 2–2½ years
- 2.6 Excess weight in 4–5 and 10–11 year olds
- 2.7 Hospital admissions caused by unintentional and deliberate injuries in under 18s
- 2.8 Emotional well-being of looked after children Placeholder
- 2.9 Smoking prevalence – 15 year olds
- 2.10 Self-harm
- 2.11 Diet
- 2.12 Excess weight in adults
- 2.13 Proportion of physically active and inactive adults
- 2.14 Smoking prevalence – adults (over 18s)
- 2.15 Successful completion of drug treatment
- 2.16 People entering prison with substance dependence issues who are previously not known to community treatment
- 2.17 Recorded diabetes
- 2.18 Alcohol-related admissions to hospital
- 2.19 Cancer diagnosed at stage 1 and 2
- 2.20 Cancer screening coverage
- 2.21 Access to non-cancer screening programmes
- 2.22 Take up of the NHS Health Check programme – by those eligible
- 2.23 Self-reported well-being
- 2.24 Injuries due to falls in people aged 65 and over

3: Health Protection

Objective:

The population's health is protected from major incidents and other threats, whilst reducing health inequalities

Indicators:

- 3.1 Fraction of mortality attributable to particulate air pollution
- 3.2 Chlamydia diagnoses (15-24 year olds)
- 3.3 Population vaccination coverage
- 3.4 People presenting with HIV at a late stage of infection
- 3.5 Treatment completion for TB
- 3.6 Public sector organisations with board approved sustainable development management plan
- 3.7 Comprehensive, agreed inter-agency plans for responding to public health incidents and emergencies

4: Healthcare public health and preventing premature mortality

Objective:

Reduced numbers of people living with preventable ill health and people dying prematurely, whilst reducing the gap between communities

Indicators:

- 4.1 Infant mortality
- 4.2 Tooth decay in children aged 5
- 4.3 Mortality rate from causes considered preventable
- 4.4 Under 75 mortality rate from all cardiovascular diseases (including heart disease and stroke)
- 4.5 Under 75 mortality rate from cancer
- 4.6 Under 75 mortality rate from liver disease
- 4.7 Under 75 mortality rate from respiratory diseases
- 4.8 Mortality rate from infectious and parasitic diseases
- 4.9 Excess under 75 mortality rate in adults with serious mental illness
- 4.10 Suicide rate
- 4.11 Emergency readmissions within 30 days of discharge from hospital
- 4.12 Preventable sight loss
- 4.13 Health-related quality of life for older people
- 4.14 Hip fractures in people aged 65 and over
- 4.15 Excess winter deaths
- 4.16 Estimated diagnosis rate for people with dementia

Measures from the Adult Social Care Outcomes Framework (ASCOF) & Key Local Social Care KPIs (Version 3.1)

Domain & KPI	Frame work	Available	2016/17 Interim Target	2015/16 Target	2015/16 Fcast Outturn	2014/15 Outturn	2014/15 England Average	2014/15 SW Average
Domain 1: Enhancing quality of life for people with care and support needs								
ASC 1A: Social care-related quality of life	ASCOF	Annual	no tgt	19.2	n/a	19.4	19.1	19.3
ASC 1B: The proportion of people who use services who have control over their daily life	ASCOF	Annual	no tgt	79.0	n/a	80.4	77.3	79.9
ASC 1C part 1A: The proportion of people using social care who receive self-directed support (adults aged over 18 receiving self-directed support)	ASCOF	Monthly	95%	70%	95.0%	90.1%	83.7	79.2
ASC 1C part 1B: The proportion of people using social care who receive self-directed support (carers receiving self-directed support)	ASCOF	Monthly	65%	no tgt	65.0%	79.7%	77.4	71.0
ASC 1C part 2A: The proportion of people using social care who receive direct payments (adults receiving direct payments)	ASCOF	Monthly	26%	10%	26.0%	27.8%	26.3	24.7
ASC 1C part 2B: The proportion of people using social care who receive direct payments (carers receiving direct payments for support direct to carer)	ASCOF	Monthly	65%	no tgt	65.0%	79.7%	66.9	47.7
ASC 1D: Carer-reported quality of life	ASCOF	Biennial	no tgt	n/a	n/a	8.3	7.9	7.9
ASC 1E: Proportion of adults with a learning disability in paid employment	ASCOF	Monthly	4.5%	4.5%	4.0%	3.8	6.0	6.3
ASC 1F: Proportion of adults in contact with secondary mental health services in paid employment	ASCOF	Monthly	7.1%	7.1%	n/a	1.7%	6.8	8.4
ASC 1G: Proportion of adults with a learning disability who live in their own home or with their family	ASCOF	Monthly	70%	70%	70.0%	71.0%	73.3	69.5
ASC 1H: Proportion of adults in contact with secondary mental health services who live independently, with or without support	ASCOF	Monthly	77%	77%	70.0%	62.9%	59.7	53.8
ASC 1I part 1: Proportion of people who use services who reported that they had as much social contact as they would like	ASCOF	Annual	no tgt	41.7	n/a	43.9	44.8	45.7
ASC 1I part 2: Proportion of carers who reported that they had as much social contact as they would like	ASCOF	Biennial	no tgt	n/a	n/a	41.5	38.5	36.4
D40: % clients receiving an annual review	Local	Monthly	76%	76%	76.0%	76.4%	n/a	n/a
SC-005: No. of overdue reviews	Local	Monthly	no tgt	no tgt	715	710	n/a	n/a
SC-007b: Number of OOA placements reviews overdue by more than 3 months (snap shot)	Local	Monthly	0	0	0	8	n/a	n/a
D39: % clients receiving a Statement of Needs	Local	Monthly	90%	90%	90%	90.0%	n/a	n/a
NI132: Timeliness of social care assessment	Local	Monthly	74%	74%	70.0%	74.1%	n/a	n/a
NI133: Timeliness of social care packages following assessment	Local	Monthly	95%	90%	95.0%	94.6%	n/a	n/a
Domain 2: Delaying and reducing the need for care and support								
ASC 2A p1: Permanent admissions to residential and nursing care homes, per 100,000 population. Part 1 - younger adults	ASCOF	Monthly	no tgt	no tgt	34	6.7	14.2	16.8
ASC 2A p2: Permanent admissions to residential and nursing care homes, per 100,000 population. Part 2 - older people	ASCOF / BCF	Monthly	tbc	572.6	600	606.3	668.8	678.2
ASC 2B p1: Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services. Part 1 - effectiveness	ASCOF / BCF	Annual	88.7%	88.7%	n/a	77.2	82.1	84
ASC 2B p2: Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services. Part 2 - coverage	ASCOF	Annual	no tgt	no tgt	n/a	3.5	3.1	3.5
ASC 2C p1: Delayed transfers of care from hospital and those which are attributable to adult social care. Part 1 - total delayed transfers	ASCOF	Monthly	no tgt	no tgt	7.0	7.6	11.1	15
ASC 2C p2: Delayed transfers of care from hospital and those which are attributable to adult social care	ASCOF	Monthly	no tgt	no tgt	3.0	3.4	3.7	5.9
ASC 2D: The outcomes of short-term support: sequel to service	ASCOF	Monthly	no tgt	no tgt	n/a	82.7	74.6	76.0
ASC 2E: Effectiveness of reablement services	ASCOF	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ASC 2F: Dementia – a measure of the effectiveness of post-diagnosis care in sustaining independence and improving quality of life	ASCOF	n/a	n/a	n/a	n/a	n/a	n/a	n/a
LI-404: No. of permanent care home placements at end of period	Local	Monthly	617	630	630	641	n/a	n/a
LI-450: Proportion of clients supported in a care home at end of period	Local	Monthly	no tgt	no tgt	21.0%	20.0%	n/a	n/a

Domain & KPI	Frame work	Available	2016/17 Interim Target	2015/16 Target	2015/16 Fcast Outturn	2014/15 Outturn	2014/15 England Average	2014/15 SW Average
Domain 3: Ensuring that people have a positive experience of care and support								
ASC 3A: Overall satisfaction of people who use services with their care and support	ASCOF	Annual	no tgt	68.5	n/a	69.7	64.7	67.4
ASC 3B: Overall satisfaction of carers with social services	ASCOF	Biennial	no tgt	n/a	n/a	46.4	41.2	41.9
ASC 3E: Improving people's experience of integrated care	ASCOF	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ASC 3C: The proportion of carers who report that they have been included or consulted in discussions about the person they care for	ASCOF	Biennial	no tgt	n/a	n/a	75.7	72.3	72.1
ASC 3D part 1: The proportion of people who use services who find it easy to find information about services	ASCOF	Annual	no tgt	77.3	n/a	77.4	74.5	76.6
ASC 3D part 2: The proportion of carers who find it easy to find information about services	ASCOF	Biennial	no tgt	n/a	n/a	74.9	65.5	66.4
NI135: Carers receiving needs assessment, review, information, advice, etc.	Local	Monthly	50%	40%	50.0%	41.3%	n/a	n/a
Domain 4: Safeguarding adults who circumstances make them vulnerable and protecting from avoidable harm								
ASC 4A: The proportion of people who use services who feel safe	ASCOF	Annual	no tgt	69.6	n/a	67.2	68.5	68.3
ASC 4B: The proportion of people who use services who say that those services have made them feel safe and secure	ASCOF	Annual	no tgt	85.6	n/a	83.3	84.5	86.9
ASC 4C: Proportion of completed safeguarding referrals where people report they feel safe	ASCOF	n/a	n/a	n/a	n/a	n/a	n/a	n/a
TCT11: Safeguarding Calls Triaged within 48 Hours	Local	Monthly	90%	90%	70.0%	53.3%	n/a	n/a
TCT12b: Proportion of safeguarding strategy meetings held within 7 working days	Local	Monthly	tbc	80%	50.0%	48.0%	n/a	n/a
TCT13b: Proportion of Safeguarding case conferences held within 30 working days of strategy meeting	Local	Monthly	tbc	80%	80.0%	72.0%	n/a	n/a
TCT14b: % repeat safeguarding referrals in last 12 months	Local	Monthly	tbc	8.0%	6.0%	7.6%	n/a	n/a

Risk Matrix

Analysis of risks set out in ASA: The risk analysis set out in this grid has been completed against the Trust’s risk scoring matrix under which a score of 4 or less is regarded low, between 6 and 14 as moderate and 15 to 25 as significant.

Risk Title	Trust Risk Number	Risk Description	Mitigation	Risk Score			Risk Owner
				Impact	Likelihood	Score	
FINANCIAL							
Adult Social Care Savings	694	Across the local Health / Adult Social Care sector saving targets are significant and over a two year period will require radical changes in the range of services available, the level of care that can be provided and the way services are delivered.	<ul style="list-style-type: none"> Individual assessments / reassessment carried out against Care Act Eligibility Criteria and all relevant policy frameworks as part of assessing whether it is safe or appropriate to reduce the level and make up of existing care plans. The ICO, Council and CCG will work with service users and the voluntary sector to secure appropriate input and engagement in redesigning and redeveloping services. Changes in the nature, level and range of services will be subject to formal consultation as required by national guidance and Council policy. Risk sharing arrangement in place between ICO & Commissioning partners and regular meetings to monitor financial performance of ICO and impact on all parties. 	4	4	16	Shared

Risk Title	Trust Risk Number	Risk Description	Mitigation	Risk Score			Risk Owner
				Impact	Likelihood	Score	
STRATEGIC / COMMISSIONING							
Care Home Fees	Council Risk	In 2014/15 care home fees were set within a new banding structure for residential care. This has been challenged through JR.	<ul style="list-style-type: none"> This challenge is currently under appeal and in addition to this commissioners (Torbay Council) are in on-going discussions with the care home market. 	3	4	12	Council
Market Capacity For Domiciliary Care	631	Capacity constraints regarding implementation of contract changes relating to supported living with separation of care and accommodation costs	<ul style="list-style-type: none"> New contract in progress for extra care housing Established Mears contract that potentially could extend remit to offer more choice and capacity A holistic review of individual would support other initiatives 	4	3	12	Shared
OPERATIONS							
Adult Social Care CIP Savings 2015-16	694	The scale of savings required across the local health / adult social care sector could require significant changes and savings to back office and assessment processes. Capacity in zone teams may impact on the pace of delivery.	<ul style="list-style-type: none"> This is mitigated by the ICO Business Plan ASA KPIs include monthly metrics that will demonstrate any reduction in capacity. Regular updates to Community Service Unit SCPB highlighting any commissioning/service transformation needs/risks. 	4	5	20	Shared

Risk Title	Trust Risk Number	Risk Description	Mitigation	Risk Score			Risk Owner
				Impact	Likelihood	Score	
Community support for change	Council Risk	Concern may be raised in response to implementation of the programme of work outlined in this agreement which may affect the pace of delivery.	<p>This is mitigated through:</p> <ul style="list-style-type: none"> The close involvement of, and engagement with the individuals involved, their families and carers through the relevant assessment and reassessment processes. Moderation of decision making in complex cases through Zone managers and the complex care review panel. Consistent application of the cost choice risk policy Escalation of individual cases to the Social Care Programme Board, support from Council Legal services and briefing for Members where particularly difficult, sensitive or contentious cases arises. 	4	3	12	Council
Mental Capacity Act 2005 Deprivation of Liberty Safeguards	803	The Cheshire West ruling in March 2014 has created significant additional applications for Deprivation of Liberty Safeguards. This has resulted in an increasing waiting list with non-recurrent resources being applied to fund the staffing resources to process applications within legal timescales.	<ul style="list-style-type: none"> Case law relating to DoLS has created national pressures, with the Law Commission now reviewing the legislation, with likely changes to the law in 2017. The Council has made additional non-recurrent grant funding (£88k) available to support this in 15/16 but the Trust and now the ICO has had to commit additional funding to increase capacity for assessment. The main risks are lack of recurrent funding streams and waiting times (process and list). 	3	5	15	Shared
Risk Of Not Covering The EDS Rota Due To Staff Shortages	668	Vacancies, an ageing workforce, skill set requirements and a need to change working patterns has placed this small service at risk of breakdown.	<ul style="list-style-type: none"> A range of options are being developed to put this service on a sound footing. There are options for a regional service being developed with neighbouring services to provide more cost effective and sustainable arrangements This would include a new model with shift changes. 	5	4	20	Trust

Risk Title	Trust Risk Number	Risk Description	Mitigation	Risk Score			Risk Owner
				Impact	Likelihood	Score	
Impact of Care Act 2014 on the Trust	742	The requirements of the Care Act and changes with regard ILF in 2015/16 were non-recurrently funded. Consequently, ongoing compliance could be comprised if recurrent funding streams cannot be secured.	<ul style="list-style-type: none"> Agreement between ICO / Commissioners on recurrent funding sources. 	4	3	12	Shared
Complex Care Delivery Risk	722	Levels of client complexity have increased within social care. There is a requirement for social workers to increasingly present cases at the Court Of Protection	<ul style="list-style-type: none"> Training for social workers Support from the legal team at the Council 	3	2	6	Shared

NOTE: The shared risks recorded in the grid will be managed separately by the Trust and the Council through their respective risk management processes.

Acquisition of Torbay and Southern Devon Health and Care NHS Trust by
South Devon Healthcare NHS Foundation Trust

In partnership with Torbay Council and South Devon and Torbay Clinical Commissioning Group



Risk-Share Agreement

Contents

1	PURPOSE OF AGREEMENT	2
2	PARTIES TO AGREEMENT	2
3	KEY PRINCIPLES BEHIND RISK-SHARE	2
4	DESCRIPTION OF RISK-SHARE MECHANISM.....	4
5	SCOPE OF RISK-SHARE MECHANISM.....	5
6	DEFINITION OF BASELINE.....	6
7	COOPERATION AND EXTRAORDINARY MEASURES	8
8	ICO CARE MODEL INVESTMENT AND TRANSITIONAL FUNDING.....	10
9	TREATMENT OF FUNDS RELEASED THROUGH "UNDERSPENDS"	10
10	LEGAL BASIS OF AGREEMENT	10
11	GOVERNANCE/CONTROL	10
12	CONTRACT VARIATION	11
13	DISPUTE RESOLUTION	11
14	CONTRACT TERMINATION.....	12
15	EXTERNAL REFERENCES.....	12
16	SIGNATURES	13
17	APPENDIX A – BASELINE INCOME AND COSTS	14
18	APPENDIX B – SUMMARY EXTRACT FROM LONG TERM FINANCIAL MODEL (LTFM).....	15

1 Purpose of agreement

To facilitate the development of integrated health and social care and secure the quality of services. Changing the model of care through creating a stable financial environment for multi-year investment and aligned financial incentives. The future model of care will provide more proactive and preventative care, delivering:

- A shift away from incentivising activity volume growth (in acute services);
- A focus on population groups that are experiencing greatest demographic growth (the very young and the more elderly);
- A shift towards incentivising improved overall system capacity and the use of alternatives to acute admission (including development of community based care);
- To simplify and ease contractual processes and negotiations, to make time for more productive and developmental activities;
- To maximise the use of health and social care funds for care, rather than organisational and administrative processes;
- To maintain levels and quality of service despite reducing real terms resourcing;
- To reduce the volatility arising from individual organisations' exposure to demand and cost changes;
- To support a long-term contract for services between the parties; and support Heads of Terms for agreements between the parties and any regulatory authorities.

2 Parties to agreement

Commissioners:

- South Devon and Torbay Clinical Commissioning Group (SDTCCG) (*Lead: Simon Davies*)
- Torbay Council (*Lead: Martin Phillips*)

Providers (Integrated Care Organisation - ICO):

- South Devon Healthcare NHS Foundation Trust (SDH) (*Lead: Paul Cooper*)
- Torbay and Southern Devon Health and Care NHS Trust (TSD) (*Lead: Mark Hocking*)

The process of developing the agreement has been to understand each of the parties needs from the agreement and then build these into the principles and operational mechanism to deliver a mutually acceptable framework. This has included oversight from the Non-Executives and Governors from the South Devon Healthcare NHS Foundation Trust and Torbay and Southern Devon Health and Care Trust, the GP Governing body of the South Devon and Torbay Clinical Commissioning Group and elected members, and the Mayor from Torbay council. The agreement has also been formally approved by the local authority through their Full Council meeting (pt2).

3 Key principles behind risk-share

1. A financial and service baseline will be agreed for a period of five years, on a rolling basis. Variance from this baseline will trigger the risk-share mechanism;
2. The risk share mechanism focuses on variance in actual costs incurred by the ICO. For the purposes of this risk-share agreement the cause of variance in costs (i.e. demand or efficiency) is not important – the impact will be shared regardless of origin;
3. Variances from planned cost in the ICO will be shared between the parties in agreed proportions. The impact of negative and positive variances will be mirrored;

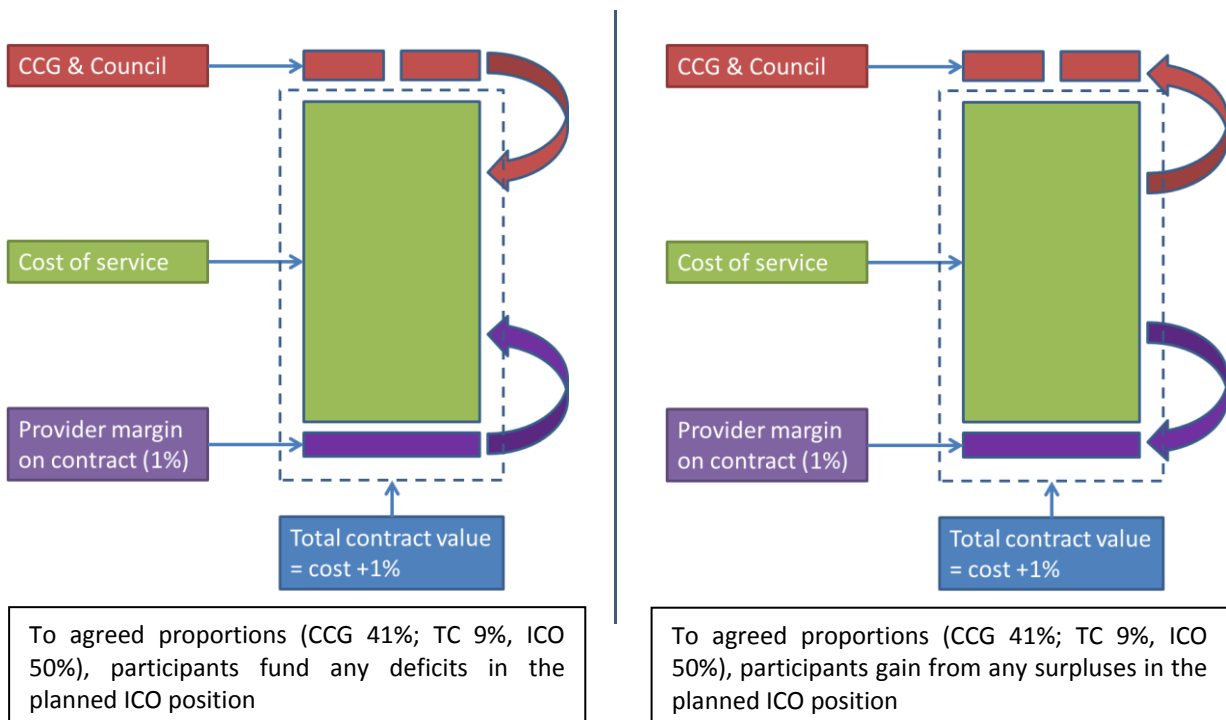
4. Variances from plan will be calculated on the total income and expenditure position of the ICO. This includes all commercial activities and all NHS commissioned services. Therefore, variances arising in services commissioned by NHS England (including specialised services), NEW Devon, and Public Health will also trigger implementation of the risk share agreement;
5. As part of this agreement, and by committing to a five year funding envelope defined by current baseline adjusted for expected growth / contraction in their allocations going forward, commissioners are committed to maintaining planned levels of spend for the duration of this agreement. This envelope recognises that prevailing national economic conditions plan for a real terms decrease. Any downward change to planned resource availability will require re-specifying service commitments to be deliverable within available resources. Any upward change to planned resource availability will also require joint consideration of the service commitments. Such allocation changes, in either direction will, other than by agreement be limited to the overall percentage change applied to the relevant commissioner's overall allocation;
6. Enhancements to elective care pathways delivered by the ICO will deliver a better patient experience and it is therefore expected that patient choice will support the ICO's market share in this area. The impact of patient choice will be accommodated through funding transfer arrangements as part of this agreement. These could increase or decrease the ICO income and will be calculated with reference to the planned and actual level of elective activity delivered in the ICO;
7. The planned ICO cost enables a sufficient margin on income to provide a 1% surplus to the ICO over the five years of this agreement. This surplus may be reduced by adverse cost variances shared through this agreement;
8. This agreement requires a long term commitment from all parties. The initial five year duration for the agreement is set to enable the ICO to recover set up costs and to deliver the 1% target surplus on a sustainable basis. Beyond this point it is recognised that parties may wish to reduce the duration to three years;
9. All parties should seek to minimise costs to the system as a whole where possible and to maximise the utilisation of all public expenditure;
10. Sufficient transparency around the cost base of the ICO and CIP plans, along with associated transparency around commissioner (financial and commissioning) plans will be a prerequisite for the successful operation of the risk share agreement;
11. Where parties have a responsibility to commission services, set prices, or enter into agreements which may affect the cost of the ICO, these responsibilities will be exercised with due regard to the risk share agreement, and the parties to it. Early and sufficient transparency around such arrangements will be the expectation;
12. The impact of unplanned changes to commissioner funding envelopes will be managed in accordance with key principle five above.

4 Description of risk-share mechanism

1. **Agree baseline:** A planned level of service commitment and ICO spend on these services will be agreed for an initial five year fixed period. The agreement will move to a rolling three year period beyond this point;
2. **Commit resources:** Commissioners will agree to commit the necessary resources to meet the baseline level of service as described in current plans, allowing for a 1% surplus for the ICO;
3. **Deliver service efficiencies:** The ICO will deliver agreed levels of efficiency improvements throughout the period;
4. **Manage variance:** Any variance in the planned financial performance of the ICO, as initially captured in the LTFM (baseline summarised in Appendix A on page 13). This may be subsequently amended by agreement, and will be shared according to proportions described below;
5. **Changes to risk share contributions:** Changes to risk share contributions will normally only arise where they follow a shift in baseline resource between commissioning organisations not already described in current plans. Changes in baselines already described in current plans will not give rise to alterations in the risk share contributions set out above.

Party	Share	Practical application
ICO (currently SDH and TSD)	50%	Overspend: All costs incurred within ICO Underspend: All costs incurred within ICO
TSDCCG	41%	Overspend: Share of variance is paid to ICO
Torbay Council	9%	Underspend: Share of variance is withheld from ICO

This is represented diagrammatically:



5 Scope of risk-share mechanism

Contract between the current SDH and CCG	
Elective services (planned)	In
Non-elective services (urgent)	In
All other services (e.g. PTS)	In
Contract between the current TSD and CCG	
Continuing healthcare (live cases) ¹	In
Continuing healthcare (retrospective cases)	Out
Community health services	In
Contract between the current SDH and Torbay Council	
Public health	In
Contract between the current TSD and Torbay Council	
Public health	In
Adult social care	In
Other relevant factors²:	
Other sources of income to SDH	In
Other sources of income to TSD	In
Supporting people	Out
Joint equipment store	Out
Devon social care	Out
West Devon contract with NEW Devon CCG	In
Additional non-clinical service resource allocations e.g. Consultant Merit Awards, etc.	In
Impact of Care Act and other regulatory changes	In

¹ There will be a requirement to continue managing the distinction between health and social care for South Devon patients, unlike for Torbay patients where the commissioning is fully integrated. It is assumed that proportion of people receiving continuing healthcare is aligned between Torbay Council and Devon County Council.

² Any surplus or deficit the ICO makes from activities outside the scope of the risk share agreement may be factored into the agreement (and, therefore effect the financial position of all parties) by mutual agreement of the parties as described in Section 7 (page 8).

The baseline will be defined as follows:

Service commitments

The services provided by SDH and TSD at the end of 2014/15 will define the baseline range of services to be provided by the ICO once formed.

The level of activity provided within each service will not be explicitly measured as part of this risk share agreement, as payments will not be made on an activity basis. However, activity will be recorded and reported as per other regulatory requirements, and for the purposes of service analysis and improvement (in concert with commissioners and national initiatives).

Although income will not be linked to activity, should costs exceed income an understanding the driver(s) for a deficit will be essential to help identify solutions. Many of the costs in the ICO will continue to be linked to levels of demand, understanding variances between planned and actual demand will therefore be a requirement of this agreement.

Both commissioners five year financial plans are described explicitly in the ICO final business case (FBC) and form a key component of the financial baseline within the ICO LTFM. A summary is provided in the appendix, page 13.

The CCG and the acute trust have agreed Heads of Terms for the 2015/16 contract which describes the mechanism to achieve the necessary opening recurrent baseline. These Heads of Terms identify the treatment of the associated opening baseline risks and will be applied in advance of the ICO Risk Share Agreement being applied.

The specification and mode of delivery of services may be changed by the ICO (undertaking relevant consultation where necessary) in order to better meet the needs of the community while continuing to deliver against the above frameworks.

Shifts in services, either into or out of the ICO will result in a cost change to the baseline of the ICO but will otherwise not affect the operation of the agreement (except insofar as they are so material they would trigger other aspects of the agreement). In other words, where commissioners incur net costs or savings as a result of the shift in service, these will be borne by the commissioners.

Performance Management

The ICO will meet the requirements of all statutory performance frameworks for these services. These frameworks are as follows:

- The Monitor risk assessment framework
- The Single Outcomes Framework which is currently under development by the parties.

The Commissioners and the ICO are committed to the delivery of all performance standards in the standard NHS contract. It is recognised that imposed penalties will not in and of themselves enable achievement of standards and may run counter to the aims of the risk share agreement. Any penalties which are calculated under the NHS standard contract will be used in full to address the performance issues for which it was identified.

It is recognised that penalties may apply in two distinct circumstances - planned and unplanned.

- Where an unplanned penalty is applied, i.e. a breach of performance standard which was not planned, this will be subject to management as described above;
- Where the breach is planned (i.e. agreed in advance with Commissioners), e.g. backlog patients impacting on RTT or managing diagnostic waiting times, etc. then this will be subject to a more proactive approach describing the plan to the commissioner upfront. In these circumstances penalties will not be levied.

It is the Commissioner and Trust intention that as many breaches of performance standards as possible fall into the planned category and are managed in the way set out above.

Service costs

The cost baseline will be defined and agreed for the services described above over the initial 5 year period. This will set out a profile of the total cost of ICO health and care services for the relevant population for this period and analysed by commissioner.

The initial cost will be determined by the indicative resource availability information provided by the commissioners in advance of this agreement, which has been informed by historic service costs alongside key service changes for 2015/16.

This cost baseline will be set out in the final ICO LTFM in support of the Transaction Agreement as submitted to Monitor and the Trust Development Authority (TDA) for the purpose of regulatory assessment. A summary is provided in the appendix on page 13.

As a general principle the ICO will be supported to make a 1% surplus on its services, and a 1% margin will be applied on the total planned service cost within this agreement. Changes to surplus can however be considered as part of level 2 and level 3 risk share considerations (below).

Arrangements for the appropriate recovery of VAT in line with current arrangements between the Council and Torbay and Southern Devon Health and Care NHS Trust insofar as they will relate to the on-going services provided by the ICO will be considered alongside this arrangement. Further guidance on the VAT implications of Better Care Fund, and in particular as it relates to this arrangement, will be considered alongside this arrangement.

Financial Mechanism

The basic model of payment underpinning the risk share agreement is seeking to move from a historic negotiated contract based on an initial agreement of likely future demand and income under tariff to a longer term, planned level of income, in line with commissioner funding, which seeks to better enable the ICO to move settings of care from more to less acute settings. The current and planned cost of the ICO along with anticipated efficiencies will inform the payment model, alongside a view of current and future commissioner funding. This will be supported through greater transparency for commissioners around the current cost base of the ICO, as well as sight of and input to investment (particularly capital and workforce) plans and reciprocally, greater transparency of commissioner funding and associated spending plans. Both commissioners and provider will evaluate the value for money of this approach as a minimum in the context of national standard contract terms and conditions and current national tariff.

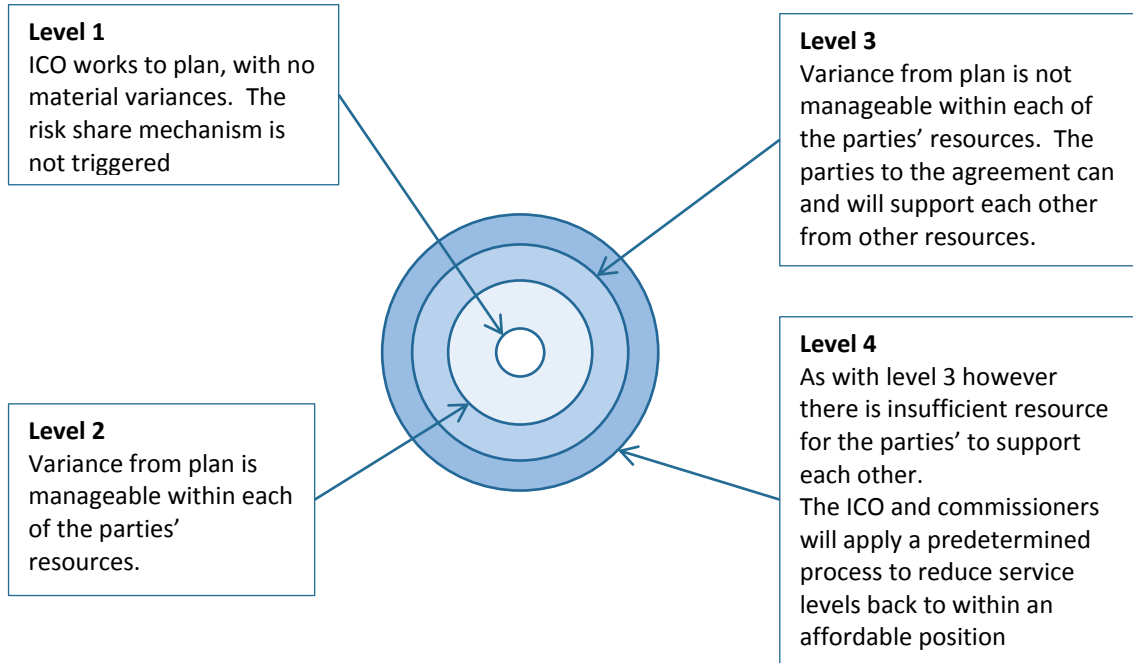
Payments for the delivery of services (as per the agreed capitation baseline) will be made monthly.

Variance between actual costs and the baseline will be reviewed in arrears on a quarterly basis. If actual costs are higher than the agreed baseline then the relevant additional share will be paid to the ICO for the quarter, in accordance with agreed risk share proportions. If actual costs are less than the agreed baseline then that month's contract payment will be reduced to account for underspend in the quarter, in accordance with agreed gain share.

This mechanism to apportion the variance will apply at each of the levels 2, 3 and 4 of extraordinary measures that are described in section 7 below.

7 Cooperation and extraordinary measures

The core mechanisms within this risk share agreement aim to incentivise a reduction in cost of health and care across the community, and reduce the risk to individual parties through sharing the impact of adverse (or positive) financial performance between the parties.



These mechanisms are summarised as “Levels 1 & 2” below:

Level	Description	Action
Level 1	Agreed plan is met with no material variance	Contract sums are paid on a monthly basis.
Level 2	Variance from plans is manageable within normal flexibilities available to parties	The risk share mechanism is applied as described herein, with variations applied on a quarterly basis.

It is possible that external events or extraordinary pressures may lead to a situation where one or more parties to this agreement struggle to meet their contractual commitments. This is a particular risk in the public sector where new rules or budget changes can be imposed without warning and in a short time period.

The parties have agreed to operate in a spirit of cooperation to meet challenges to the local community over the life of this agreement. As such the parties will consider flexibilities they may have in order to support each other.

The following table (describing escalation levels 3 and 4) indicates how the parties will aim to support each other in such circumstances.

Level	Description	Action
Level 3	<p>One party raises concerns meeting their obligations within the agreement.</p> <p>The other parties have capacity to support the troubled party.</p> <p>These issues may be raised by the risk share oversight group which meets on a quarterly basis.</p>	<p>Support may be provided through the following routes (this list is not exhaustive):</p> <p>Mutual agreement to flexible management of financial commitments within the contract period.</p> <p>Consideration of how services and funds that are out of scope of the risk share agreement (see page 2) but have a potential impact on other parties could contribute towards the wider group’s sustainability.</p> <p>Consideration of other (potentially third party) routes of support that could be drawn upon to support the wider group’s sustainability.</p>
Level 4	<p>One party raises concerns about meeting their obligations within the agreement.</p> <p>The other parties do not have capacity to support the troubled party.</p> <p>These issues will be raised by the risk share oversight group. It is anticipated that this would occur infrequently (for instance as part of an annual review) and with significant notice.</p>	<p>Solutions may be drawn from the following routes, which would only be considered where other options have been exhausted, and where the parties agree the chosen option would be a “least harm” approach (this list is not exhaustive):</p> <p>Consideration of potential changes to service scope or specification in order to reduce costs while meeting statutory demands.</p> <p>Consideration of potential for one or more parties to compromise delivery of expected performance or financial standards on a temporary basis, alongside a plan to resolve the situation and put the agreement onto a more sustainable position.</p>

8 ICO Care Model investment and transitional funding

Under this type of collaborative agreement both commissioners and the provider have needs of assurance that are different than under a PbR contract type. Commissioners are seeking assurance around the investments necessary to deliver the care model changes and other significant investments and the ICO provider is seeking assurance from commissioners in their role as system managers in managing demand.

ICO Investments: All investment business cases are considered through the Joint Leadership Group in the run up to the ICO. As the ICO we move to business as usual a strategic meeting (in addition to the normal contracts meeting) will be initiated between the ICO and commissioners to review the system performance and the planned strategy for the short, medium and longer term. This should be the formal vehicle for securing CCG support for major service development plans and contract changes. The Trust acknowledges that the main commissioner will want to have some discussion on any significant spend that increases capacity whether capital or revenue and there will be regular dialogue between relevant directors to ensure the CCG is informed before any material decisions are taken. The Commissioner recognises that general operational revenue or capital will need to be committed to maintain services and this agreement will not slow that necessary spend to maintain a commissioned service.

Commissioner demand management: The ICO will need to respond to demand pressure arising from elective and emergency referrals and the CCG role managing system demand will be key in controlling these pressures. In addition to considering the ICO response including its investment response to pressures, the newly convened strategic review group will also consider the actions being taken to support demand management and the effectiveness of these actions.

9 Treatment of funds released through “underspends”

The parties anticipate that in the absence of special circumstances, any underspend achieved by the ICO should be pooled, and an appropriate cross-party body would be involved in deciding how such funds are invested in future health and care services. A group such as the Pioneer Board or JoinedUp Cabinet may be appropriate for this role.

In circumstances where one or more parties are under extreme financial pressure, the parties agree that any of such parties may need to retain underspends for internal use.

10 Legal basis of agreement

This agreement will take the form of a contract between the parties with an initial term of five years, leading to a three year contract renewed annually on a rolling basis beyond the first five years.

This agreement is designed to sit alongside and complement the existing contracts for services between the two provider trusts (that will become the ICO) and the commissioners. It will not override any of the service quality or administrative elements of those contracts, but will supersede all financial components of these contracts.

11 Governance/control

A risk share oversight group will be created, with initial membership based on the group developing this agreement. It will operate in shadow form from the 1st April 2015 and operate through to the start of the ICO. Administration for the **RSA Oversight Group** will be through the CCG finance lead Simon Bell. They will act to ensure the risk share mechanism is ready to operate from the expected start date of the 1st October 2015. They will have a particular responsibility to consider the medium term operation of the risk share agreement and

provide early advice around likelihood of maintaining risk at level 1 or 2 of the agreement and consider and recommend actions where this is not the case.

Services and cost plans will be reviewed annually, and the rolling contract renewed by the risk share oversight group. Mutually agreed changes will be accounted for as the rolling contract is refreshed each year. This will include review of future government funding plans, and 'horizon scanning' of likely cost and demand pressures.

Financial and service performance against plan, along with review of performance and quality standards will be formally reviewed in the bi-monthly meeting of a contract review group. This will be chaired by an executive director of the CCG. All parties to the risk share agreement will be members of this contract review group.

Each respective organisations statutory responsibility and internal governance mechanisms remain unaffected by this agreement.

12 Contract Variation

Variation to the agreement is possible through the consent of all parties. This may include the addition of new services or reflecting the provider's intention to withdraw from provision or subcontract a service. It may also reflect the commissioner's decision to tender services provided by the ICO.

All parties to the agreement will work together to fully assess the impact of the proposed variation and will be given sufficient time to enable due diligence to be carried out. The specifics of any change will determine the level of materiality and therefore the period of time required for due diligence. However it is envisaged that 3 months will be sufficient in most instances to provide a full impact assessment. This will be followed by a 6 month notice period for the variation to take effect.

Variations will normally be managed through the annual review of the contract, therefore unless the parties agree an alternative start date variations will commence on the 21st April each year.

13 Dispute resolution

All parties are expected to operate in good faith and with transparency with regard to the agreement. Where disputes around the operation of this agreement arise it is expected that the Risk Share Oversight Group will, in the first instance, seek to understand the dispute and either agree remedies or else agree and describe the parameters of the dispute for further consideration.

As it will be important in terms of on-going operation of the agreement to seek to resolve all disagreements locally where the risk share oversight group cannot reach agreement, a special meeting of Chief Executive Officers of the parties will be convened to consider the dispute as described by the risk oversight group and agree a solution.

In the unlikely event that parties to the agreement consider that external mediation is required to resolve a dispute, and with due consideration for the likely impact on the on-going success of the agreement, an external mediation provider will be appointed and all parties to this agreement agree to be bound by the final judgement reached.

The external mediator will be the Centre for Effective Dispute Resolution. The costs of the mediation will be borne by the parties to this agreement equally.

14 Contract Termination

This agreement has been put in place as a medium to long term means of managing the risks relating to volatile funding arrangements alongside increasing demand for care. There is also an expectation that this agreement will help to facilitate service reconfiguration over the course of the agreement.

This agreement should ensure that the first step for any party who wishes to change or withdraw from the agreement should be to sit down with the other parties to understand the circumstances and identify an appropriate solution that best meets the needs of the local population and balances the interests of the parties. Therefore there is no explicit premature termination clause within this agreement.

The duration of this agreement is set to allow sufficient time for the ICO to make the necessary service changes and investments and to achieve the resulting efficiencies. The modelling has indicated that this will be achieved of the first 5 years of the ICO and this period has therefore been agreed as the initial duration of the contract. At the end of the initial 5 year term the contract term will revert to a rolling 3 years.

During this time all efforts will be made to support each other in the event that individual parties' become financially distressed. However if one party is not in a position to continue the agreement the notice period is 12 months. This period of time is required for the other parties to the agreement to conclude their own exit plans. At the end of this notice period the default contractual terms set out in the NHS standard contract will apply. For the acute aspects of the business this will be payment by results (PbR) and for the community aspect of the business the traditional cost plus contract terms will apply to the extent PbR tariff have not been developed.

Force majeure

There may be a small number of exceptions to the above, which account for circumstances where there is a very serious catastrophe or event that threatens the health of the local population on a large scale or the existence of any of the parties as a going concern.

One of the partners shall not be deemed in default of this Agreement, nor shall it hold the other Parties responsible for, any cessation, interruption or delay in the performance of its obligations (excluding payment obligations) due to earthquake, flood, fire, storm, natural disaster, war, terrorism, armed conflict, or other similar events beyond the reasonable control of the Party provided that the Party relying upon this provision:

- 1) gives prompt written notice thereof, and
- 2) takes all steps reasonably necessary to mitigate the effects of the force majeure event.

For clarity most changes in government policy or funding would not be covered by this force majeure clause. We can reasonably anticipate that there will be changes in policy and funding in the life of this agreement and such changes should not signal an end to the relationships described in this agreement. The purpose and spirit of this agreement is to:

- 1) Recognise the level of uncertainty in health and care services and the existence of local risk
- 2) Ensure that the parties collaborate to prepare for and manage such risks for the medium-long term
- 3) Share the financial impact of any residual risk and benefit

15 External references

This risk share agreement will be referenced within the following documents:

- The Business Transfer Agreement
- The contract for services between the ICO and SDTCCG – financial schedules
- Torbay Council – The Annual Strategic Agreement
- The SDH Final Business Case
- The TSD Divestment Business Case

16 Signatures

Signed on behalf of **South Devon and Torbay Clinical Commissioning Group (SDTCCG)**

Signature: Name:

Signed on behalf of **Torbay Council**

Signature: Name:

Signed on behalf of **South Devon Healthcare NHS Foundation Trust (SDH)**



Signature: Name: Mairead McAlinden, CEO

Signed on behalf of **Torbay and Southern Devon Health and Care NHS Trust (TSD)**

Signature: Name:

17 Appendix A – Baseline income and costs

	2015/16	2016/17	2017/18	2018/19	2019/20
	£m	£m	£m	£m	£m
INCOME					
South Devon & Torbay CCG (Community) ¹	60.4	62.2	64.1	66.1	68.2
South Devon & Torbay CCG (Acute) ²	160.4	162.6	164.9	167.2	169.6
Torbay Council ASC	38.0	36.5	35.6	34.7	33.9
Other operating revenue ³	115.7	117.6	120.5	121.7	124.4
Non-operating revenue	-6.0	0.0	0.0	0.0	0.0
Total income	374.5	378.9	385.1	389.7	396.1
COSTS					
Employee Benefit expenses	-210.1	-206.4	-200.7	-198.8	-198.8
Drug expenses	-27.1	-29.1	-30.8	-32.8	-35.0
Clinical supplies and services expenses	-30	-30.6	-31.9	-33.1	-34.5
Adult Social Care	-39.4	-38.9	-38.4	-37.9	-37.4
Other Expenses	-57.2	-54.5	-55.6	-58.3	-61.8
PFI operating expenses	-0.9	-0.9	-0.9	-1.0	-1.0
Non-operating expenses	-17.7	-21.5	-21.6	-23.8	-21.1
Total costs	-382.5	-382.0	-380.0	-385.7	-389.6
NET SURPLUS / DEFICIT	-13.9	-3.1	5.2	4.0	6.6
Normalised surplus / deficit	-7.4	-0.6	6.2	6.5	6.6

Notes

¹ The TSD CCG element of ICO income combines the growth rates of the CCG assumptions on CHC and the balance of TSD budgets.

² The baseline value is consistent with the opening contract identified in the Heads of Terms and the Standard NHS contract. As the Trust and commissioners secure the savings needed to manage the costs down by £2.2M in year and £4.4M recurrently this will reduce the contract value to the target level of £156M.

³ The transaction finance from commissioners has been excluded from clinical income, but is included in Other Operating Revenue, this is separately referenced in the Transaction Agreement.

18 Appendix B – Summary extract from long term financial model (LTFM)

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
	Plan	Plan	Plan	Plan	Plan	Plan
	£m	£m	£m	£m	£m	£m
Income and Expenditure						
Income	374.5	378.9	385.1	389.7	396.1	404.1
Operating expenses	(364.8)	(360.5)	(358.4)	(361.9)	(368.5)	(375.5)
EBITDA	9.7	17.6	25.8	27.8	27.6	28.5
Non-operating revenue	(6.0)	-	-	-	-	-
Non-operating expenses	(17.7)	(21.5)	(21.6)	(23.8)	(21.1)	(20.6)
Net surplus / (deficit)	(13.9)	(3.1)	5.2	4.0	6.6	7.9
<i>Nominalised surplus</i>	<i>(7.4)</i>	<i>(0.6)</i>	<i>6.2</i>	<i>6.5</i>	<i>6.6</i>	<i>7.9</i>
<i>...included in the above :</i>						
Impairment	(0.5)	(2.5)	(1.0)	(2.5)	-	-
Investment in ICO transition Costs	(3.4)	(3.6)	(1.2)	(0.5)	(0.6)	-
ICO Merger Synergies	0.9	1.0	0.0	0.0	0.0	0.0
ICO Care Model	1.6	3.3	1.7	0.1	0.1	0.1
Continuous Improvement Plan (CIP)	15.2	11.8	13.5	11.6	9.9	11.0
	4.2%	3.3%	3.8%	3.2%	2.7%	2.9%
Cash balance and key movements						
Cash Balance	27.8	19.0	19.4	22.3	25.5	29.5
Capital Expenditure	(29.1)	(27.8)	(15.9)	(15.2)	(9.3)	(9.3)
Loans & leases Drawdown	31.6	14.5	5.4	5.5	0.2	0.3
Key Metrics						
EBITDA Margin	2.6%	4.6%	6.7%	7.1%	7.0%	7.1%
ICO changes as % of cost	(0.7%)	(1.2%)	(0.5%)	(0.0%)	(0.0%)	(0.0%)
CIP as % of Cost	(4.2%)	(3.3%)	(3.8%)	(3.2%)	(2.7%)	(2.9%)
I&E Surplus Margin	(3.7%)	(0.8%)	1.3%	1.0%	1.7%	2.0%
Continuity of Service Measures						
Liquidity Ratio Rating	4	2	2	3	3	4
Capital Servicing Capacity Rating	1	2	3	3	3	3
Continuity of Service Risk Rating	3	2	3	3	3	4

Torbay Council, Emergency Planning Roles in Council's Emergency cascade

- Strategic commissioning of adult social care services (residential care and community care and support)
- Responsibility for housing commissioning and strategy
- Commissioning of accommodation based and outreach (floating) support for Homeless People and other Vulnerable Groups.
- Relationships with external providers and joint commissioners in health and neighbouring local authorities
- Delivery of adult social care services

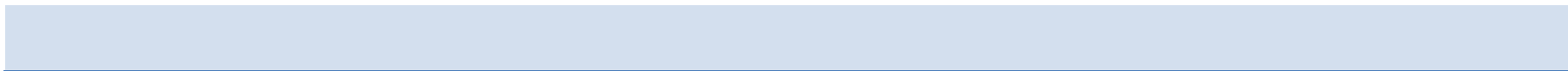
ADULT SERVICES PRIMARY CONTACTS

Name / Title	Emergency Role	Contact Details
Fran Mason Head of Partnerships, People and Housing	Communication with contracted providers of Care and Support for vulnerable people. Availability and co-ordination of needs assessment. Safeguarding vulnerable adults and serious case review including authorisation of deprivation of liberty under Mental Capacity Act.	01803 208424 (W) 01803 524311 (H) 07984757774 (M)
Jo Williams Associate Director of Adult Social Services	assessment of vulnerable people, brokering packages of care, moving people from residential or nursing care identifying suitable alternatives, liaising with health to make sure prescriptions/meds available, identifying rest centres, aids and adaptations, other support for displaced vulnerable people, responsible for maintaining access to out of hours emergency support	

ADULT SERVICES SECONDARY CONTACTS

Name / Title	Emergency Role	Contact Details
Vacant Strategic Partnership Manager	Communication with contracted providers of Care and Support for vulnerable people. Availability and co-ordination of needs assessment. Safeguarding vulnerable adults and serious case review including authorisation of deprivation of liberty under Mental Capacity Act.	
Robin Willoughby Lead AMHP	Assessment and placement, access to services, medication and packages of care and place of safety for older people with poor mental health	
Sharon O'Reilly Manager Older person	Assessment and placement, access to services, medication and packages of care and place of safety for people under 65 with poor mental health	

Mental health team



Risk-Share Oversight Group Terms of Reference - December 2015

Constitution

The Risk–Share Agreement (RSA) was signed by Torbay and South Devon NHS Foundation Trust (TSD), herein known as the integrated care organisation (ICO), Torbay Council and NHS South Devon and Torbay Clinical Commissioning Group (CCG) in September 2015. It describes the framework for the financial management of the multi-year investment by commissioners for services provided by the ICO. The RSA sits alongside the NHS Standard Contract and whilst does not override the quality or administrative elements, does supersede all financial components. The RSA states a Risk-Share Oversight Group (RSOG) is established with all parties, to provide strategic oversight of the agreement.

Purpose

For the Risk–Share Agreement, the Risk-Share Oversight Group will:

1. Provide assurance on system performance
2. Oversee strategy (short, medium and long term)
3. Agree support of major service development plans and contract changes.

Responsibilities

The role of the Risk-Share Oversight Group shall be to carry out the functions relating to the strategic delivery of the Risk–Share Agreement. In particular the group will have responsibility for:

1. Operation of the risk-share ‘mechanism’
2. Medium term operation of the RSA
3. Renewal of RSA
4. Consideration of disputes

Whilst not an exhaustive list, this includes the following activities:

- Receipt of key information, in an agreed format to monitor the activity, finance and performance of the ICO.
- Seek assurance on the implementation of the ICO care model

Membership

The Risk-Share Oversight Group shall consist of the following members from the three organisations:

Integrated care organisation:

- Director of Finance, Performance & Information and Deputy Chief Executive
- Head of Performance, Information and Contracting

Torbay Council:

- Director of Adult Services
- Chief Accountant
- Finance Manager

South Devon and Torbay CCG:

- Chief Finance Officer (chair)
- Deputy Chief Finance Officer (vice chair)
- Commissioning director with portfolio responsibility for the integrated care organisation

<p><u>Reporting arrangements</u></p> <p>It is the responsibility of the members of the Risk-Share Oversight Group to ensure outcomes from the group are communicated to the governance arrangement of each organisation. South Devon and Torbay CCG will submit Commissioning and Finance Committee.</p> <p>The Delivery Assurance Group</p>		
<p><u>Administration</u></p> <p>Secretariat support for the Risk-Share Oversight Group will be provided by South Devon and Torbay CCG. The secretariat will circulate the notes of the group committee within 5 working days of the meeting to all members.</p>		
<p><u>Conduct of the Group</u></p> <p>The committee shall conduct its business in accordance with national guidance, relevant codes of practice including the Nolan Principles.</p>		
Quorum	Frequency of meetings	Terms of Reference
<p><u>Quorum</u></p> <p>The Risk-Share Oversight Group is quorate when at least one member is present from each organisation, including the Chair or the Deputy Chair.</p>	<p><u>Frequency of meetings</u></p> <p>The Risk-Share Oversight Group will meet as required to conduct its business, and will meet a minimum of four times per year.</p>	<p><u>Review</u></p> <p>These terms of reference may be amended by mutual agreement between all parties at any time to reflect changes in circumstances which may arise. They will be formally reviewed by the membership in quarter four of each year.</p> <p>Date approved: 03 Dec 15 Next review: January 2016</p>

Torbay Council Corporate Plan: Summary of Commissioning Priorities for Adult Social Care

The Council's Corporate Plan (2015-2019) includes the following commissioning priorities for 2016-2017.

1.7.2 Care Model

- Living Well@Home development programme
- Care Homes outcomes based commissioning
- Accommodation, care and support strategy
- Outcomes based specification for extra care housing and procurement

1.7.3 Autism

- Provide autism awareness training for all staff that come into contact with people with autism
- Provide specialist training for key staff, such as GPs and community care assessors.
- Undertake community care assessments for adults with autism irrespective of their IQ and perceived ability
- Appoint an Autism lead for Torbay
- Develop a clear pathway to diagnosis and assessment for adults with autism
- Commission services based on adequate population data and needs assessment

1.7.4 Learning Disabilities

- Focus on people living full and independent lives, where secure homes and fulfilling lives are a priority
- We will help people and let them know what options they have to help them achieve their goals
- Improved accessibility to community services for those people who have a learning disability
- Improve access to employment and housing

1.7.5 Mental Health

- Delivery of the improvement plan with joint commissioning arrangements with Devon County Council and South Devon and Torbay Clinical Commissioning Group
- Support for integrated personal care planning and brokerage

1.7.6 Housing and Care

- Implement the homelessness prevention plan
- Re-commissioning of accommodation based and outreach support for single homeless and young peoples' homelessness support services and young parents service
- Implement the Devon protocol to support joint action on improving health through housing
- Accommodation-based care and support plan
- Better use of equipment, home improvements, grants and technology
- Homelessness strategy delivery including, prevention and early intervention and alternatives to temporary accommodation and improved hospital discharge

- Undertake full assessment of the health needs of the homeless population of Torbay is carried out by Oct 2016
- The physical development of Care Homes to provide an environment fit for the provision of care and in support through the Villa Revival programme and Housing Strategy.

1.7.7 Safeguarding Adults

- Continue to prevent abuse and neglect wherever possible, understand the causes of abuse and neglect, and learn from experience
- Safeguard adults in a way that supports choice and control and improves their lives
- Provide information and promote public awareness to enable people in the community to be informed so that they know when, and how, to report suspected abuse



Meeting: Council

Date: 25 February 2016

Wards Affected: All Wards

Report Title: Collaton St Mary Masterplan Supplementary Planning Document

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Mark King, Executive Lead for Planning, Transport and Housing (07873254117 – mark.king@torbay.go.uk)

Supporting Officer Contact Details: David Pickhaver, Senior Strategy and Project Officer, (01803 208815 – david.pickhaver@torbay.gov.uk)

1. Proposal and Introduction

- 1.1 The Collaton St. Mary Masterplan further defines the nature of future development within the Collaton area (West Paignton) of Paignton. This area is allocated as a Future Growth Area within the new Adopted Torbay Local Plan 2012-30, to deliver around 460 new homes, local centre and infrastructure, including green infrastructure.
- 1.2 Members are asked to agree that this Masterplan should be adopted as a Supplementary Planning Document (SPD). This will give the Masterplan statutory weight in guiding development and promoting investment in this area, and help implement the Local Plan. It is emphasised that the Adopted Local Plan 2012-30 is the development plan that proposes the Future Growth Area. The Masterplan helps provides additional detail to the Local Plan and identifies matters that must be addressed at the planning application stage.
- 1.3 The Collaton St. Mary Future Growth Area is strategically important in helping Torbay to meet its needs for new housing and employment growth. It is identified as such within the new Torbay Local Plan which was adopted by Council on 10 December 2015. Specifically it is covered by Policies SS2 Future Growth Areas and SDP3 Paignton North and Western Area. These envisage the area providing around 460 new homes, and accompanying infrastructure including measures to provide resilience to the effects of climate change and safeguard biodiversity.
- 1.4 The Masterplan adds important detail to the Local Plan regarding matters related to future development within the Future Growth Area, including further details of the likely approximate layout, phasing, accesses and mitigation works.

forward thinking, people orientated, adaptable - always with integrity.

- 1.5 The Masterplans provide more detailed layouts etc than the Local Plan, and have been informed by high level assessments of site suitability, biodiversity impact etc. However, it is emphasised that they do not replace the need for project level assessments of highways, drainage, biodiversity etc.
- 1.6 In February 2014, the Council commissioned four Masterplans to be produced for Torquay Town Centre, Torquay Gateway (Edginswell), Paignton Town Centre and Collaton St. Mary. Both of the town centre masterplans were adopted in June 2015, on the back of the then existing Local Plan. The Torquay Gateway and Collaton St. Mary Masterplans could only be adopted once the new Torbay Local Plan is adopted as it is this document which agrees the principle of growth in these areas. SPDs must provide further detail on Local Plan policies. The Torquay Gateway Masterplan was adopted on 10 December 2015.
- 1.7 Following public consultation during October –November 2014, the Collaton St. Mary Masterplan has required further minor modifications and a second, more focussed consultation, primarily on access arrangements. This consultation took place in December 2015-January 2016. The access arrangements have had a knock on effect on flooding and greater horseshoe bat considerations. Specifically removing the proposed road crossing the flood meadow west of Stoke Road reduces the environmental impact of the proposal. With this and a number of other minor amendments, the Masterplan is now ready to be put forward to Members for adoption.
- 1.8 SPDs build upon and provide more detailed advice and guidance on the policies in a local planning authority's adopted Local Plan. Torbay Council has a number of SPDs currently in place covering a variety of matters such as the local approach to achieving quality urban design; planning contributions and affordable housing (under review); and the greenspace strategy. These documents provide a clear indication to applicants on how to make successful planning applications, as well as helping to provide clarity and certainty in the development process. SPDs must be produced in accordance with the Town and Country Planning Regulations 2012.
- 1.9 It is important to adopt the Collaton St. Mary Masterplan, as soon as possible, for a number of key reasons:
 - a) There is already significant and positive activity on behalf of the landowners in the Collaton St. Mary area with planning applications currently being prepared. The Masterplan sets a detailed framework for the sustainable delivery of growth in this area and therefore it is important that this document is given policy weight in terms of decision-making. In particular the masterplan sets out environmental and other safeguards to ensure that development is sustainable, and provides greater certainty for developers.
 - b) It is acknowledged that the development of Collaton St Mary has attracted objections, on the grounds of flooding, highway capacity, biodiversity and village character. The masterplan does not replace the need for project level assessments, but does provide more detail on matters such as bat-corridors and flooding mitigation than it is possible to include in the Local Plan. Without the masterplan, it would be more difficult to achieve these safeguards.
 - c) The Collaton St Mary area will make an important contribution to meeting the overall Local Plan housing requirement and is likely to be necessary for

maintaining a five year land supply in the medium term. Policy SDP3 (Table 5.12) of the Local Plan sets out an approximate timing of development in the Collaton St Mary area. Development of brownfield land at Torbay Motel and Ocean BMW is anticipated within phase 2 (i.e. 2017-22), with greenfield areas anticipated to be developed from years 11-15 (i.e. post 2022). However development cannot be held back purely for phasing reasons if infrastructure and other matters can be addressed. Moreover, the housing trajectory in Policy SS12 of the Local Plan could result in the area being required to help meet the Council's five year supply earlier than the indicative date set out in Table 5.12. If the Council is unable to maintain a rolling five year supply of deliverable sites, then it is much more vulnerable to speculative development and will have less leeway to seek s106 or other contributions.

2. Reason for Proposal

- 2.1 As this document is intended to become part of the Council's Policy Framework, it must be agreed by Members prior to adoption.
- 2.2 This Masterplan, and the Local Plan upon which it builds, have been the subject of extensive community engagement. The Masterplan has sought to provide environmental safeguards to meet residents' and others' concerns. The Future Growth Area is proposed in the Adopted Local Plan. No alternative has been put forward which would meet Torbay's objectively assessed housing needs, or provide certainty about five year supply.
- 2.3 Now that the Council has adopted the Torbay Local Plan, this Masterplan is in a position to be adopted as a Supplementary Planning Document (SPD) to help guide future development of this area.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Collaton St Mary Masterplan, with the schedule of amendments set out in Appendix 2 to the submitted report be approved and adopted as a Supplementary Planning Document.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Collaton St. Mary Masterplan Proposed SPD. Revised Draft, Feb 2016 (incorporating changes recommended in Appendix 3).

Appendix 3 Collaton St. Mary Masterplan. Recommended Changes to February 2015 Draft

Appendix 4 Collaton St. Mary Masterplan Option 2 Map

Appendix 5: Draft Public Participation Statement – www.torbay.gov.uk/masterplans

Background Documents

Further background documents relating to earlier stages of the masterplan preparation process can be found on the Council's website – www.torbay.gov.uk/masterplans

Supporting Information and Impact Assessment

Service / Policy:	Collaton St. Mary Masterplan SPD
Executive Lead:	Cllr Mark King
Director / Assistant Director:	Anne Marie-Bond

Version:	1	Date:	04/01/16	Author:	David Pickhaver
----------	---	-------	----------	---------	-----------------

Section 1: Background Information

1. What is the proposal / issue?

The proposal is to adopt a Masterplan for the Collaton St. Mary Future Growth Area, as outlined in the Council's Adopted Torbay Local Plan 2012-30, as a Supplementary Planning Document (SPD).

SPDs do not establish the principle of development. This is established in the Adopted Local Plan.

However SPDs expand on Local Plan policies to provide further guidance, principles and detail for how development proposals should be managed. Once adopted by a local planning authority, having been through a statutory plan making process, they hold material weight for the purpose of making decisions regarding planning applications.

2. What is the current situation?

The new Local Plan provides a strategic framework for growth in this area i.e. expected area, numbers of homes, approximate timings and key infrastructure issues.

The Masterplan is required to add important further detail and guidance regarding the principles for the nature of development that should be delivered in accordance with the Local Plan as well as detailed design guidance. It also sets out mitigation requirements in relation to matters such flooding, greater horseshoe bats and highways.

The masterplan does not replace the need for project level assessments and surveys of biodiversity, transport flood management etc, which must be carried out by developers.

3. What options have been considered?

Options for growth in Torbay have been tested in detail through the Local Plan process and were informed by a significant evidence base including but not limited to detailed Sustainability Appraisal, Habitats Regulations Assessment, and Strategic Housing Land Availability Assessment (SHLAA). For a full list of documents see the evidence base for the Torbay Local Plan Examination Library, which is available at:

<http://www.torbay.gov.uk/index/yourservices/planning/strategicplanning/localplanexamination.htm>

Different options for the nature and scale of growth in the Collaton St. Mary area were tested during the masterplanning process, including through consultation with the

	<p>community, before completion of the final Masterplan.</p> <p>It is noted that some objectors, including Paignton Neighbourhood Forum have argued that Collaton St Mary will not be needed for development until the latter part of the Plan period. Whilst the Paignton Neighbourhood Plan has not (at the time of writing) been published for consultation, it is considered unlikely that the housing requirement for Paignton can be realistically met without development at Collaton St Mary.</p> <p>Following the public consultation in October-November 2014 a further consultation on access arrangements took place between December 2015-January 2016. A longer period for comments than the legally required 4 weeks was given, to take into account the Christmas period. Whilst this consultation was limited to access matters, the broader issues raised relating to flooding, ecology etc have also been taken into account in finalising the Masterplan.</p> <p>Members may recall previous planning proposals for major residential development on the 'Car Boot Sale' site, which is in the masterplan area. The Council refused these proposals, but officers are aware of further work – by a number of landowners and developers – to bring forward development proposals for sites in the masterplan area. It is important to have an adopted masterplan in place to help secure the best outcomes possible.</p> <p>It is worth noting that the masterplan has already provided a very good basis for discussion and negotiation on the planning application submitted for the Torbay Motel site, at the western end of Collaton St Mary.</p>
<p>4.</p>	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>The SPD builds upon and adds detail to policies set out in the Local Plan. Specifically this SPD will facilitate growth which supports a Prosperous and Healthy Bay through the provision of sustainable and high quality development. Development delivered in line with the principles set out in the Masterplan will assist the Council in meeting its rolling five year housing supply, provide a well-connected and diverse living environment to support growth, and improve accessible natural greenspace.</p>
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>All persons in Torbay will be affected directly and indirectly by new growth at Collaton St. Mary. The area is strategically important in terms of the new Local Plan's strategy for sustainable growth in Torbay. For this reason, masterplan preparation has included consultation with statutory consultees as well as other interested stakeholders from the Council's Local Plan Consultee Database.</p> <p>The affected area lies in Paignton and will have a greater direct impact on Paignton residents and businesses, therefore additional consultation has been undertaken with a range of selected stakeholders in the form of specific workshops and meetings, to include businesses, residents, members of the Paignton Neighbourhood Forum, the local Community Partnerships and landowners.</p> <p>There are local objectors to the Masterplan, including Paignton Neighbourhood Forum and the "Combination" of Collaton St Mary Residents' Association/ Collaton Defence</p>

	<p>League. These organisations were represented at the Local Plan Examination in November 2014, and their objections to the principle of development were considered through the Local Plan Examination and subsequent Modification process.</p>
<p>6.</p>	<p>How will you propose to consult?</p> <p>Extensive consultation has been undertaken in accordance with the Town and Country Planning Regulations 2012. The production of SPDs is a statutory process and consultation requirements are prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012 [as Amended], in the context of supporting primary legislation. Further guidance is set out in the Council's Statement of Community Involvement. A variety of methods of public participation have been used, detailed in the accompanying Public Participation Statement and the Masterplan document itself. There has been a considerable emphasis on bottom-up community engagement, with the Paignton Neighbourhood Forum playing a key role in the community consultation.</p> <p>Workshops were held in April 2014, by the Council's appointed consultants, Stride Treglown as part of their preparation of the draft Masterplan. Following publication of this, public consultation on the Masterplan was carried out between 27 October 2014 and 24 November 2014. A further consultation on access options took place between 4 December 2015- 8th January 2016. This was a week longer than the statutory 4 weeks to allow for the Christmas break. The representations received and the Council's response are set out in Appendix 3: Public Participation Statement.</p> <p>Note that this consultation is in addition to the consultations of the Local Plan and its Modifications. It is this development plan that established the principle of development at Collaton St Mary.</p> <p>Following Adoption of the SPD, the Council is required to publish an Adoption Statement and notify those persons who requested to be notified of its adoption, that this has happened. This needs to be carried out in a timely manner, in accordance with guidance in the Regulations.</p>

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>The Masterplan will be adopted within the legal framework of the Town and Country Planning Regulations 2012 to become a Supplementary Planning Document which would give it statutory weight as a material consideration when making planning decisions.</p> <p>However, the Future Growth Area is identified in the Adopted Torbay Local Plan, which has greater weight as part of the development plan.</p> <p>The provision of new homes (shelter) will contribute to the reduction in levels of deprivation and affordable housing. This will be augmented by healthy place-making principles which form a fundamental philosophy of the Masterplan (promoting physical activity, healthy homes, mixed and balanced communities, quality green space). Development proposals in this area will provide opportunities for income generation for provision of community facilities and infrastructure via S106 Agreements/ Community Infrastructure Levy and award of New Homes Bonus (NHB).</p> <p>However the financial benefits are not the motivation for the area being promoted for development. The Council is required to meet its housing requirement and to maintain a five year supply of deliverable dwellings.</p>
8.	<p>What are the risks?</p> <p>The importance of adopting the Masterplan as an SPD has been outlined in this Report, including at para 1.7. If the document is not adopted as SPD, the Council will be less able to influence planning applications which come forward in this area and therefore less likely to secure the principles and associated benefits contained within the Masterplan.</p> <p>It is noted that Paignton Neighbourhood Forum has objected to the Masterplan and could in principle promote alternative sites. However, Officers' view is that it would not be possible to meet the Local Plan's housing requirement without development at Collaton St Mary.</p> <p>Should the Local Planning Authority (i.e. Torbay Council) not be able to demonstrate a five year supply of deliverable housing sites, development plan policies for the supply of housing cannot be considered up to date (NPPF paragraph 49). This will affect development throughout Torbay.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>The production of the Masterplan has utilised a specialist multi-disciplinary consultant team to produce the document in conjunction with technical input from Council officers and stakeholders (e.g. through consultation and engagement). The contract for this work was based on an existing framework agreement.</p>

10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>The National Planning Policy Framework requires local planning authorities to ensure that plan preparation is informed by an up-to-date, relevant and proportionate evidence base. Torbay Council has prepared wide range of studies for this purpose, both individually and jointly with other organisations, to inform Local Plan preparation. These documents have also been utilised to inform preparation of the Collaton St. Mary Masterplan.</p> <p>Evidence and data has been drawn from a wide range of sources. (See supporting information relating to the new Torbay Local Plan for further information of those sources). In particular the land at Collaton St Mary was identified as being suitable for development in the 2008 and 2013 Strategic Housing Land Availability Assessments (SHLAAs) and the (then) Core Strategy Options Consultation in 2009.</p>
11.	<p>What are key findings from the consultation you have carried out?</p> <p>See 6. above. Extensive consultation has influenced the proposals contained within the Masterplan relating to all matters, including all details, guidance and principles which are outlined for future development at Collaton St. Mary.</p> <p>A detailed series of consultations was carried out prior to a formal consultation stage on the draft Masterplan. This included stakeholder workshops and meetings as well as numerous public exhibitions, an online survey supported by promotion of such events to consultees and the wider public. This meant that the draft Masterplan has had a high degree of community engagement and the proposals which it contained were heavily influenced through the ‘bottom-up’ masterplan preparation process.</p> <p>This is in addition to consultation on the Local Plan, which proposes the area as a Future Growth Area.</p> <p>It is acknowledged that there are outstanding objections to the principle of development of Collaton St Mary. However, the principle of development has already been established by the Local Plan.</p> <p>The Masterplan has informed the development of the Local Plan by reducing the quantum of development from 836 dwellings (in the Submission Local Plan) to 460 dwellings (Replacement Main Modification 10). This was in response to the consultants’ view of the likely capacity of the village taking into account residents’ and other concerns. Therefore the Masterplans and community consultation have had a major impact on shaping development in the area.</p> <p>In response to the further consultations on the Masterplan (both the October 2014 consultation and December 2015 access consultation), a number of relatively minor changes are recommended to the final Masterplan. These are set out in Appendix 3.</p> <p>Main changes to the Masterplan.</p> <p>In terms of the access consultation, Option 2 (reduced highway infrastructure</p>

	<p>crossing the meadow) has significant environmental benefits over the other options and is recommended for incorporation into the masterplan.</p> <p>This entails that the access road proposed to cross the meadow west of Stoke Road is deleted and replaced with a pedestrian/cycle access. This may be a raised timber structure or floodable permeable structure. The meadow should be protected and enhanced as a flood plain and part of the greater horseshoe bat flight path/foraging area. Whilst public access over the meadow may be permitted, this should not be at the expense of meadow's floodplain and biodiversity habitats. Should it become available for development, Ocean BMW can be developed as a standalone local centre, and should also incorporate improved flood resilience.</p> <p>Access to new development on the south of Totnes Road should be via Torbay Motel, Lower Blagdon Farm and Woodlands. These are known to be available. Similar alternative accesses could be considered should they be available, but a proliferation of accesses onto Totnes Road must be avoided.</p> <p>Whilst improving the junction with Stoke Road remains an aspiration, additional road infrastructure on the meadow are likely to increase flood risk and impact on the greater horseshoe bat corridor. Of the two options, Option 4 which has a standalone road around part of the east of the meadow is less harmful in terms of the bat corridor, but is still likely to have an impact on flooding which would need to be mitigated. Such a scheme or similar junction improvement could be brought forward independently of the new housing development shown in the masterplan.</p>
12.	<p>Amendments to Proposal / Mitigating Actions</p> <p>See comments above (11), Appendix 3, Public Participation Statement and supporting documents on the website for schedule of changes at www.torbay.gov.uk/masterplans .</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	<p>The Masterplan delivers further guidance regarding facilitating acceptable developmental growth in accordance with the new Adopted Torbay Local Plan 2012-30 "A landscape for success" (new Torbay Local Plan hereafter). The new Local Plan contains various Policies that specifically support the needs of older and younger people. The Masterplan will help deliver objectives set out in Local Plan Policies SS12 Housing, H1 Applications for new homes, H2 Affordable Housing, H3 Self-build affordable housing and exception sites, H6 Housing for people in need of care, SC3 Education, skills and local labour, SC5 Child poverty, and SS11 Sustainable Communities.</p>		
People with caring Responsibilities			No differential impact
People with a disability	<p>The Masterplan delivers further guidance regarding facilitating acceptable development in accordance with the new Torbay Local Plan. The new Torbay Local Plan contains various Policies that specifically support the needs of people with a disability. The</p>		

	Masterplan will help deliver objectives set out in Local Plan Policies SS12 Housing, H1 Applications for new homes, H2 Affordable Housing, H3 Self-build affordable housing and exception sites and H6 Housing for people in need of care.		
Women or men			No differential impact
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	The Masterplan delivers further guidance regarding facilitating acceptable development in accordance with the new Adopted Torbay Local Plan. The Masterplan will help deliver objectives set out in Local Plan Policies SS11 Housing and H1 Applications for new homes.		
Religion or belief (including lack of belief)			No differential impact
People who are lesbian, gay or bisexual			No differential impact
People who are transgendered			No significant effect
People who are in a marriage or civil partnership			No significant effect
Women who are pregnant / on maternity leave			No significant effect
Socio-economic impacts (Including impact on child	The Masterplan delivers further guidance regarding facilitating		

<p>poverty issues and deprivation)</p>	<p>acceptable developmental growth in accordance with the new Torbay Local Plan. The new Torbay Local Plan contains various Policies that specifically address socio-economic impacts. The Masterplan will help deliver objectives set out in Local Plan Policies SS2 Future Growth Areas, SS4 Economy and employment, SS11 Sustainable Communities, SS12 Housing, H1 Applications for new homes, H2 Affordable Housing, H3 Self-build affordable housing and exceptions sites, H6 Housing for people in need of care, SC3 Education, skills and local labour, SC5 Child poverty and ES1 Energy.</p>		
<p>Public Health impacts (How will your proposal impact on the general health of the population of Torbay)</p>	<p>The Masterplan has been drawn-up with health as a key factor in defining the brief and it is expected that health will be positively affected through the development of quality green infrastructure, new homes for mixed and balanced communities, high quality employment and opportunities to undertake physical activity as part of normal life. In addition, the Masterplan delivers further guidance regarding facilitating acceptable developmental growth in accordance with the new Torbay Local Plan. The new Torbay Local Plan, contains various Policies</p>		

	<p>that specifically address public health impacts. The Masterplan will help deliver objectives set out in Local Plan Policies SS2 Future Growth Areas , SS4 Economy and employment, SS8 Natural environment, SS9 Green infrastructure, SS11 Sustainable Communities, SS12 Housing, H1 Applications for new homes, H2 Affordable Housing, H3 Self-build affordable housing and exceptions sites, SC1 Healthy Bay, H6 Housing for people in need of care, SC3 Education, skills and local labour, SC4 Sustainable Food production, SC5 Child poverty and ES1 Energy. The Local Plan and Masterplan require development proposals to undertake Health Impact Assessment to help further understand and inform planning applications for the Collaton St Mary area.</p>			
<p>14</p>	<p>Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)</p>	<p>The guidance and principles contained within the Masterplan add further detail to the new Torbay Local Plan and together set a framework for sustainable development at the Collaton St. Mary Future Growth Area, including the provision of new homes, local centre, and the protection and enhancement of the environment. The Masterplan also embraces corporate priorities. Where changes are made in Council wide policy, those with spatial implications, including Council-led development, has to be in accordance with the policies of the Adopted Local Plan. The Masterplan SPD provides guidance on the implementation of the Local Plan and is a material consideration when determining planning applications, but does not form part of the development plan. The development management process should help to reinforce the positive impact of development and ensure mitigation of any harmful impacts.</p> <p>Whilst the development of Collaton St Mary provides the opportunity for developer contributions through</p>		

		<p>S106/S278 Agreements as well as New Homes Bonus, the development is not being promoted for financial considerations. Planning obligations will be necessary to address flooding, highways and ecological impacts as well as providing social and recreational infrastructure to meet the needs of residents.</p> <p>The maintenance of a five year supply of deliverable housing land is a critical planning consideration. Without a five year supply, the Council has much less power to influence planning decisions within Torbay.</p>
15	<p>Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)</p>	<p>The guidance and principles contained within the Masterplan add further detail to the new Torbay Local Plan and together set a framework for sustainable development at the Collaton St. Mary Future Growth Area including the provision of new homes, local centre, and the protection and enhancement of the environment. The Masterplan also embraces corporate priorities.</p> <p>Where changes are made across other public services, those with spatial implications have to be in accordance with the policies of the adopted Local Plan and the Masterplan SPD. The development management process should help to reinforce the positive impact of development and ensure mitigation of any harmful impacts.</p>



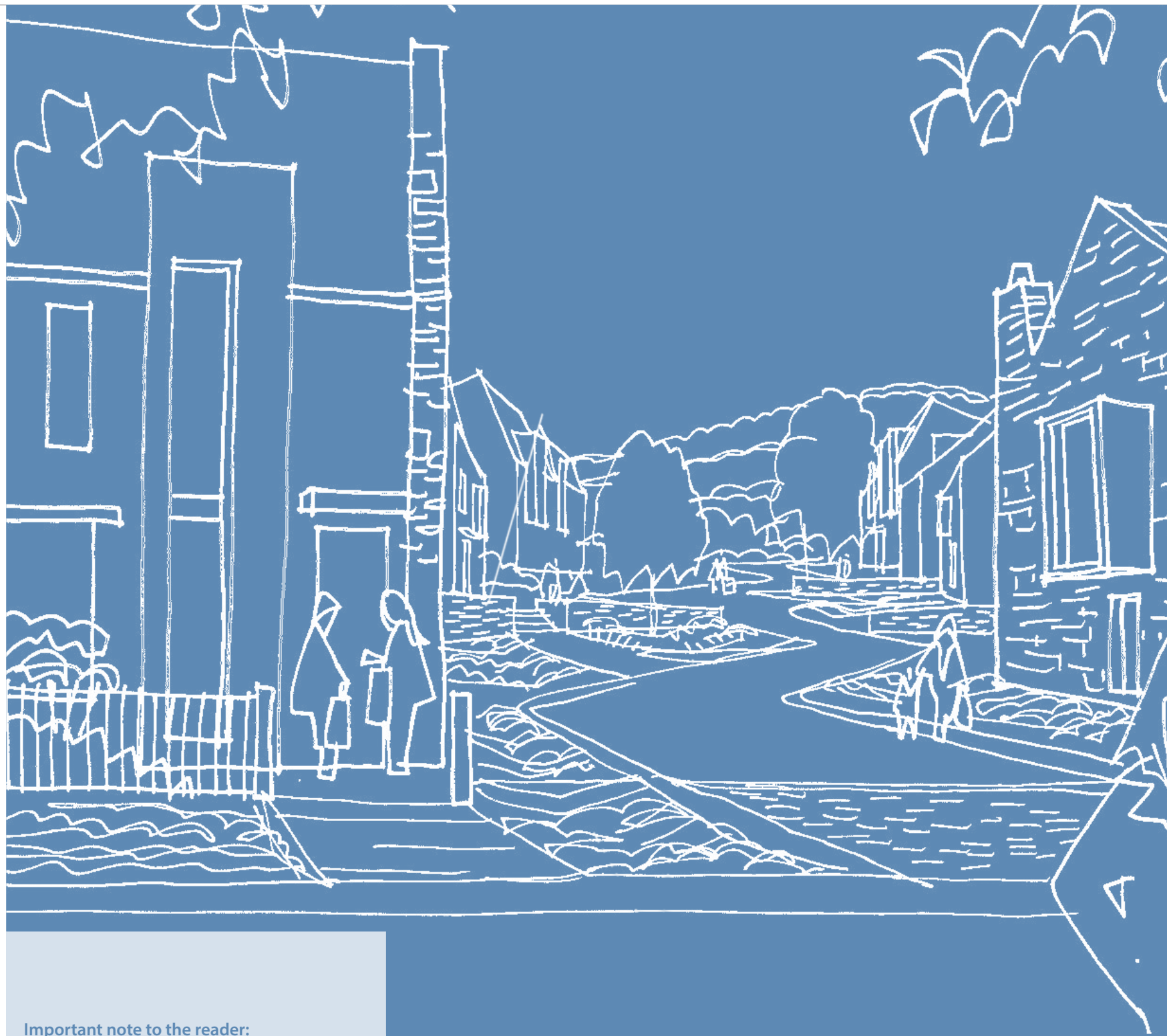
Draft.

For client approval

Collaton St Mary Masterplan

February 2016

1.0	Overview	3	4.0	Public Consultation	20
				Initial Masterplan Response	23
2.0	Site and Surrounding Context	4	5.0	Masterplan	24
	Distribution of uses	4		Illustrative Masterplan	25
	Torbay population profile	5		Proposed Strategies	26
	Planning Policy Appraisal	6		Landscape Strategy Principles	28
	Neighbourhood Forum Stage 2 Wallchart	7		Phasing	30
	Existing Movement Network	8	6.0	Delivery	38
3.0	Landscape Character	10	7.0	Appendix	40
	Landscape Analysis	12		HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan)	
	Landscape Character Appraisal Plan	13			



Important note to the reader:

The Draft Collaton St Mary Masterplan (October 2014) <http://www.torbay.gov.uk/csm-masterplandraft.pdf> was amended following the initial round of consultations. A revised draft version (dated February 2015) incorporated changes made in response to the initial (October 2014) consultation. Following the second consultation (December 2015-January 2016), a number of additional changes have been made to the Masterplan. These changes (made since the February 2015 draft) have been highlighted in dark red text throughout this document.

Contents.



The west of Paignton offers the largest area of land for expansion within Torbay, although there are infrastructure matters that need to be provided prior to development of already committed areas.

The Council has identified the land around Totnes Road and Collaton St Mary, alongside other areas in West Paignton, as an 'Area of Search' within the [Adopted Torbay Local Plan 2012-30](#) "A landscape for success". In simple terms, areas of search provide a mechanism for communities, the Council and landowners to work in partnership to assess the potential for jobs, homes and infrastructure, including green infrastructure, to come forward in the area of search. In this instance, and reflecting the sensitivity of new development in and around Collaton St Mary, a master for the long term evolution of the village is considered the most appropriate mechanism for shaping that growth.

The scale and nature of new development delivered within areas of search must reflect the character of the individual area, as informed by Torbay's Landscape Character Assessment, should be green infrastructure led and should be consistent with the levels of growth set out in the Local Plan. This masterplan will therefore add much needed detail, including the timing of delivery of jobs, homes and infrastructure, to the area of search and Strategic Housing Land Availability Assessment.

The Council has identified a number of principles that it feels are appropriate in guiding the masterplan process at Collaton St Mary. They are:

1. The enhancement of a strong sense of community through the effective design and layout of homes and the provision of local facilities;
2. Provision of a range of residential schemes that offer a mix of housing types;
3. Creation of employment space, delivered in the early stages of development, designed to meet identified economic growth sectors – but this employment space is likely to be limited given the proximity, in West Paignton,

of major employment sites;

4. Essential transport and utilities infrastructure, including green infrastructure, and appropriate links to other planned facilities;
5. A suitable range of recreational, leisure and tourism facilities;
6. High quality design standards that embrace sustainable and energy efficient construction techniques and preventing crime through environmental design; and
7. Appropriate phasing to ensure overall a balanced provision of jobs, homes and infrastructure (including green infrastructure).

The masterplan in this report has been driven by these principles, and can deliver a robust and coherent long term development strategy for the village that responds directly to the characteristics of Collaton St Mary.

The masterplan sets out an indicative plan for the area's development. Before development commences it will be necessary for green and physical infrastructure to be put in place. In particular, further survey work will be needed to ensure that greater horseshoe bats and other biodiversity are not adversely affected.

Whilst this masterplan has considered the issue of flooding, detailed proposals will need to ensure that there is adequate sewer capacity to serve development, and flood attenuation measures are provided, using sustainable urban drainage systems wherever possible.

Detailed applications should have regard to policies in the Local Plan. In particular Policy DE1 "Design" sets out design considerations for development.

The focus of this masterplan has been on place making, and demonstrating how the existing village can grow in a sustainable, organic way. This masterplan report sets out the strategies underpinning the proposed layout and how the information received locally has contributed to the design.

Overview.



Site and surrounding context.

Distribution of uses around the town

The range of facilities and different uses distributed around the village reflect the settlement's rural character. There are some social facilities available to the local community in the village and relatively easy access to a range of larger facilities in the wider locality.

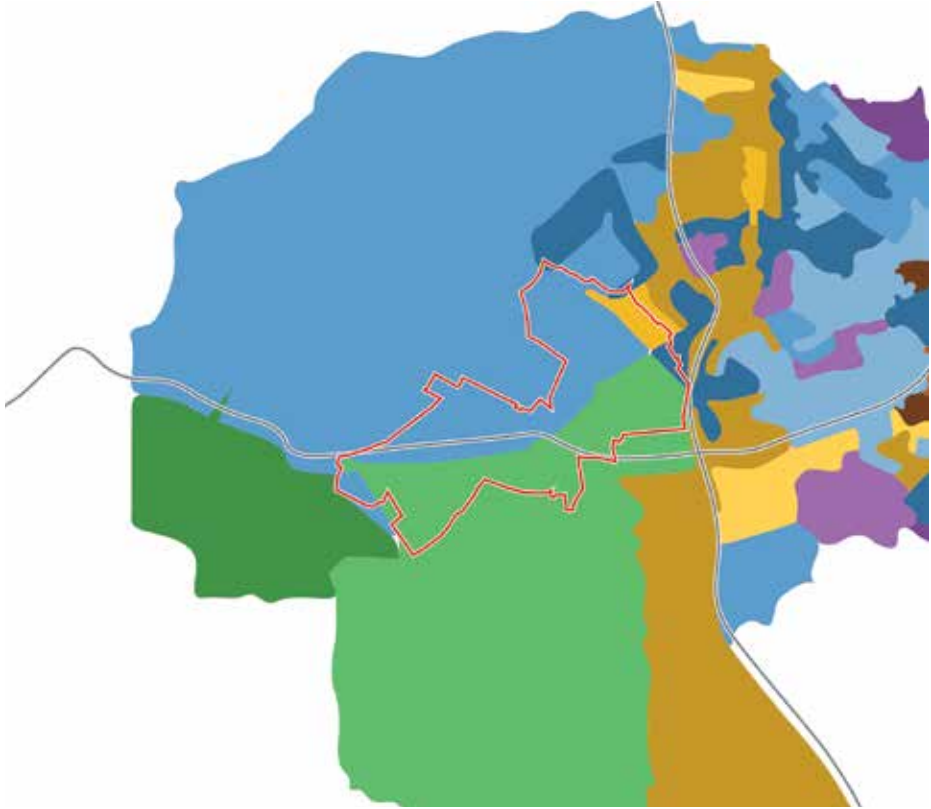


Collaton St Mary is a predominantly rural settlement sitting on the edge of the wider Paignton urban area. The majority of buildings and properties are either agricultural or residential. The range of facilities that exist within the study area are limited in that they represent the more rural history of the village. One of the main focal points for the village is Collaton St Mary Parish Church, the Parish Hall and Collaton St Mary Primary School. The Parker's Arms pub forms a secondary focal point for the village.

To the west is the former motel site, which has closed down and is now a semi abandoned site. Its former use reflected the tourism-related holiday complex at Devon Hills on the other side of the Totnes Road. Additional tourist amenities are located further out from Collaton St Mary, with several angling facilities within walking distance of the motel site.

The supply of housing around Collaton St Mary has expanded significantly over the past half century. With more people living within Collaton St Mary and in those areas immediately adjacent, there is a growing pressure for a suitable range of facilities to be provided to accommodate the needs of a larger population.

The wider Paignton area provides many of the facilities that the residents of Collaton St Mary would need. Paignton Community and Sports Academy at Borough Road and Waterleat Road is the nearest secondary school, which also provides a wide range of sporting facilities for the local community. A small convenience store is located adjacent to the study area on Kings Ash Road, but the main retail hub for those living in the Collaton St Mary settlement is on the Brixham Road. This includes two large food retail stores (Asda and Morrisons) and a number of 'fast food' restaurants. This is approximately 15mins walking distance from the church. Beyond this lies Paignton Zoo, which is one of the major tourist attractions in the Torbay area. The Yalberton Industrial Estate is a significant employment district for Paignton and sits to the southeast of the site.



The centre of Paignton provides a wide range of public, social, cultural and retail facilities. This is approximately 35mins walk away from the Collaton St Mary Church, or 15mins by local bus.

There are a few previously developed (brownfield) sites around the village that could help to deliver new facilities in the short to medium term. Their redevelopment would help to ensure that new development is concentrated in the right areas of the village and in accordance with planning policy.

- Key:
- Rural Retirement
 - Farming Communities
 - Country Life
 - Blue Collar Estates
 - Blue Collar Transitions
 - Blue Collar Terraces
 - Established Suburbs
 - Suburban Aspiration
 - Industrial Legacy
 - Herd-pressed Multi-Ethnic Neighbourhoods
 - Elderly in Flats
 - Traditional Trades
 - Service Sector Urbanites
 - Late Retirement



Open spaces

Most open spaces in the Collaton St Mary area are used for agricultural purposes and are generally not accessible to the general public. However, these open spaces are valued by local people and visitors to the area for the visual amenity they provide to the local community.

Open spaces that are accessible by the local community are centred on the areas associated with local education institutions and Collaton St Mary Church. Collaton St Mary School has a number of playing pitches, which as well as providing facilities for pupils at the school, has been used for wider community events such as the Collaton St Mary Country Show.

Page 121



Buildings (Use Class Order)

- Study area boundary
- Retail - general (A1)
- Office (A2)
- Food-related (A3+A5)
- Drinking establishment (A4)
- Hotels/ B&B (C1)
- Residential institution (C2)
- Dwellinghouse (C3)
- Houses in multiple occupation (C4)
- Non-residential institution (D1)
- Assembly and leisure (D2)
- Sui generis

Open Spaces

- Private space
- Accessible green space
- Chicken farm
- Agricultural land
- Sports facility
- Graveyard

Torbay Population Profile

Using Acorn population data it is possible to make a number of assumptions about the profile of the population in and around Torbay, and the opportunities and challenges this poses to the economy. Acorn works by categorising UK postcodes using demographic statistics and lifestyle variables to build up a profile for each area which can then be compared to the national average. Using this system four dominant classifications emerge within a 20 minute drive time of the three towns in Torbay Prudent Pensioners, Affluent Greys and Blue Collar Roots around Paignton and Brixham and Prudent Pensioners, Affluent Greys and Settled Suburbia around Brixham.

- Prudent Pensioners - These are comfortably-off retired people found in many seaside towns and elsewhere around the country. There are many over-75s as well as younger retired. A lot of the households are pensioner couples or singles. Retirement homes are also common. Most of the people in this group have a comfortable standard of living, having provided for their old age with above-average levels of savings and investments.
- Affluent Greys - These people tend to be older empty nesters and retired couples. Many live in rural towns and villages, often in areas where tourism is important. Employment is typically in managerial and professional roles. These are high-income households and even those who have retired have good incomes. Since it contains older people, it is unsurprising that 10% of the income of this group is in the form of a pension – a significantly greater proportion than any other group. These older, affluent people have the money and the time to enjoy life.
- Blue Collar Roots - These are communities where most employment is in traditional blue-collar occupations. Families and retired people predominate with some young singles and single parents. Levels of educational qualifications tend to be low. Most employment is in factory and other manual occupations. There are many shopworkers as well. Incomes range from moderate to low and unemployment is higher than the national average, as is long term illness, and the proportion of income derived from benefits is gradually increasing. There are pockets of deprivation in this group. These people have a modest lifestyle but most are able to get by.
- Settled Suburbia – These established communities are made up of empty nesters and retired older couples. The working population are in a mix of lower management, supervisory, manufacturing and retail jobs. They earn modest salaries and significant numbers of women work part time to boost the overall household income. Broadly these people feel comfortable, with fewer feeling themselves to have financial difficulties. However some may expect their financial situation to get worse. These older people have enough to feel secure about their future.

Unsurprisingly given the demography of Torbay the dominant groups, with the exception of blue collar roots are predominately older and have a relatively high level of disposable income. Certainly when indexed against the national average the levels of prudent pensioners is significantly higher. This assertion is supported by gross domestic household income levels (GDHI) which are noticeably closer the national average than gross value added (GVA) as they include pension income.

This information suggests that there is disposable income available to spend within the Torbay town centres, which is perhaps being spent elsewhere. The challenge remains for the economic strategy to facilitate improvements within the town centres to encourage those with income to spend it locally rather than in cities such as Plymouth and Exeter, or other local towns.

Planning policy appraisal

As part of the review of relevant background information, an appraisal of different levels planning policy was undertaken to ensure that future proposals for the town centre would be consistent with national and local planning guidance.

National Policy

The National Planning Policy Framework (NPPF), introduced in March 2012, consolidated national planning policy from the previous Planning Policy Statements/Guidance (PPS/G) into a single document. A key aim of the NPPF is to provide a streamlined, single document to guide decision making and local plan making. The NPPF is a material consideration for both decision making and local plan making.

The NPPF covers a number of areas relevant to planning and given the material weight to be given to it, they are all valid. However, within the context of the Collaton St Mary masterplan, a number of key areas stand out as being particularly relevant. Paragraph 14 identifies a Presumption in Favour of Sustainable Development which is seen as a 'Golden Thread' running through both decision and plan making. The development of this masterplan is a key tool in ensuring that Torbay Council are able to plan positively for future, objectively assessed, development needs. Building on this, paragraph 17 establishes core planning principles, amongst which the following are considered to be particularly relevant to the underlying principle of masterplanning for the future of Collaton St Mary:

Empowerment of local people to shape their surroundings - evidenced by the consultation exercise and response to comments;
Planning as a creative exercise to enhance and improve places – central throughout the masterplan process;
High quality design and good standard of amenity which is informed by known constraints, for instance open space requirements, flood risk etc.

Within Section 6, the NPPF establishes the need to ensure that housing supply is planned for on an objective basis and to meet need as identified throughout the plan period. Section 7 on Good Design identifies the importance of good design in delivering sustainable development, noting that it is indivisible from good planning. To this end, design is key to ensuring that the potential for negative impacts of new development upon existing communities is removed and a positive contribution is made to making places better for people.

Sections 10, 11 and 12 consider flooding, the natural and historic environment respectively. These matters are of importance for all development in order to ensure any future risk from flooding is avoided, or at least limited, whilst ensuring that new development on previously undeveloped land is considerate of natural and historic assets. The interactions with Section 7 on Good Design are critical here.

Local Policy

The Adopted Local Plan 2012-30 and beyond "a landscape for success" was adopted by Council on 10 December 2015. This plan establishes policy and broad strategic allocations for future development based on updated evidence, which will ensure the delivery of a sustainable future for the Torbay area.

The Local Plan includes policy to guide development, all of which will have varying degrees of applicability for future work. However, in the context of this master planning exercise, the following are considered key

Collaton St Mary is allocated in Policy SS2 as a Future Growth Area. This designation recognises the potential of the area to accommodate development during the latter part of the Plan period from 2024 onwards. However Government advice is clear that sustainable development must not be delayed if infrastructure and other constraints can be satisfactorily addressed. Further support for the principle of development is contained within Policy C1 Countryside and Rural economy. This seeks to avoid unrestricted development of the open countryside surrounding Paignton and, to ensure this; the Policy directs development to Future Growth Areas.

Whilst Policy SS2 identifies the potential of the area in broad terms, Policy SDP3 Paignton North and Western Area, specifically sub policy 3.3, provides more detail. It identifies scope for approximately 460 homes in the area to meet future housing need. As a result of the draft masterplan, the Modifications to the Local Plan reduced the number of dwellings in SDP3.3 to 460 (from 836 in the Submission Local Plan, RMM10 and RMM11).

Whilst paragraph 5.2.2.8 does recognise the challenges for development and the particular need to ensure that development enhances the role of the village centre, it also emphasises that these challenges will be overcome through the masterplanning process which will ensure a broad range of needs, including infrastructure, are met.

The role of a masterplan and delivery through Neighbourhood Planning is referenced within Policy SDP1 Paignton. This policy reiterates the infrastructure requirements relating to the area, particularly highways, drainage and landscaping.

The Local Plan was been informed by Habitats Regulation Assessment and Sustainability Appraisal. To assess the acceptability of Future growth Areas, a further Habitats Regulation Appraisal Report of the Local Plan Strategic Delivery Areas was commissioned (Kestrel Wildlife Ltd, October 2014). Map 6 of that report sets out likely routes for greater horseshoe bat strategic flyways. It also identifies mitigation measures that are likely to be required to achieve development in the area. A number of Modifications were made to the emerging Local Plan to emphasise the importance of addressing biodiversity issues (including in combination effects), and the need for additional survey work to be carried out between April and October (see especially Policy SS8 nature Conservation and NC1 Biodiversity and geodiversity). The relevant section of the HRA site assessment and Map 6 are appended to this Masterplan for information.

The Local Plan also sets out policies on flooding (ER1, ER2 and W5), strategic transport (SS6) and development access (TA2) and design principles (DE1 to DE3) which, among others, will be relevant to determining development proposals in the area. The Collaton St Mary Masterplan provides an greater level of detail than can be included in the Local Plan. However, it does not replace the need for project level ecology (especially greater horseshoe bat), flooding, transport etc surveys and assessment that must be provided before planning permission can be approved.

Neighbourhood Plan

Neighbourhood Planning has introduced a new layer of planning below the strategic plans prepared by Local Planning Authorities. Whilst it is not a compulsory activity, where a designated body prepares and consults upon a plan and then subsequently has it examined and a referendum held to decide on its adoption, the plan will become a part of the Development Plan. It is important that the Neighbourhood Plan supports the aims of Policy contained within the higher tier Local Plan. With this in mind, a well prepared and supported Neighbourhood Plan can provide a real opportunity for local communities to positively influence development in their area, whilst still allowing the local authority to meet the identified local needs.

Paignton Neighbourhood Forum are preparing a plan for the Paignton area. This will cover a relatively broad area, including Collaton St Mary and the area identified in the Adopted Local Plan as a Future Growth Area, and thereby the land which is the subject of this masterplan. At this stage, the Forum have completed the process of gathering evidence and seeking the views of local residents. Their next step will be to begin the preparation of the Plan itself.

The Masterplan as Council Policy

This masterplan has been prepared within the identified planning policy context. The Adopted Local Plan (and subsequently the Paignton Neighbourhood Plan) will provide a strong and clear strategic direction for the needs of the Paignton area in the period to 2032 and beyond. Having extensively considered the policy context, including the strategic need for housing in and adjacent to Paignton, this masterplan will play a key role in guiding the future of development and planning in Collaton St Mary.

It is the Council's ultimate intention to adopt the masterplan as a Supplementary Planning Document (SPD). Until such time, the Council will seek to use the masterplan as a non-statutory development brief to inform any subsequent application for development within Collaton St Mary.

The information on the following page is reproduced from the Western Area Wallchart presented by the Forum as part of their Stage 2 consultation. This was held in late 2012 to gather the views of the local community on the proposed Aims and Objectives and emerging Proposals.



What is this Plan?

Local residents, workers, businesses, councillors, and other volunteers are putting together a Neighbourhood Plan for Paignton by working together as a Forum made possible by the Localism Act 2011. When finalised, the Neighbourhood Plan will become part of the statutory development plan for Paignton used by the Council when making decisions on planning applications in the area over the next 20 years.

Background

The National Planning Policy Framework produced by the Government requires that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan produced by the Council (NPPF paragraph 184). As the Local Plan is in early draft, the scale and location of strategic development summarised below has not yet been finalised:

More Jobs
Torbay currently has about 3,400 residents who are unemployed. Plus there is a need for more jobs to help reduce existing deprivation and improve wider prosperity. The draft Local Plan proposes the need for 15,000 jobs over 20 years at a target of 750 new jobs every year in Torbay with 300 of these located each year in Paignton.

More Homes
The current waiting list is for 2,400 affordable homes in Torbay. About 1,600 existing homes have been vacant for more than 6 months. Torbay's resident population in 2011 was 131,100 which grew by only 1,400 between the Census years of 2001 and 2011. Unlike other places, deaths exceed births every year in Torbay and the resident population will reduce over the next 20 years if migration from elsewhere does not continue. How much growth from immigration will take place is very uncertain however unless more jobs are achieved with additional homes, they risk being occupied by residents who have to find work outside of Torbay. This would go against the 'golden thread' objective of promoting sustainable development required by the Government's National Planning Policy Framework. The 'sequence' of development will therefore be just as important, if not more so, as the 'pace' of development each year.

Environmental Change
Challenges the western area must also address include, flood risk from inland water, existing drainage constraints, movement constraints, promoting a low carbon economy, energy efficiency, and safeguarding the area's contribution to biodiversity and food production.

What are the proposed Aims of the Plan ?

Paignton is a busy seaside town of more than 43,000 residents with attractions at the centre of Torbay on the world class coastline of the English Riviera. Our plan is to make sustainable use of this unique situation and the assets we have to improve our prosperity, quality of life, and care of the environment.

How will this be achieved ?

The western side of Paignton is a very important area. It contains attractive countryside, important natural habitats, food production areas, and tourist accommodation. It also contains a major employment area, expanding college campus, and significant opportunities for sustainable development if managed carefully. Following the views so far received from our community, the aims for the western side would be:

- To protect local identity and enhance the contribution it makes towards overall prosperity and Paignton's role as a 'seaside town' on the English Riviera;
- To encourage 'balanced' development so that unintended and unsustainable consequences do not arise.

Where to give your views

After reading this chart, please complete the accompanying questionnaire and return it to the collection box provided, or send it to the Freepost address given. If you wish to reply on-line, find out more, or join the Forum, please visit our website at www.paigntonneighbourhoodplan.org.uk or telephone (01803) 469185 or (01803) 523434.

This is what is proposed...

Open Countryside

The Neighbourhood Plan would include further proposals that progressed the suggestions in the Torbay Green Infrastructure Delivery Plan, and

- protection of the open areas of countryside
- biodiversity priority
- food production

Area Wide Policies and Proposals

Improving our prosperity and care for the Riviera environment are the key factors. The following would be included in the Neighbourhood Plan based on the views our community has so far expressed. Throughout the western area (see map) the Neighbourhood Plan would:

- Give first priority to securing employment led growth and ensuring that land identified for further employment is in sustainable locations;
- Encourage a "balanced" provision of new development, in particular, between jobs with homes and population with shopping facilities;
- Promote an affordable housing increase to meet local need;
- Ensure that drainage and sewage solutions are identified at an early stage in new development to help overcome constraints sustainably;
- Avoid development locating in areas of flood risk or increasing risk elsewhere;
- Avoid premature and piecemeal development to ensure a sustainable pattern of development is achieved throughout the area
- Encourage energy efficient development through support for innovative design form and layout on individual sites.

Collaton St Mary

Collaton St. Mary is the gateway to Torbay from Cornwall and South Hams and any development must enhance the tourist appeal. Such development also to be:

- within social capacity, bearing in mind the current lack of facilities and with slow growth so as not to lose the village identity;
- within economic capacity, by providing sufficient local jobs to ensure a stable economy, together with adequate transport facilities;
- within environmental capacity that includes sufficient drainage facilities that prevents water damage to both Collaton and Stoke Gabriel properties, sewerage provision without causing overflow problems, and roads that can cope with both current and future requirements.
- expanded school facilities would be needed with provision for a car park or drop off zone incorporated;
- youth and playspace provision would be needed and could be included in a Village Hub open area. A growing number of young children and youths moving into the area would need a community building which could include the medical facilities also necessary.

Support would be given for retention of the holiday parks by not turning the area from green field views, in particular the higher ground in the area, into housing estates which would greatly reduce the number of tourists wanting to come to the area.

Currently dangerous road junctions would need to be resolved such as Newbarn Farm, Blagdon Inn (also used for access to holiday chalets and gym/pool facilities).

The present Zebra crossing near to Stoke Road is an accident waiting to happen and should be light controlled as many drivers are going too fast and with restricted view from both sides do not see pedestrians in time to stop. This crossing is much used by parents with school age children.

Great Parks

This area is already allocated for a final phase of development in the previous Local Plan, and is assessed (2008) to have a capacity for a further 480 homes with supporting facilities. The Neighbourhood Plan would also incorporate the Torbay Green Infrastructure Delivery Plan for enhancement of the adjoining Westerland Valley.

A Planning Brief to guide the final Phase of Great Parks is proposed. Items for consideration need to include for example:

- completion of the Phase 1 Section 106 Agreement;
- a central focal area or hub for community facilities;
- new housing that is smart, innovative, in harmony with Paignton's Riviera identity, and fit for the 21st century.

Western Corridor

The Paignton section of the western Corridor travels due south from 'Churscombe Cross' for several miles to 'Windy Corner' at Churston Common. At its northern end, Churscombe Cross intersects with the B3060 at Marldon Hill. At its southern end, at Windy Corner, it joins the A379 Dartmouth Road. The major bottleneck that creates traffic congestion and long queues in this area is at Tweenaway Cross, even though recent improvements have been made to the junction. Even with current traffic volumes, there is significant congestion for large periods of the day. Further significant improvement of the traffic capacity of the intersection would be required to accommodate the additional traffic generated by the new jobs, and homes proposed. There may be the need to 'partner' some of the developments the route will serve with pockets of land along other parts of the route in Torquay if this becomes a more sustainable solution when the Strategic Environmental Assessment is reviewed as part of the draft Local Plan procedures.

Yalberton Valley

Designate as a Protected Area
Within South Hams, part of the lower valley has been designated at national level as an Area of Outstanding Natural Beauty (AONB). The Neighbourhood Plan would recognise the importance of the upper part of the Valley as an area also needing protection for the valuable contribution it makes to local character and tourism opportunities. Scope for this area as an entity includes:

- Designating the area as a Local Green Space (NPPF para 77 because of its beauty, historic significance, recreational value, tranquillity and richness of its wildlife;
- A working partnership with SHDC and wildlife agencies to review all wildlife sites within the Valley and to arrive at any further appropriately comprehensive designation. (An independently commissioned study in 2007 established that the Valley is home to an abundance of protected wildlife (flora and fauna);
- An opportunity to designate the area as one of significant geographical importance within the Torbay Geopark area – the significance of the Valley's caves and underground karst system is acknowledged by a few professionals who are aware of its significance. This could include registration with Devon RIGS (Regionally Important Geographical Sites).

Conservation Area
The upper part of the Valley contains 10 listed buildings, including 2 of national monument status – one of which is 'King William's Cottage'. To preserve the historical nature of the area:

- A submission for Conservation Area designation in terms of these buildings and the environs has already been submitted to Torbay Council with an understanding that it will be processed later in 2012;
- Appropriate protection is further required for an attractive and unspoilt 'Devon Lane' (Lidstone Lane) that runs from Lower Yalberton to Byter Mill, Stoke Gabriel.

Orchard and Food Production
The Valley is home to a nationally acknowledged cider making firm, additionally, there are productive areas of farming and horticulture. The whole area is interlinked within an extensive network of species-rich mature traditional hedges and a large number of mature and veteran trees.

White Rock and nearby areas

Proposals through recent planning applications have identified new opportunities for mixed use development:-

- at White Rock of 350 new homes and 36,800 sq.m gross of employment floorspace, plus local centre facilities, open space, and student accommodation;
- at Yannons Farm and Holly Gruit of 315 new homes and 5,600 sq.m. gross of employment floorspace, plus local centre and open space.

To these would be added further land allocated in the vicinity for employment development and redevelopment opportunities. Collectively they provide the main location for new jobs that require new space and access over the next 20 years and beyond. The campus of South Devon College is in the vicinity and the location overall fosters:

- positive promotion and expansion of 'cluster' working of knowledge driven high technology industries;
- an integrated approach to the treatment of the development 'edge' with the nearby countryside and enhancement of the local identity.

The combined effect will place considerable demands on the road network, drainage and sewerage.

Business Development

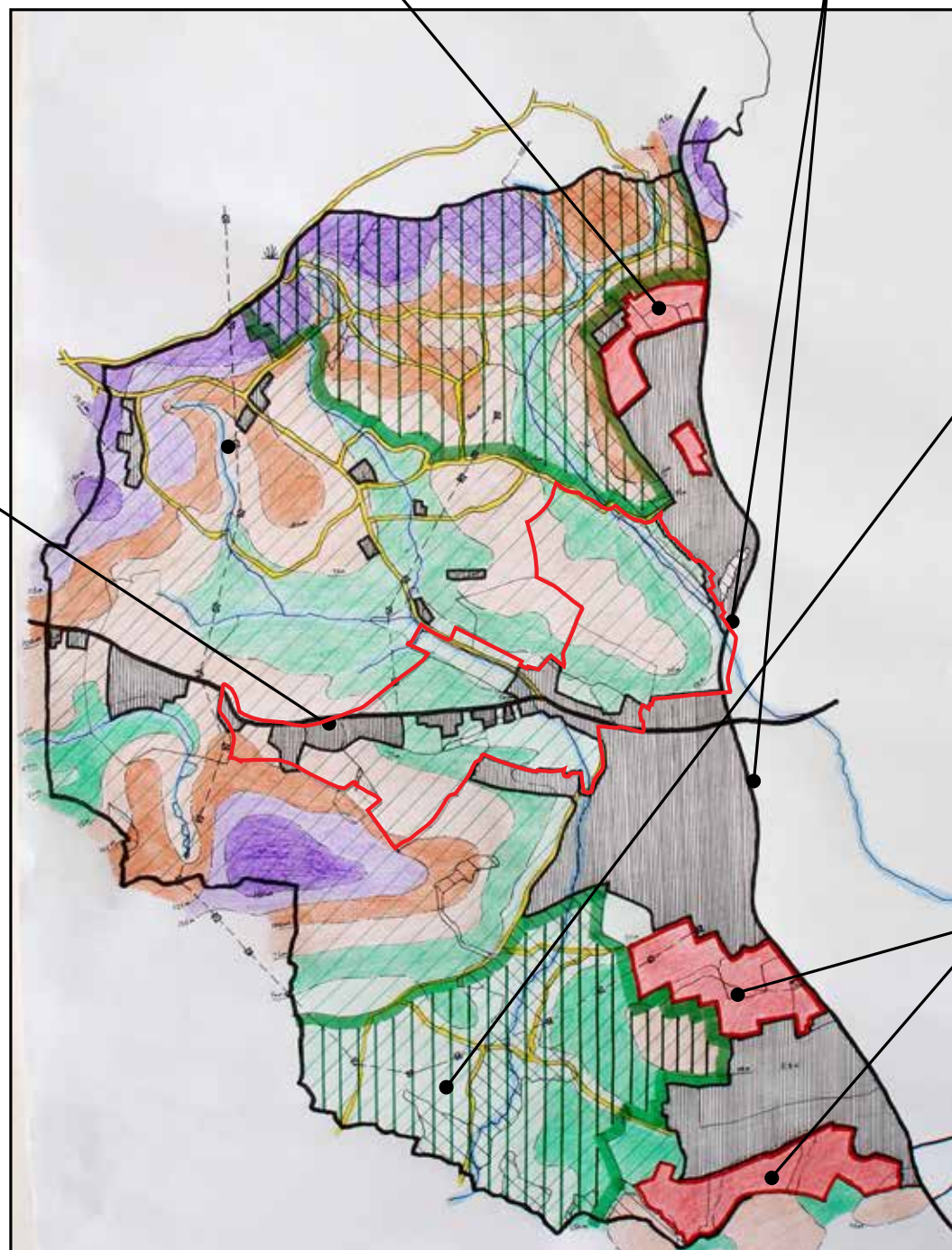
- new units in keeping with the scale of neighbouring housing areas
- landscaped to fit in with land contours

Environment

- ensuring that overdevelopment along Brixham Road does not result from noise, atmospheric, or light pollution;
- a landscaping plan that would see the introduction of green roadside verges, coupled with sufficient trees to offset the increase in carbon dioxide;
- development regard for biodiversity and mitigation sites for wildlife need listing;

South Devon College

- a need for green space to accommodate sporting facilities
- more land to develop horticultural and land based courses
- a bus lay-by outside the college entrance to reduce danger at Long Road
- a footbridge over Brixham Road or underpass connecting to Roselands



Paignton Western Area Key:

	Existing development/Urban area		Land Contours		Water course/flood risk
	Allocated for development or with consent		Over 150m		Overhead Power line
	Countryside		125-150m		Principal Road Network
	Area of Great Landscape Value		100-125m		Local Road Network
	Nature Conservation Site		75-100m		
	Country Park Potential		50-75m		
			Below 50m		

Neighbourhood Forum: Stage 2 Wallchart

The details presented by the Neighbourhood Forum as part of their Stage 2 work highlight the important aspects of Collaton St Mary. These details have been used to help inform work undertaken on the Initial Site Analysis and Context Proposals presented in April 2014 as part of the masterplan development process.



- Study area boundary
- 0-14 units per hectare
- 15-19 units per hectare
- 20-24 units per hectare
- 25-29 units per hectare
- 30-34 units per hectare
- 35-39 units per hectare
- Listed Buildings ●
- Listed Structures ●

Built Form

The built settlement at Collaton St Mary is generally linear in form, primarily influenced by the direction of the Totnes Road. A number of newer developments have broken that form, in particular those at Beechdown Park and the estate immediately to the east of the site (Brecon Close, Pennine Drive, Cambrian Close and Snowdonia Close). Although Beechdown Park is a static caravan park, it represents the most densely populated part of Collaton St Mary (at approximately 37 units per hectare) and is located away from the heart of the village. The 3 main areas of housing closest to the village centre are all in the region of 20-24 units per hectare, with the linear strip of housing along the Totnes Road generally being less than 15 units per hectare.

Future development within the area will be strongly guided by the topography of the landscape in which Collaton St Mary sits. Development will also have to respect the listed buildings and structures that are dotted around the area. Some of these, due to their character and location, are in a stronger position to influence how future development can be integrated into the village (e.g. using the thatched cottages alongside the Totnes Road to create an attractive link between new and old).



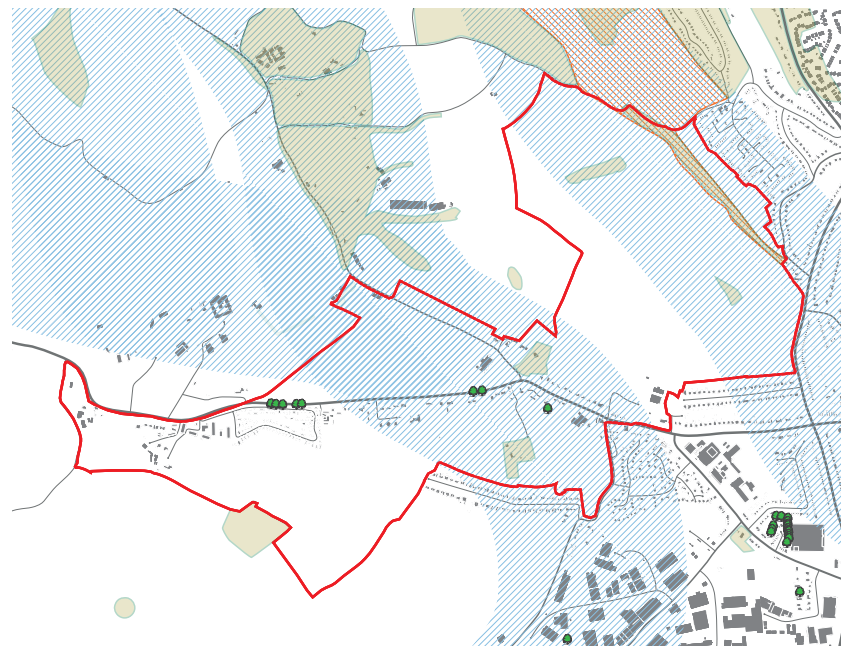
- Study area boundary
- Flood zone 3
- Flood zone 2
- Flood defences
- Existing hedgerows and woodland
- Watercourse
- Topography

Floodzone and Natural features

Flooding is an issue in the lower parts of the settlement. Running along the valley floor are watercourses that cause flooding, particularly in the open area alongside Stoke Road and in the area around the school. Without the provision of additional flood defences, much of the village centre is liable to flood.

The impact of the river results in a significant swathe of Flood Zone 3 designation in the heart of the village. There is a second flood zone which exists by Queen Elizabeth Drive alongside the northern boundary of the study area. These rivers have the effect of limiting the development potential for more 'vulnerable' uses on sites within the flood risk zones.

The above is based on publicly available information from the Environment Agency (September 2014) and no strategic or site specific Flood Risk Assessment has been carried out for the purposes of this masterplan.



- Study area boundary
- Bat Corridors
- Proposed Great Parks Country Park
- Tree Protection Area
- Tree Preservation Order

Designations

The strategic bat flight corridors within the study area are primarily located along existing watercourses and existing hedgerows located on the lower slopes and enclosed valleys. These strategic flight corridors form a connection to important feeding grounds which are located beyond the study area. There are several tree protection areas including large areas of woodland to the north and north east. There are tree preservation orders on significant trees which create a tunnel-like effect when entering the Village. Future development would need to be informed and guided by, for example, ecological, arboricultural and hedgerow assessments.

The local plan has allocated an area of land to be developed as the Great Parks Country Park; connections to this area are vital in relation to enhancing the green infrastructure and movement network to wider area.

Existing movement network

Collaton St Mary is dominated by the A385 Totnes Road. This is the main connection into Paignton, and the whole Torbay area, from the west. The A385 at Totnes provides the main bridge crossing point over the River Dart between the sea at Dartmouth and the A38 at Buckfastleigh, so the volume of passing traffic through the village often creates significant congestion.

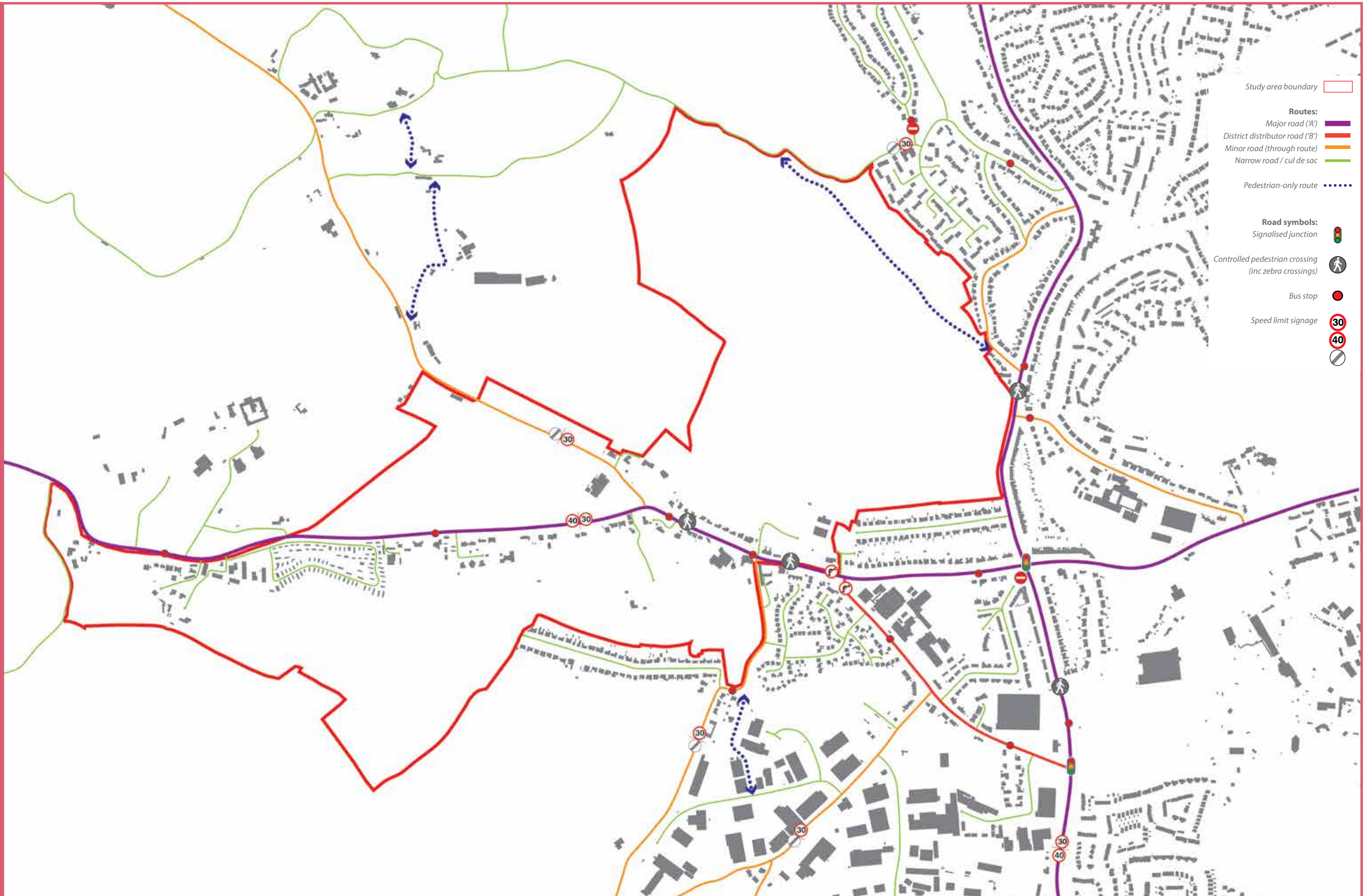
Torbay, Devon County and South Hams District Councils are currently looking at long term solutions to the A385 Totnes Road, which will address congestion, both within the village and outside, and will seek to reduce rat-running through side lanes. This is an on-going project but the impact of the road's narrowness, especially through the heart of the village and up towards Tweenaways, is likely to limit the preferred degree of effectiveness of traffic alleviation through Collaton St Mary.

Pedestrian connections are generally restricted to the edge of the roads with few pedestrian pathways across the local landscape. A number of controlled pedestrian crossing points exist along the road within the heart of the village. The quality of existing footpaths around Collaton Mews (next to the Parkers Arms) is compromised by the narrowing of the road at this point. Visibility beyond towards Tweenaways Cross is restricted for pedestrians on the southern side of the road where the footpath terminates, though the pedestrian crossing does greatly help pedestrian movement along the northern side of the road.

There is limited access to the fields and hilltops for the local community. Public rights of way exist in few areas. The only one that falls within the study area is along the northeastern edge, which ties in with a pedestrian crossing on Kings Ash Road. A small number of public rights of way link across the farmland in Blagdon.

Blagdon Road is a narrow lane which provides important access to the school, church and the parish rooms. Congestion occurs along this road close to the junction with the A385 as there is little space for waiting vehicles off the highway network, particularly during busy school periods. This is also a route that serves traffic connecting between Collaton St Mary and the (other) Totnes Road to Berry Pomeroy. Heavy traffic, caused by traffic or accidents on either the A385 or the A380, often ends up using Blagdon Road as an alternative route. This results in gridlock along Blagdon Road due to both its narrowness and its junction with the A385.

Collaton St Mary is also served by a number of bus services that connect the village with the wider region, including Paignton town centre, Totnes, Torquay, Dartmouth and Plymouth.



- Study area boundary
- Routes:**
 - Major road (A)
 - District distributor road (B)
 - Minor road (through route)
 - Narrow road / cul de sac
 - Pedestrian-only route
- Road symbols:**
 - Signalised junction
 - Controlled pedestrian crossing (inc zebra crossings)
 - Bus stop
 - Speed limit signage (30, 40, no speed limit)

Landscape character appraisal.

Landscape Character Appraisal

The purpose of this section is to identify areas of reduced landscape sensitivity and capacity accommodate development within the study area. To identify these areas, an appraisal has been undertaken to assess and corroborate a site for potential development suitability.

The study area was identified in the Torbay Council updated *Strategic Housing Land Availability Assessment (SHLAA) 2013'* and as defined in the **Local Plan**.

This appraisal was largely informed by the Torbay Council's *Landscape Character Assessment and Assessment of Landscape Sensitivity and Capacity* dated May 2010. It has also been informed by site appraisal undertaken during March and June 2014.

The study area (see Site Location Plan), lies immediately on the western edges of Paignton and the A380, Kings Ash Road and the community of Collaton St Mary; the northern and southern part of the study area extend over the A385 (Totnes Road). This area includes Collaton St Mary Primary School and the Church of St Mary and Parish Hall, BMW Garage and a local pub. The findings of this Landscape Character Appraisal have been used to inform the iterative design process and evolving masterplan proposals for the site so as to achieve effective integration of the development within its landscape context.

Landscape planning context

The site is outside any nationally designated area and is not within the Green Belt. The site is within adopted local plan 'Area of Great Landscape Value (AGLV)' however the new local plan *Local Plan, A Landscape for Success, The Plan for Torbay 2012 – 2032* proposes to remove this local landscape designation.

As referred in the SHLAA Update Report in 2013 :

"The emerging Local Plan ('A Landscape for Success') proposes replacing AGLV with a policy requiring the area's particular landscape character, as assessed by the Landscape Character Assessment, to be taken into account. This reinforces the view that AGLV designation in the Adopted Torbay Local Plan does not necessarily preclude all development."

The SHLAA update report 2013 page 36, identifies the site/areas G6 Totnes Road, and land allocated for primarily residential development potential of 830 units.

For more information, refer to the planning context (Chapter 2) .

National, county and local landscape character

The site is situated within the following Landscape Character Areas:

- National Character Area (Natural England - NE338, July 2012) 151 South Devon
- Devon County Landscape Character Type (LCT) - The site falls within a Devon wide Landscape Character Type known as **3B: Lower rolling farmed and settled valley slopes**. The study area is located within two relatively large Local Character Types (LCT), consisting of grazed farmland on the upper and lower hilltop slopes, **LTC Rolling Farmland** (Devon Type 3A & 3B merged), and narrow sunken wooded valleys **LTC Secluded Valley** (Devon Type 3H). The land to the west of Collaton St Mary falls within South Hams.
- *The Torbay Landscape Character Assessment and Assessment of Landscape Sensitivity and Capacity* completed in 2010 by Enderby Associates assigns Area of Local Character (AoLC), refer to the Landscape Character Appraisal Plan.

Areas of Landscape Character of direct relevance to the Study area are:

LTC Rolling Farmland includes upper and lower slopes of Windmill Hill to the south, categorised as **Area of Landscape Character (AoLC) 1L Blagdon Barton and AoLC 1M West Yalberton**. The hilltop directly to the north of Collaton St Mary has been identified as **AoLC 1J The Blagdons**. The primary characteristics of this landscape are the rolling topography of grazed pastoral and arable farmland with irregular pattern of field boundaries and hedgerows, "Flat land is uncommon and generally located on the hill tops" within occasional hilltop woodland.

LTC Secluded Valley is located along Blagdon Lane, **AoLC 3H Blagdon Valley**, and Great Park public right of way, **AoLC 3G Upper Clennon Valley**. The prominent features of these AoLC's include steep and narrow valley floors; the tall hedge-banks and topography limit views to the surrounding landscape. The landscape is "A complex and irregular small scale pattern of hedge-banks and lanes, which separate small woodlands, orchards and areas of permanent pasture. The lanes and fields are often damp and species rich with small streams, overhanging trees and small scale enclosure."²

DP TO CONFIRM



Site description

The study area comprises of an irregular patchwork of arable and pasture farmland rolling fields divided by field hedgerows, with occasional trees on the upper slopes and narrow secluded valleys. There are distinct woodland copses within the study area, for example on the upper slopes of Windmill Hill. Smaller clumps of woodland are located on the north-eastern hill side and have a more linear form.

There is limited public open space; there are no play areas and formal sports provision within the study area. The churchyard does offer some accessible space and the school does have play facilities, however both have restricted access. There are, in general, very limited public accessible areas within the study area.

There is street lighting along Totnes Road as well as adjacent residential area lighting. There is no street lighting along Blagdon Road; the school adjacent residential properties has some lighting.

The site topography is undulating and ranges from the highest point at 130m on the southern boundary of the site to the lowest at 40m. The majority of the village lies between 50 and 60m to the east rising up from 40 to 100m along the Totnes Road to the west. Windmill Hill at 166m, is located south outside of the study area, and is considered one of the highest points in the local area. The majority of the study area is situated on relatively steep sloping hills and narrow valleys, particularly to the north east of the study area and southern upper slopes of Windmill Hill.

It was concluded in this report that AoLC 3G Upper Clennon Valley - "any development or major construction project would cause substantial landscape harm which would be extremely difficult to mitigate"². Also that 3 H Blagdon Valley has limited capacity to accommodate change due to landscape sensitivity. AoLC 1M West Yalberton has also been discounted owing to landscape sensitivity and the steepness of the upper slopes of Windmill Hill which are visible from the Totnes Road, the upper slopes any development "... would be visible due to the generally open nature of the area, particularly the elevated higher land and ridge tops which should be safeguarded"².

Therefore, based on these findings AoLC 1M West Yalberton, 3G Upper Clennon valley and 3H Blagdon valley have been rejected as viable areas for development on landscape sensitivity grounds.

The following AoLC's have some potential for well-designed development on the lower slopes, as long as it conserves the open nature of the higher land and the contribution that it makes to the village setting and the approach along Totnes Road. Refer to the Landscape Character Appraisal Plan and Site Location Plan.

Site landscape sensitivity and visual context

The Torbay Assessment of Landscape Sensitivity and Capacity by Enderby Associates contains assessments associated to 'Capacity to Accommodate Change' and 'Mitigation Potential and Management Strategy' within each AoLC's. The AoLC's that overlap into the site area refer to the Landscape Character Appraisal Plan, as follows:

- LCT: ROLLING FARMLAND
- 1J The Blagdons
 - 1L Blagdon Barton
 - 1M West Yalberton

- LCT: SECLUDED VALLEY
- 3G Upper Clennon valley
 - 3H Blagdon valley

The hedgerows and the overlapping canopies of the large mature trees form a tunnel-like effect along the A385 close to the Collaton St Mary Primary School. The hedgerow and dense vegetation align the narrow concealed valley of Blagdon Road, and close to Great Parks Farm and public right of way. There is a well-established network of hedgerows with intermittent trees primarily on the upper slopes of the rolling hilltops.

The village of Collaton St Mary sits principally into a bowl-like landscape sandwiched between two ridgelines to the north and south of the site; these ridgelines terminate at the western edge of Paignton. There is limited inter-visibility from residential properties in the wider area owing to topography and existing vegetation. This is of particular note the valley area between Totnes Road southern boundary and the lower slopes of Windmill Hill.

The entrance to the western study area boundary on the Totnes Road consists of the derelict former Torbay Holiday Motel; brownfield re-development opportunity. The linear settlement form of the village is somewhat dispersed and primarily sited on the southern side of the A385. The urban influence of Beechdown Park and other residential properties is evident at the western end of the study area. There are several listed structures and buildings of note including the Church of St Mary close to the primary school. There are also two terraced thatched cottages of historic interest within the locale.

There is one public right of way footpath located in a wooded sunken valley within the study area, the Great Parks footpath; this follows the northeast boundary line. However, there is evidence of informal walking from St Mary's Park along the boundary field hedges. There are in general, very limited amounts of public right of ways beyond the study and wider area.

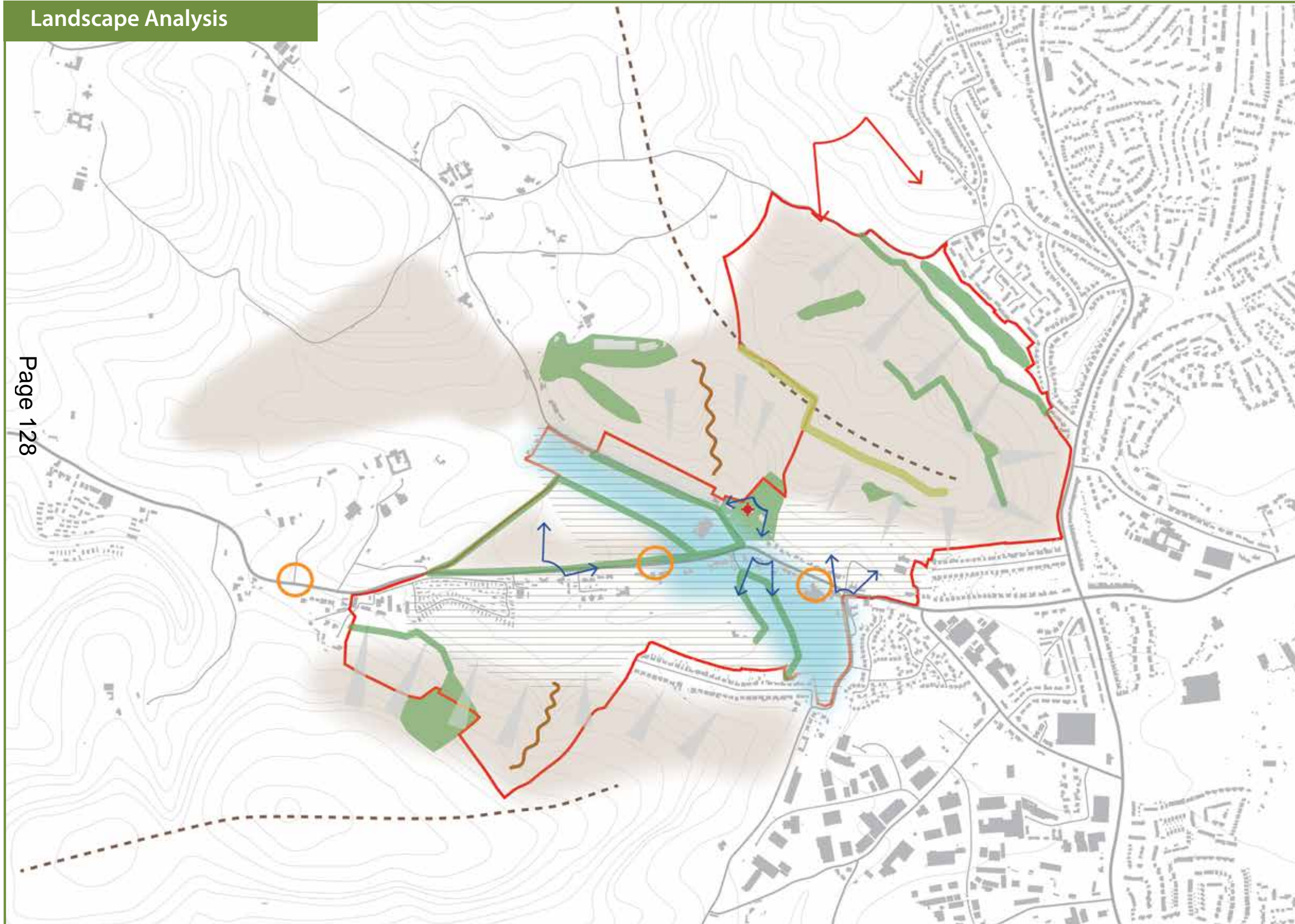
Site Location Plan



1904 Historic Map and Topography



Landscape Analysis



- Study area boundary
- Hedgerows and woodland of significance
- Visual rural setting to Collaton St Mary
- 'Bowl-Like' valley feature
- Area of ecological sensitivity
- Distinctive tree-lined Skyline
- Ridgelines of Importance
- Important long distance view from Beacon Hill
- Near by view of importance onto rural setting
- Gateway to area/village
- Folding landscape feature of interest
- Steep Gradient
- Landmark Building

Page 128



Long distance view from Beacon Hill



View onto the tree-lined skyline



Important view from the village to the hillsides beyond to the south

1J The Blagdons

This AoLC is located to the north-east of the study area on the hilltop between the northern boundary of Collaton St Mary and the western urban fringe of Paignton. This hilltop provides a rural backdrop and enclosure to Collaton St Mary. It is stated that it would be "very difficult to accommodate change in this character area without very substantial harm to the prevailing rural landscape character and integrity of the area, parts of which make an important contribution to the approach and setting of the western fringes of Paignton."² The lower slopes that align the A380 provide a strong rural setting and context to the western edge of Paignton. It would be difficult to accommodate development due to high visibility and openness of the landscape, refer to **viewpoint 1**. Viewpoint 1 is taken from the adjacent residential development at Highfield Crescent (outside of the study area) looking into the southern part of the study area's lower slopes hilltop. This photograph demonstrates the openness of its landscape and rural setting of the hilltop which strongly defines the western urban edge of Paignton.

There is the potential for development on the southern lower slopes of the hilltop just above the existing Village; this area is fairly hidden behind existing urban development. There is limited visibility on to the lower slopes from the Village and surrounding road network, refer to **viewpoint 2**. Viewpoint 2 is taken from the junction of Stoke Road and Totnes Road within the study area, looking north on to the lower slopes hilltop, the south-eastern part of the study area. This view demonstrates how the topography, vegetation and residential properties partially conceal the lower slopes of the hilltops. The boundary of development would need to be curtailed and aligned with the adjacent existing development as the upper slopes of the hilltop and AoLC 1J are more visible and sensitive to change. Also, there is an important framed view of St Mary's Church Tower which should be conserved as it is a key reference point and landmark on entry to the Village core, refer to **viewpoint 3**. The conservation of this view would also affect the extent of development within AoLC 1L. This photograph illustrates the enclosed nature and 'tunnel-like' effect created by the mature vegetation which aligns either side of Totnes Road in the central part of the study area.

The area would benefit from landscape management enhancements, for example planting of "...hedgerow trees; more sympathetic hedgerow management; management and replanting of distinctive copses and tree groups, some of which are prominent features on high ground."

1L Blagdon Barton

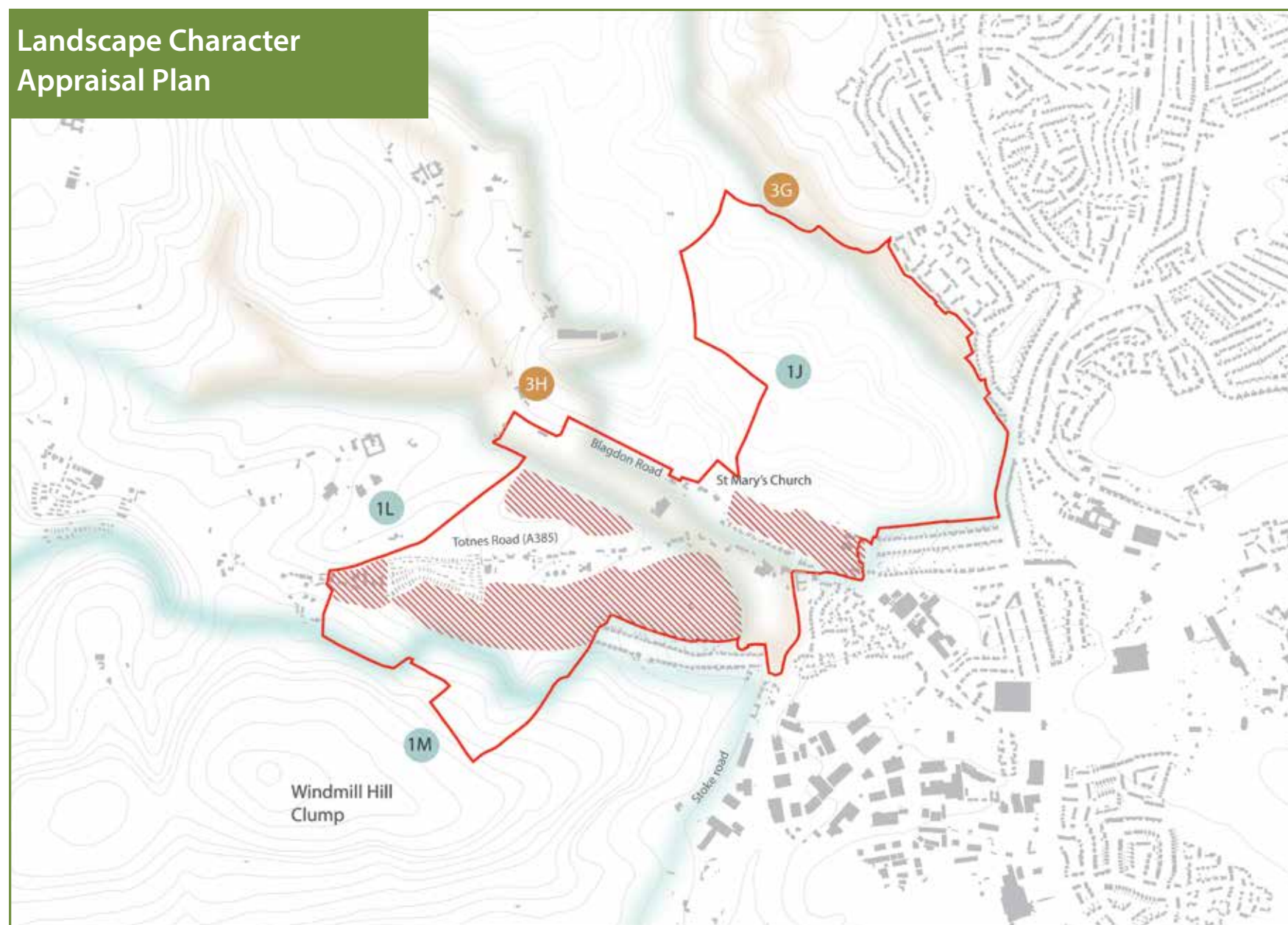
This AoLC has been assessed as an area that would "offer an opportunity to accommodate significant change, to rationalise the existing scattered land uses and contribute to a gateway and sense of arrival to Torbay." The significant parts are already developed and the A385 (Totnes Road) which "detracts substantially from the quality and character of the area." The former Torbay Holiday Motel is another detracting element within the study area. The linear residential developments on the southern side of Totnes Road are relatively well concealed due to the sloping topography and dense hedgerows which align the road. The topography and vegetation also conceal the valley formed between the Totnes Road and lower slopes of the Windmill Hilltop, refer to **viewpoint 4**. This viewpoint shows open nature of the landscape and high visibility of the upper slopes of Windmill Hill. The lower slopes of Windmill Hill are partially concealed from view by Beechdown Park (a static caravan park) and the Former Torbay Holiday Motel brownfield site.

This valley area has reduced landscape and visual sensitivity therefore could have the potential to accommodate development. The line of development should be limited to the southern extent of St Mary's Park and the upper slopes of Windmill Hill due to landscape sensitivity related to AoLC 1M West Yalberton, refer to **viewpoint 5**. Viewpoint 5 illustrates the visibility of the upper slopes of Windmill Hill and how the majority of the Village and Totnes Road is concealed from view.

The north western part of AoLC 1L within the study area is likely to be the most sensitive to change owing to open view across the landscape from Totnes Road and St Mary's Church Churchyard, refer to **viewpoints 6 and 7**. The upper slopes of the land north of Totnes Road is clearly visible from viewpoint 6 whilst the lower slopes are concealed from view. Viewpoint 7 is taken from Totnes Road looking north-west and demonstrates the exposed openness of the landscape on the upper slopes directly in the forefront of the view. Blagdon Road and the lower slopes of this field located in the mid-ground of this photograph are obscured from view. However, land between the lower slopes, north of Totnes Road and Blagdon Road have reduced visibility from Totnes Road, Blagdon Road and the Churchyard, therefore could be considered for development, refer **viewpoint 8**. This viewpoint was taken from Blagdon Road and demonstrates the secluded and enclosed nature of the area (AoLC 3H Blagdon Valley). It also illustrates how the lower slopes of land behind the hedgerow are concealed by the vegetation and topography.

Proposals for landscape management strategy to this area should include "restoring and enhancing the existing landscape structure such as restoration of hedgerows, planting of hedgerow trees, tree belts and small woodlands".

Landscape Character Appraisal Plan



- 1J The Blagdons
- 1L Blagdon Barton
- 1M West Yalberton
- 3G Upper Clennon Valley
- 3H Blagdon Valley

- Site Study Area —
- Areas of reduced landscape and visual sensitivity ▨
- Area of Landscape Character - Secluded Valley ▨
- Area of Landscape Character - Rolling Farmland ▨

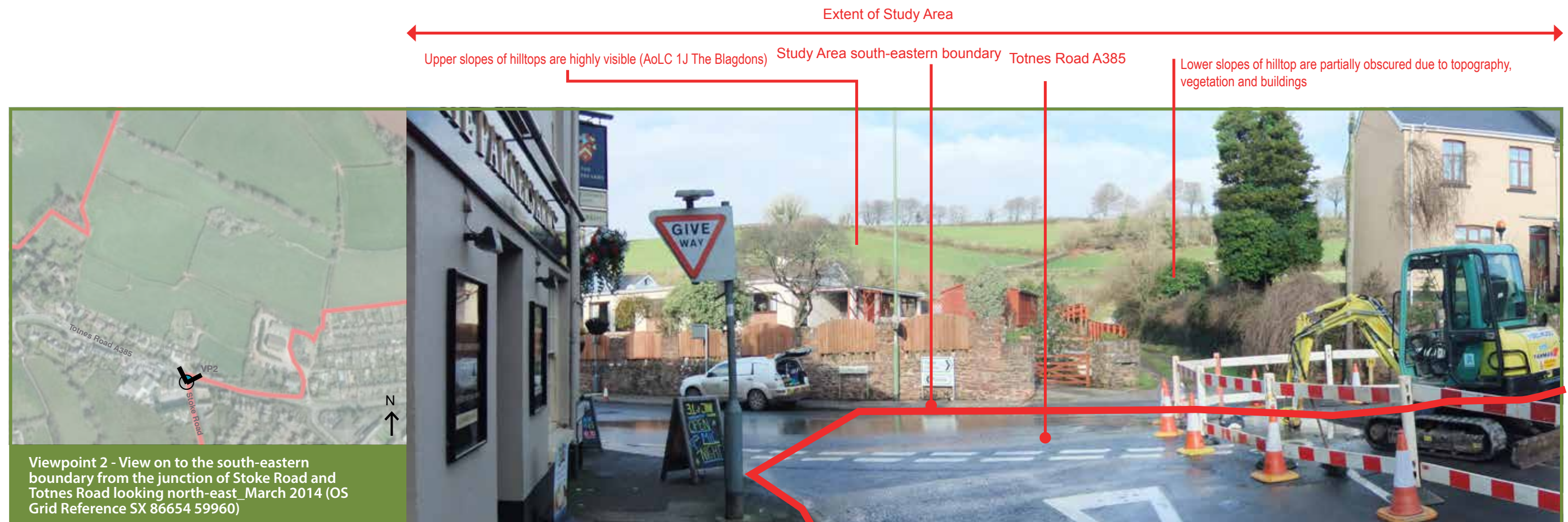
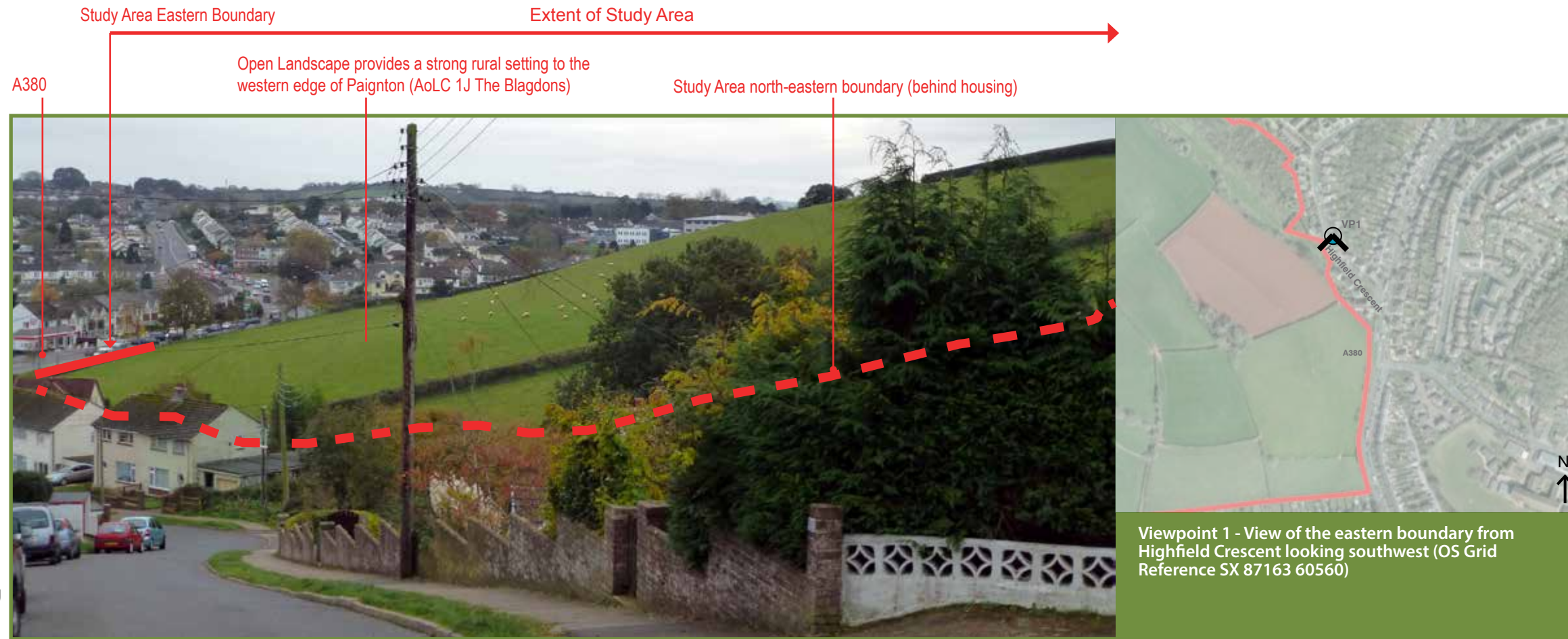
References:

1. Peter Brett on behalf of Torbay Council, SHLAA Final Update Report - Rev: D Date: July 2013
2. The Torbay Landscape Character Assessment and Assessment of Landscape Sensitivity and Capacity completed in 2010 by Enderby Associates

Viewpoint locations

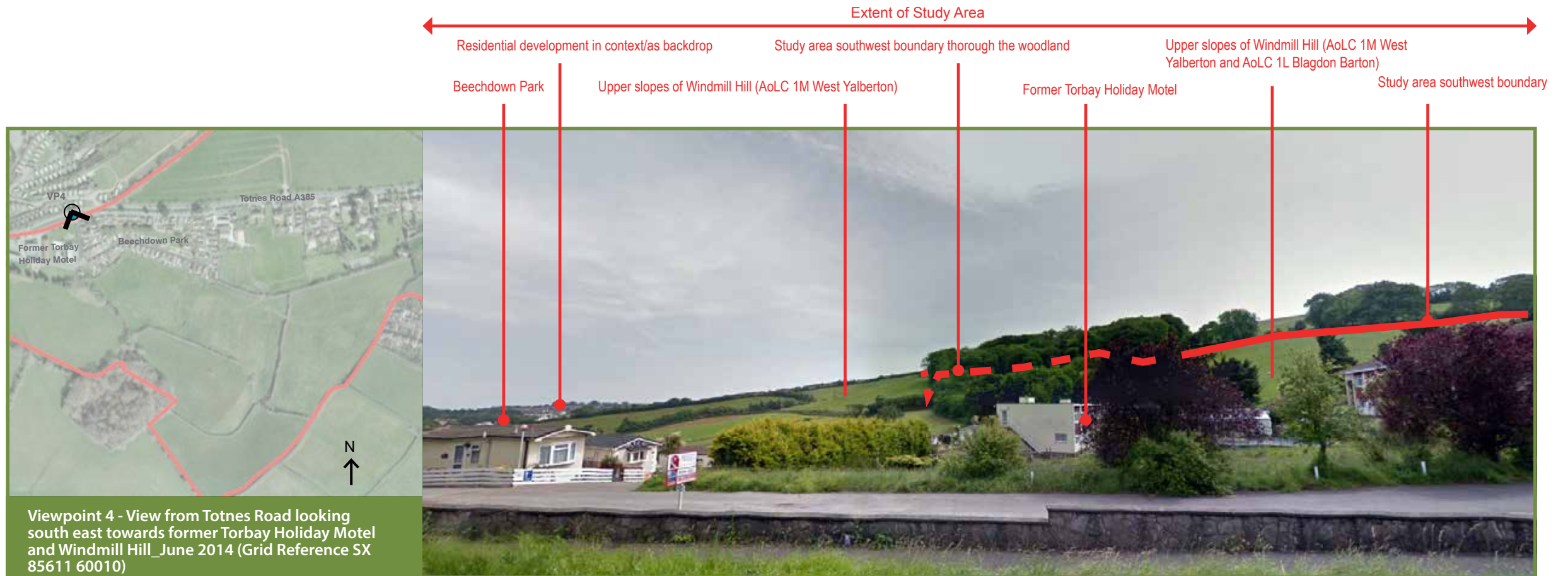


Page 130



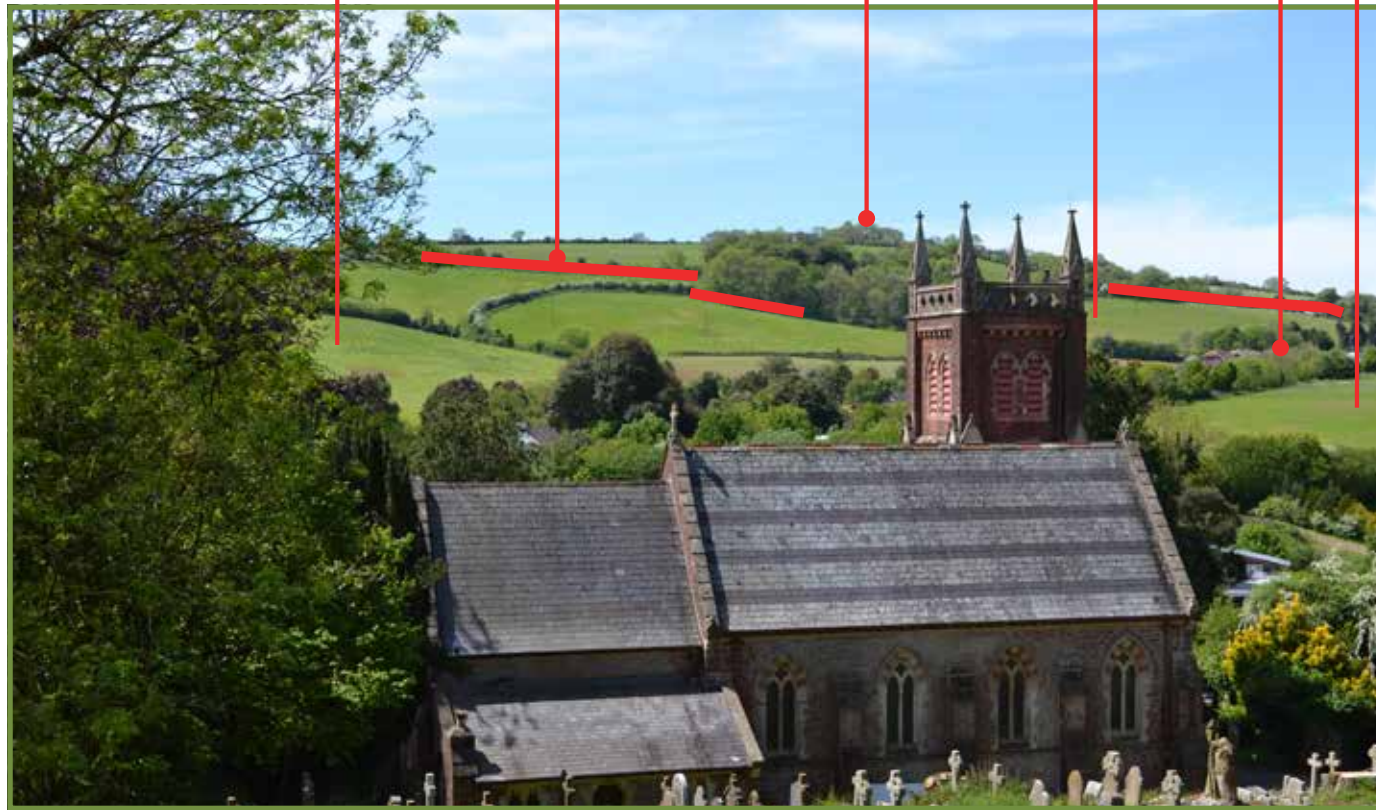


Page 132



Extent of Study Area

Upper slopes of Windmill Hill (AoLC 1M West Yalberton) Study area southern boundary Windmill Hill Clump Upper slopes of Windmill Hill (AoLC 1M West Yalberton and AoLC 1L Blagdon Barton) Totnes Road is obscured by vegetation Open landscape of the upper western slopes of AoLC 1L Blagdon Barton are clearly visible



Viewpoint 5- View from St Mary Church Churchyard looking south west June 2014 ©Chris Enderby (Grid Reference SX 86488 60151)

Page 133

Extent of Study Area

South-western study area boundary Open landscape of the upper western slopes of AoLC 1L Blagdon Barton are clearly visible. However, the lower slopes are obscured from view due to topography and vegetation Enclosed landscape of the AoLC 3H Blagdon Valley Study Area's western boundary



Viewpoint 6 - View from St Mary Church Churchyard looking south west March 2014 (Grid Reference SX 86470 60176)



Viewpoint 6 - View from St Mary Church Churchyard looking south west March 2014 (Grid Reference SX 86470 60176)

Extent of Study Area

Open landscape of the upper western slopes of AoLC 1L Blagdon Barton are clearly visible.

Lower slopes are obscured from view due to topography

Totnes Road A385



Viewpoint 7 - View from Totnes Road Blagdon Road looking south west_June 2014 (Grid Reference SX 85861 60016)

Extent of Study Area

Lower slopes (AoLC 1L Blagdon Barton) are partially obscured from view due to topography and vegetation

Enclosed landscape of the AoLC 3H Blagdon Valley



Viewpoint 8 - View from Blagdon Road looking north-east_March 2014 (Grid Reference SX 86290 60196)

In conclusion, the study area is located within a relatively constrained landscape setting. An area of reduced landscape and visual sensitivity has been identified on the Landscape Appraisal Plan based on findings of this appraisal; this has been essential in informing the development of the masterplan.

There are landscape management opportunities in line with proposals, as set out in The 'Torbay Assessment of Landscape Sensitivity and Capacity', to reinforce hedgerows that align the road network, establish new woodland clumps and hedgerows within surrounding area. There are opportunities to provide a variety of different type of landscape uses, for example, for food production, swales and wetland parks, public open space and play areas. There are also opportunities to enhance pedestrian and cycle accessibility which, consequently, would increase access to and enjoyment of, the surrounding areas and wider rural landscape, including those areas that lie within South Hams. This would unite and inter-connect the Village, for example, the two fragmented existing linear developments, to the north along A385 and St Mary's Park.

Refer to landscape strategy plan to see how these features have been incorporated into the masterplan.



Public consultation.

Public consultation

In order to draw up an effective, realistic and viable masterplan, which is sensitive to the context and environment in Collaton St Mary, Stride Treglown designed a Consultation and Engagement Strategy to feed into the masterplan process.

Introduction

The Consultation and Engagement Strategy was aimed at ensuring that the masterplan for the village:

- reflects wherever possible, the views of the local community and key stakeholders; and
- is fully informed of the constraints and opportunities associated with the masterplan area.

A Statement of Community Involvement accompanies this masterplan document. The Statement outlines the Consultation and Engagement Strategy and provides a summary of the feedback from participants. The section below provides an overview of the process undertaken and key themes which emerged from representations which we received by residents, local businesses and wider statutory agencies.

Objectives

The Consultation and Engagement Strategy was guided by a set of Key Objectives. These included the wish to:

1. To identify and engage with a wide range of local people, key individuals and organisations to obtain their views on how planned growth (proposed by the Torbay Local Plan) could best be accommodated in the village;
2. To be clear about the purpose of the master planning exercise, that is to establish how significant new housing development could best be integrated into the existing village;
3. To confirm those key constraints and opportunities that the masterplan would need to address;
4. To encourage dialogue between a wide range of stakeholder groups and individuals
5. To facilitate dialogue between the design team at Stride Treglown, the local community and key stakeholders;
6. To build on past consultations;
7. To facilitate an informed contribution by participants through the clear presentation of area study information; and
8. To clarify the master planning process and how participants could best get involved.



This is a selection of the presentation boards displayed at the various public consultation events. The boards presented a range of site analysis information. They also displayed different kinds of images of developments and open spaces from elsewhere to give an indication of the look and feel of what future development at Collaton St Mary could look like. The information contained on the boards reflect the early stage in the masterplanning process that the public consultation event took place so as to better inform the process.

Some of the boards encouraged consultees to engage with certain activities. The results of these exercises fed back into the masterplanning process.

Collaton St Mary Introduction

April 2014

Collaton St Mary is an attractive and popular place to live. We know we need to provide new jobs, homes, and infrastructure but also create a great community and enhance the natural environment. So, how do we achieve that? What do we need to do to improve the quality of life here in the village?



Stroke Tregear

Collaton St Mary Open Spaces

April 2014

Most open spaces at Collaton St Mary are used for agricultural purposes and are generally not accessible to the general public. However, these open spaces are valued by local people and visitors to the area.



Question: Are you happy with the existing supply of open spaces within the village for all the activities of the local community?

Stroke Tregear

Collaton St Mary Movement

April 2014

Collaton St Mary is dominated by the A665, known as the 'Main Road'. This is one of the main connectors into the village from the west. Pedestrian connections are generally restricted to the edges of the roads with few pedestrian pathways across the local landscape.



Question: If you could create a new path across the study area to make your life easier, which two places would it connect?

Stroke Tregear

Collaton St Mary Landscape Character

April 2014

Collaton St Mary is dominated by the character of the landscape in which it sits. The rolling green hills surrounding the village provide an attractive backdrop. An in-depth assessment of the quality of the landscape has already been carried out by the Chocky Association and will inform the nature of future development within the village.



Question: How, and where, could access be improved to better integrate the local landscape into the life of the village?

Stroke Tregear

Collaton St Mary What Would You Like to Happen?

April 2014

New development on greenfield land at Collaton St Mary isn't expected within the next decade. This masterplanning process aims to prepare a detailed strategy for the village so that development can be accommodated in the long term with all the necessary improvements to the local infrastructure and community facilities. Having a masterplan will help to prevent all hoc expansion of the village.

So, what are the benefits that the masterplan could bring to the village?



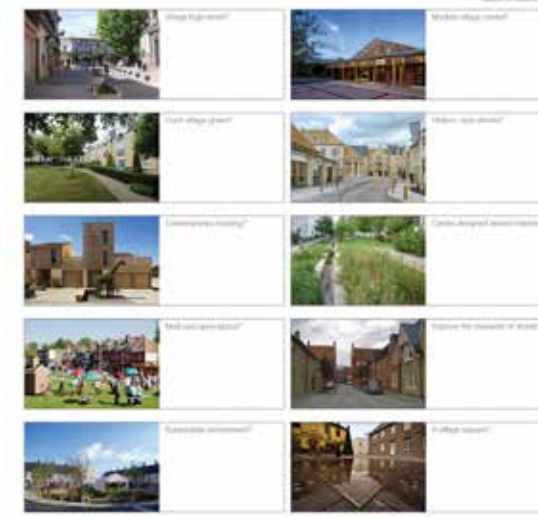
Question: Do you think that any of these ideas are relevant to the future of Collaton St Mary?

Stroke Tregear

Collaton St Mary Types of local village centres

April 2014

Collaton St Mary is likely to have to accommodate an increasing population in the long term. In order to avoid the erosion of the village's character, we need to develop a masterplan that preserves the essence of the village. Future development will have to capture the aspirations of the masterplan and contribute to the local community in a positive way. One important feature of that is the definition and impact of the local village centre. Below are a few ideas for other places of how it could look.



Question: Which of these features do you think would be appropriate for your local centre?

Stroke Tregear

Collaton St Mary Key Issues to Address

April 2014

In order to develop a strategy for the future development of the village, we first need to understand what the issues are that require improving. We need to build up a list of points of all of the issues that affect you.



Question: Are there any other aspects of the village that you feel should be addressed as part of the masterplan process?

Stroke Tregear

Collaton St Mary Opportunities Arising

April 2014

This consultation represents an opportunity to influence the pattern of long term development in the village. In order to achieve this, we all need to think of the ideas that will deliver the required long term growth in a sustainable way.



Question: What other opportunities are there within Collaton St Mary that could result in a positive change for the village?

Stroke Tregear



Consultation Programme

In order to meet the objectives outlined above, a number of consultation events and actions were planned over a 5 month period between April and August 2014. These were, in summary:

1. Drop in Day – Collaton Parish Rooms 22nd April
2. Stakeholder Session – Paignton Club 24th April
3. Feedback Session – Paignton Club 28th April
4. On-Line Survey - 29th April – 5th June.
5. Stakeholder Engagement - June-August 2014.

The Drop in Day and on-line survey were advertised with a Flyer, delivered to around 600 residential properties and businesses in and around Collaton St Mary. The consultation was also advertised in the local press, the Blatchcombe Newsletter, via email to local community and business organisations and on the Torbay Council website. A paper copy of the survey was distributed by a local volunteer and the results analysed and considered as part of the consultation programme. A presentation was also made to the Torbay Regeneration Network during a Breakfast Seminar in June.

The consultation was carried out in distinct phases and this staggered approach allowed feedback from participants to inform the development of the masterplan over the past 5 months.



How the masterplan has been influenced by the consultation feedback

Some of the key ways in which the Collaton St Mary masterplan has accommodated the views, ideas and responses from local residents, landowners, community organisations and statutory consultees are as follows:

- Location of a possible new local centre to the rear of the BMW garage site. The proposed location was the most popular, as it was felt there could be a natural connection with the existing local centre in a relatively central location to the existing and extended village.
- New Local Centre to provide opportunities for a range of uses, to complement the Parish Rooms, including disabled accessible community space, local retail and public open space.
- The impact on key views and rural setting of the village minimised by keeping proposed development on the south side of the village and on the lower slopes of the hills to the north and south.
- Introduction of a link road between Blagdon Lane and Totnes Road, with access to a new school car park and drop off point.

- Introduction of new accessible wildlife habitats and green corridors.
- Expansion of accessible public open space in the village, at the new local centre, adjacent to the school (sports field), on the southern slopes of the car boot field (orchard and community garden) and green linear park area through proposed new housing development on the south side of the Totnes Road.
- Space to accommodate children's play areas, multi use games area and new outdoor sports pitches.
- Network of pedestrian and cycle routes connecting the new village centre with other parts of the village.
- Enhanced pedestrian and cycle connections with Paignton Town Centre.....
- Dark corridor introduced through the village, hedges and tree lines retained and enhanced throughout the masterplan area to accommodate the movement and foraging of Greater Horseshoe Bats. External lighting levels to be restricted throughout this zone and connecting planting and landscaping to facilitate the movement of bats across breaks created by existing and new roads.



Initial Masterplan Response



- KEY:
- Site Study Area
 - Strategic green link
 - Wildlife habitat area with integrated flood attenuation measures
 - Formal village green
 - Village centre focal point
 - Increased area for school expansion
 - Area for future development
 - New pedestrian and vehicular access
 - Pedestrian-only route
 - Existing watercourse

After an intensive period of consultation, this concept masterplan was generated based upon the wide range of comments made by those who attended the sessions. This was a preliminary response produced in a few days immediately after the drop-in day and stakeholder session.

The masterplan concept focuses on the enhancement and promotion of a significant green corridor running through the village. By expressing the existing streams more vividly, there is scope to create significant areas for wildlife habitats. The concept masterplan proposes the creation of an attractively landscaped focal point for the village that is designed to flood naturally, with the local centre amenities facing out onto this area.

This green corridor runs through the heart of the village, connecting the existing community hub (around the school and church) with the village centre close to the Parkers Arms. Facilities here could include a local shop, post office and pharmacy, though any number of other facilities could be provided here if required (e.g. a new village hall). The green corridor would include pedestrian and cycling routes integrated into the landscape.

New development would be encouraged to occur on brownfield sites first with subsequent greenfield development radiating outwards from the village centre. The necessary infrastructure improvements could be made as part of the first phase.

(April 28 - 2014)



Masterplan.

This is the view of the proposed masterplan looking west along the Totnes Road, with the local centre and meadow in the middle ground and the motel site at the far end.

Illustrative masterplan

The masterplan for the village has been primarily influenced by the characteristics of the surrounding landscape. It also takes account of a wide range of other matters that will have a long term impact on Collaton St. Mary. These influences are outlined below.

Green infrastructure corridor

Collaton St Mary sits within an important natural setting. An existing green corridor runs between Blagdon to the northwest and the Yalberton Valley to the southeast. Along this line run streams (and subsequent flooding), bat flight corridors and a number of hedgerows. The protection and enhancement of this corridor is proposed within the masterplan, and this has influenced both the general overall concept and many of the details now embedded within it. Such matters include:

- Creating a stronger community link along this corridor by pedestrianising as much of it as possible.
- Implementing reduced lighting levels within this zone. All new roads bordering the corridor will have lighting levels of below 0.5 lux. Existing roads will be subject to more detail studies investigating the impact of a potential reduction in existing lighting levels. This is proposed to improve flight conditions for the bats passing through the area. This will work alongside a strategy to retain, and improve where appropriate, the significant band of trees that currently helps to minimise the impact on the greater horseshoe bat flight corridors.
- Providing the right conditions that allow the streams to flood in a manner that doesn't negatively impact on the local community nor on settlements further downstream.

Landscape character

Collaton St Mary is dominated by the character of the landscape in which it sits. The rolling green hills surrounding the village provide an attractive backdrop. With most of the surrounding landscape classified as being of a highly sensitive nature by the Torbay Landscape Character Assessment (2010), the masterplan has proposed to keep future development confined to areas that are less sensitive. Using existing built and natural features, such as the lines of houses on the Totnes Road and St Mary's Park for guidance, as well as contour lines and views out to surrounding hills, the masterplan seeks to deliver a coherent footprint of development radiating out from the centre of the village along the lower slopes of the valley.

The meadow

As much of the central part of the village is prone to flooding, the meadow will form part of a wider green infrastructure corridor. This meadow will address a number of issues, including:

- Allowing the stream to naturally breathe when the levels of water are high. The meadow will flood in a controlled way that attenuates the water and reduces flooding impact further downstream.
- **The masterplan should promote public access to the countryside and open space for the community. However, the primary functions of the meadow must be retained as a flood meadow and greater horseshoe bat/ wildlife corridor.**
- Enhancing the biodiversity potential of the site. It sits on an important flight corridor for greater horseshoe bats and so should be enhanced to improve their foraging grounds. It could also become a natural learning environment for the pupils of the local schools.

Local centre

A local centre is proposed in the area by the existing pub and garage. While its location is to one side of the study area, it will be centrally located for the wider built up area across to Paignton Community and Sports College. The centre will provide a mix of small scale retail and social facilities with residential accommodation above. **In addition, the site is suitable for residential use above the first floor (subject to design issues). The centre should incorporate flood resilience measures and reduce the amount of water run-off from the (currently hard-surfaced) area. Development should reinforce the context of historic buildings in the village.**

Phased development

The masterplan layout has been structured to allow for a logical and phased delivery over an undetermined period of time. Working with assumptions set out in the **Adopted Torbay Local Plan 2012-30 "A landscape for success"**, a number of brownfield sites can be developed within the first 10 year period, along with various upgrades to the existing infrastructure, before the majority of new housing is delivered in the post 10 year period. Each phase identified within the masterplan delivers a mix of public open spaces that meets the needs of that phase while gradually piecing together a coherent network of routes and spaces.

Illustrative Masterplan



The masterplan contains a number of different yet interconnected proposals that will allow the village to expand in the long term and in a coherent manner. These are the key aspirations, which are described in greater detail in the following section.

Vehicular access will be from Totnes Road (Woodlands, Little Blagdon Farm and Torbay Holiday Motel are known to be available). The layout should provide adequate vehicle accessibility and provide pedestrian/ cycle links to Totnes Road. Junctions and highway layout should be in accordance with the Torbay Council's Highway Design Guide for New Developments (November 2015 - or replacement).

Pedestrian access out to the surrounding landscape and hilltops is encouraged

A new link road will provide a stronger community feel by the church and school by redirecting school and local traffic along a more suitable road to the west

There are several pedestrian links through the rest of the village, while vehicular access will be via Borough Park Road

The central linear parkland runs through all the phases and provides a clear street hierarchy for the masterplan

The local centre will serve the needs of the local community, not just in Collaton St Mary but also the surrounding housing developments in the area

Improvements/ alternatives to the Stoke Road junction, and road safety measures in the village will be investigated and funding sought through developer contributions. However, these will not prejudice the role of the meadow.

The role of the meadow should be conserved and enhanced as a water meadow and wildlife corridor. Pedestrian/ cycle access should not interfere with this primary function and should be designed accordingly (e.g. with a permeable surface and appropriate warnings that it may not always be useable in periods of high rainfall). Any lighting should be kept to a low level (0.5 lux maximum).

Views up to Windmill Hill have determined the orientation of the streets in Phase 3

Proposed strategies

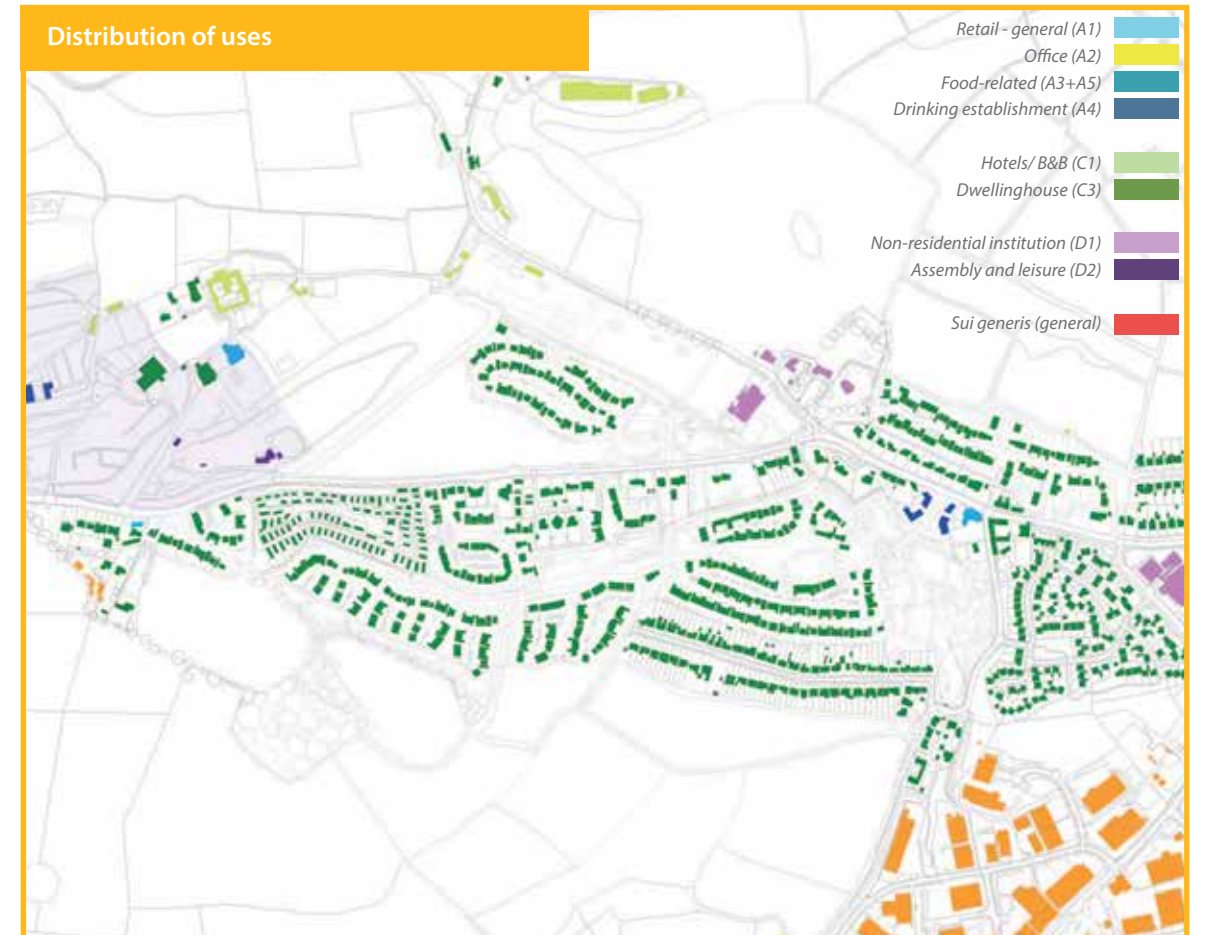
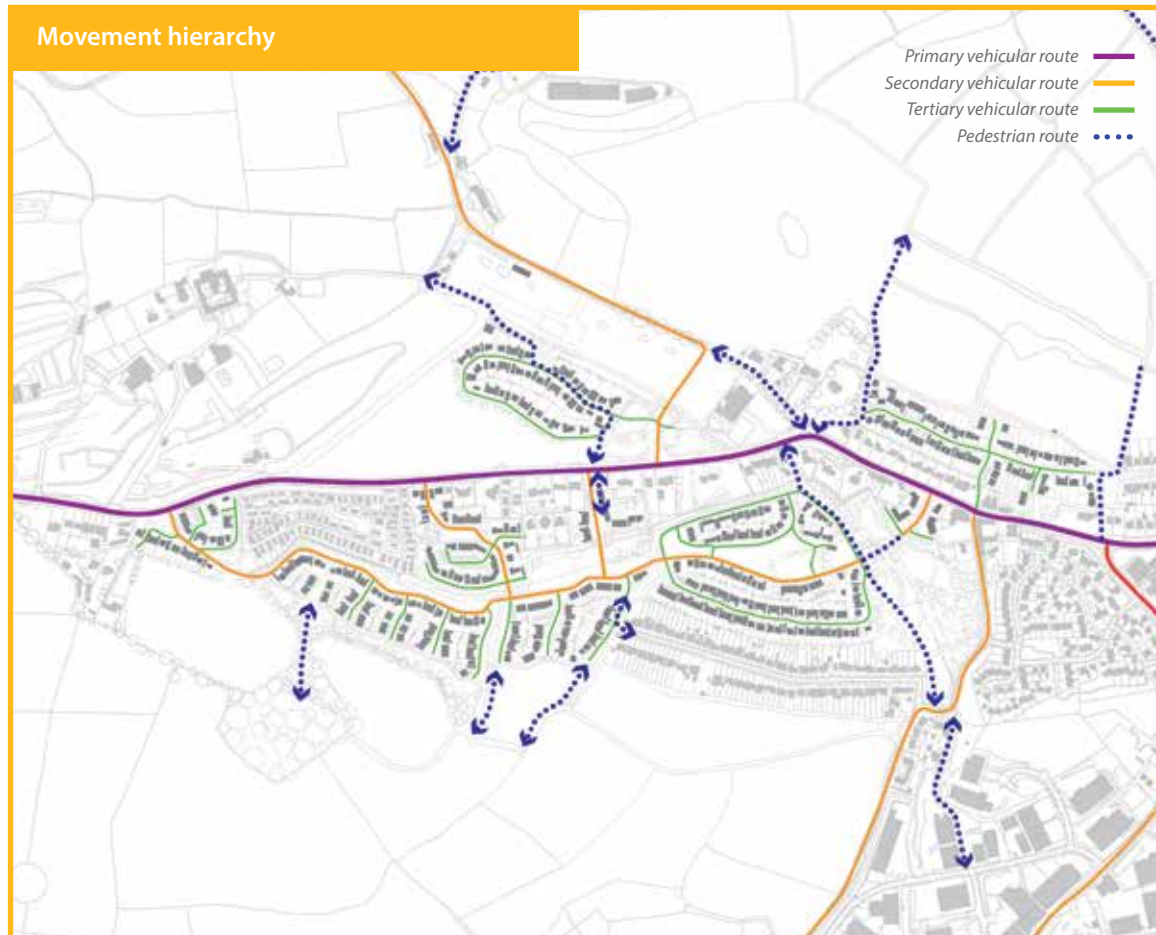
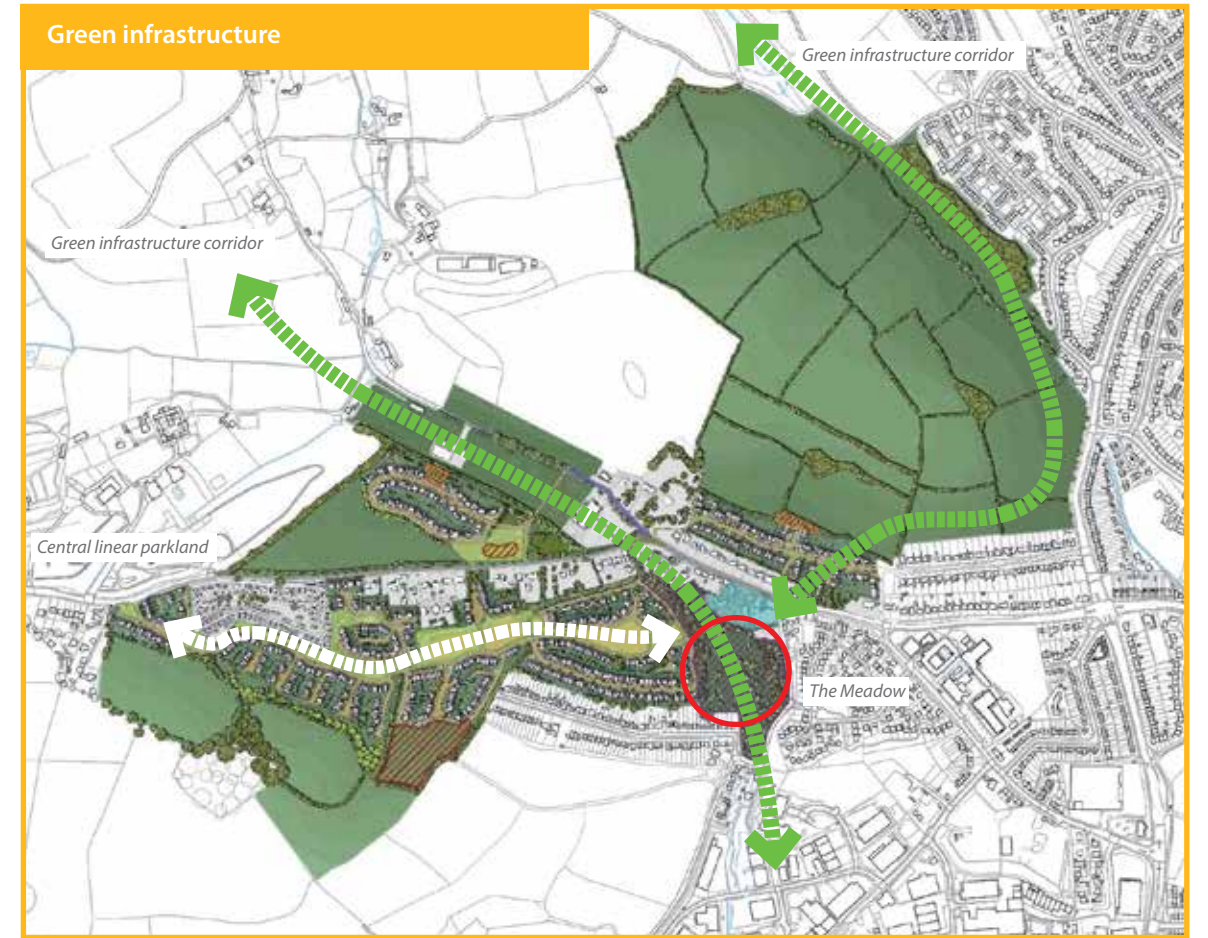
The masterplan has embedded within it a series of underlying strategies that makes the plan more robust.

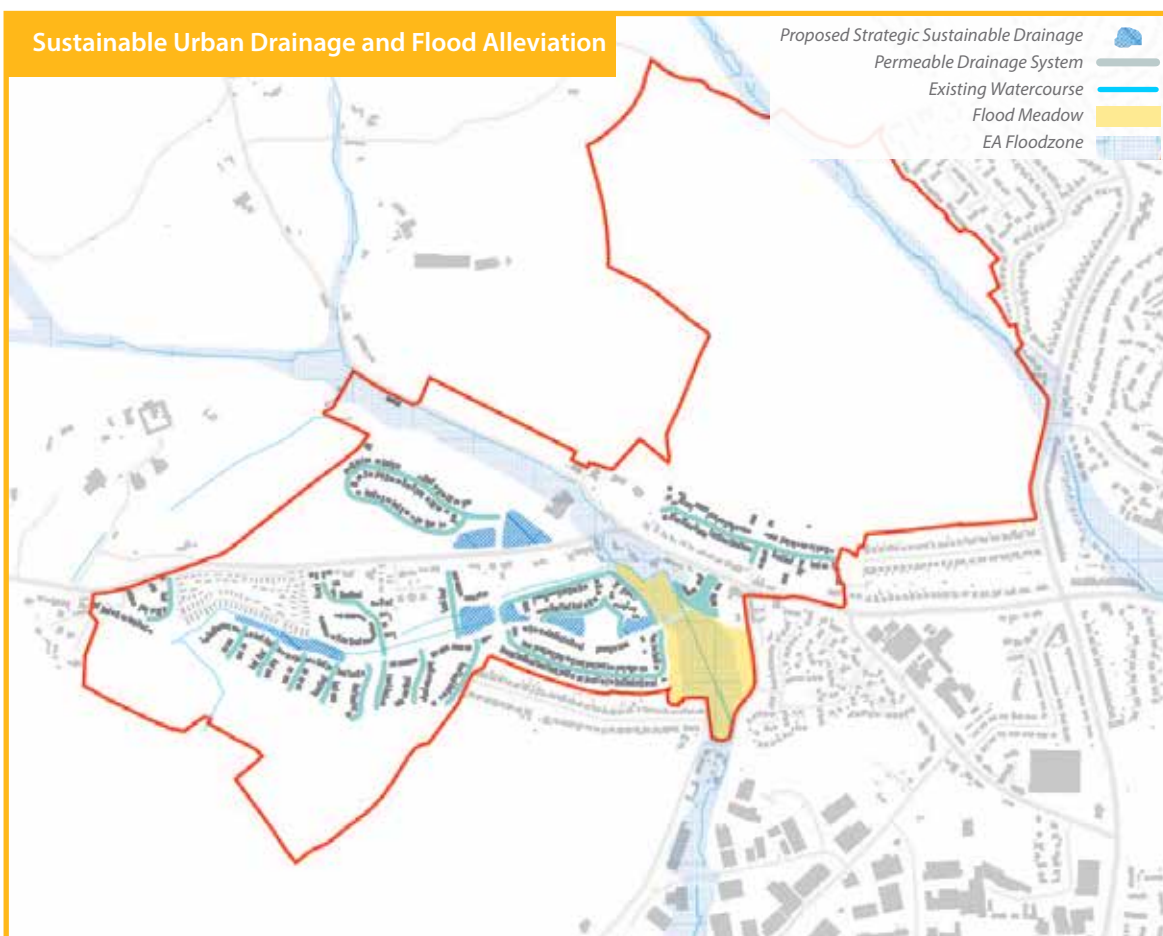
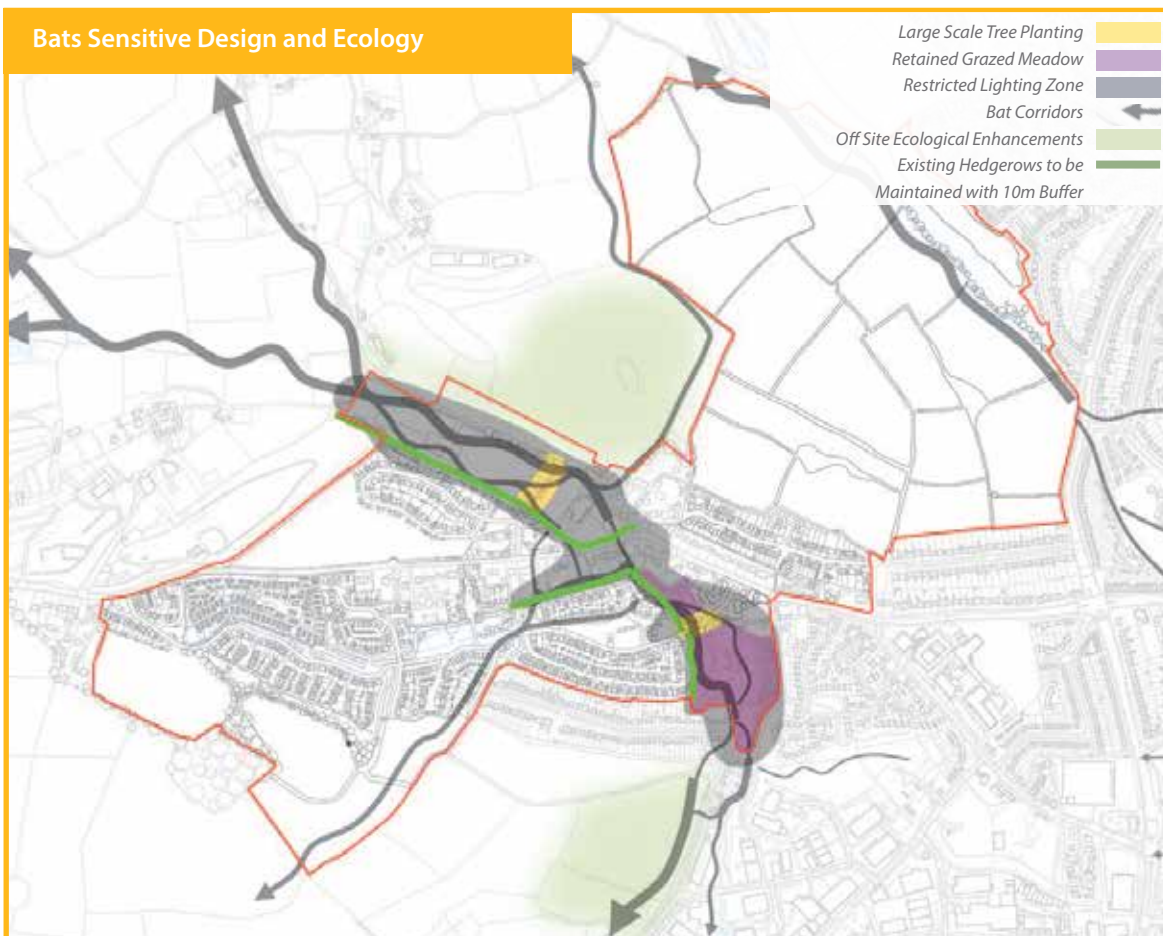
The proposals for the masterplan have been strongly guided by a number of key points, namely, the creation of a green infrastructure corridor running along the main stream through the middle of the village, and the integration of the local landscape characteristics into the development.

Movement patterns will change in some areas. While the Totnes Road will continue to carry the Totnes to Paignton traffic, local routes will provide vehicular access to the different phases of development throughout the masterplan area. However, there will also be a more comprehensive network of pedestrian and cycling routes that stitch together the new developments with the existing ones. These will open up the local landscape to the local community.

One specific change to the road network is the provision of a new link road that diverts Blagdon Road to the west of the school. This will not only improve access to the school and Blagdon, but will also create a much stronger sense of place in the area between the school, the church and the parish rooms.

The masterplan that is presented here in this document is merely an indicative plan that demonstrates how the village can evolve in a sustainable way. There are likely to be other means of achieving such strategies through the implementation of different details by other parties when delivering the various aspects of the masterplan. The masterplan image is not a prescriptive one, but rather is an illustration of what can be achieved at Collaton St Mary when implementing a series of positive strategies for the village as a whole. It is based on a mix of 2-, 3-, 4- and 5- bed houses and reflects the mix of housing currently being promoted at other residential developments in the west Paignton area. Should market and demographic factors change, this will impact upon proposed unit numbers shown on this masterplan.





The green infrastructure corridor provides the necessary framework for ensuring that the village mitigates the risk of flooding within the village and further downstream. The green corridor promotes a greater degree of protection from climate change and encourages healthy living at the heart of village life. Opening up as much of this corridor for community use will improve the relationship of the village with the surrounding landscape. It will embrace new wildlife habitats and vegetation. It will seek to improve the foraging conditions for the greater horseshoe bats that fly through the village. The impact of roads within this corridor, both new and existing, will be subject to a series of detailed design measures that will reduce their impact on the bats. For example, restricted lighting zone, enhanced areas of vegetation that straddle over the roads along lines of hedgerows, off site ecological enhancements and bat roosts.



View looking along the central linear parkland

Landscape strategy principles

This landscape strategy forms the basis of the whole masterplan. It has informed both the general layout of the proposed scheme as well as its detailed components.

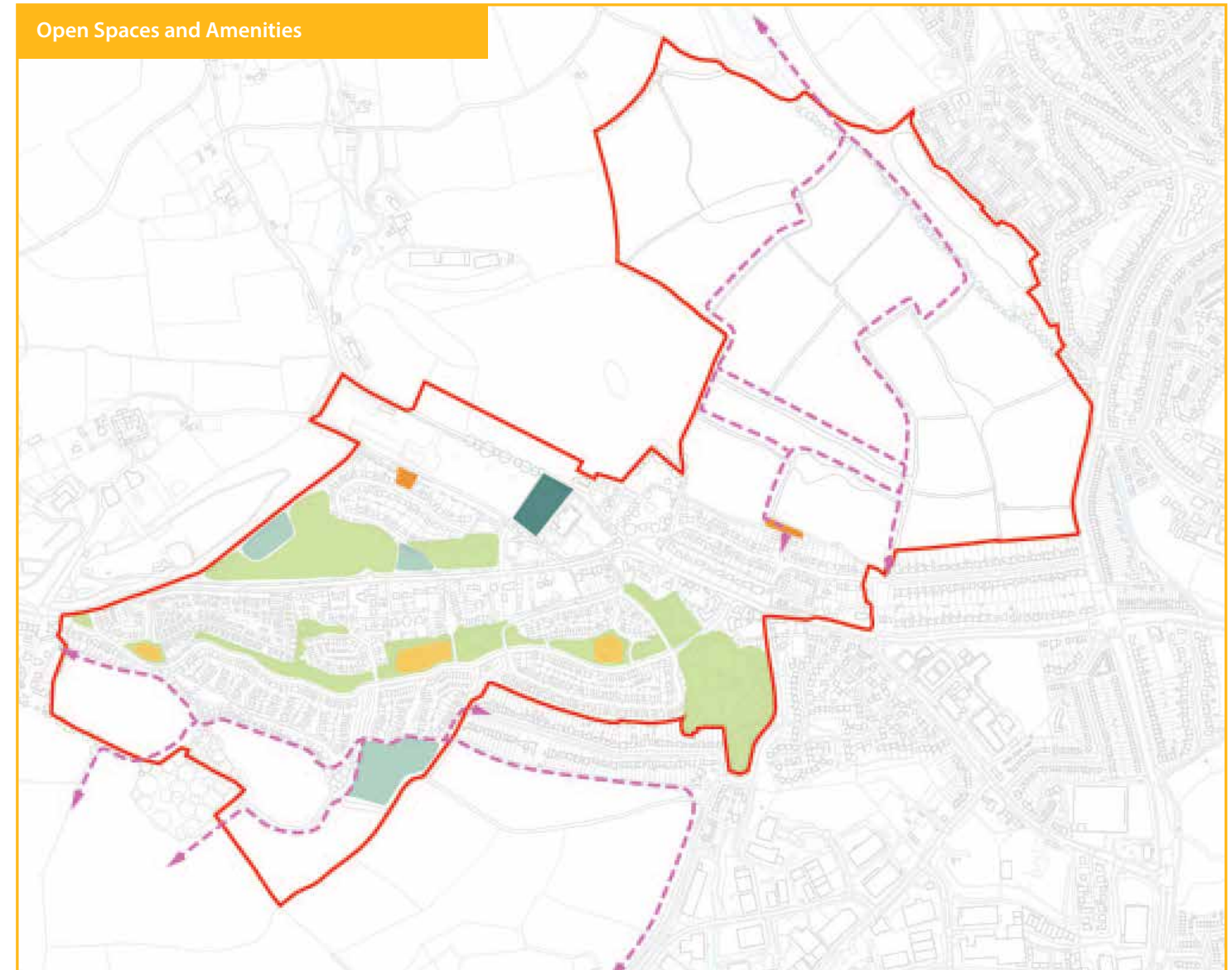
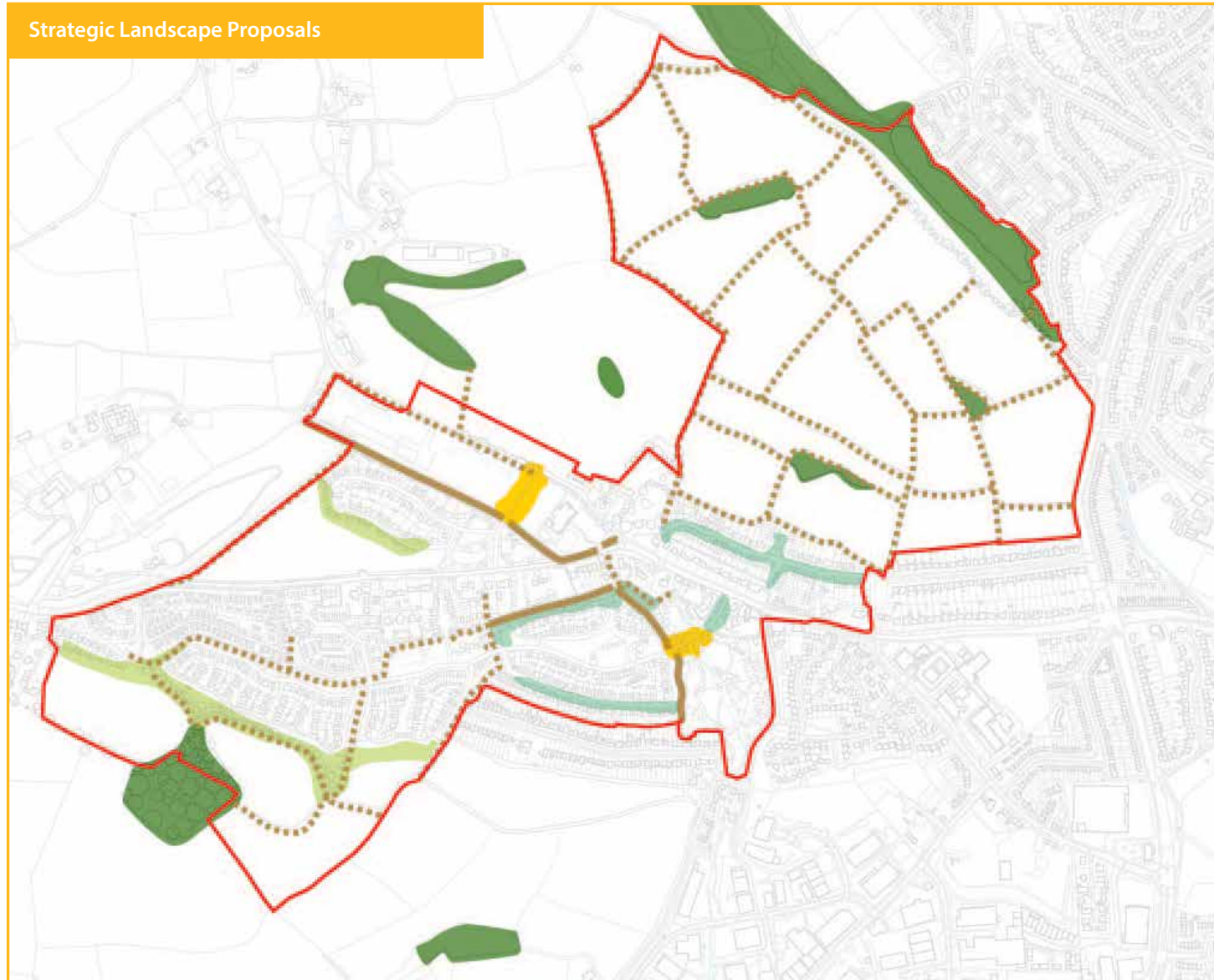
The continuous green infrastructure provides a green spine to the development linking a range of formal and informal parks and spaces. The strategy would include reinforcing existing hedgerows and strategic tree planting of native shrubs and trees.

These spaces include a variety of different types and sizes of formal play areas, informal public open space and an interconnected system of swales and wetland meadows; these features would aid drainage and enhance biodiversity and wildlife.

Landscapes associated to food production create an overarching concept to the development with the introduction of orchards, allotments and community gardens.

Several site specific enhancements are proposed to increase the biodiversity value of existing and proposed grasslands, particularly in relation to Greater Horseshoe Bats. Enhancements would also include bird, owl and bat boxes, reptile hibernacula, and invertebrate refuge.

An increased amount of formal and informal paths and spaces in and around the entire study area will improve accessibility for all to the countryside and beyond. The proposed footpaths such as woodland walks, hill and prospect walks to viewing points and could connect to wider green infrastructure network including connections to the Great Park Country Park.



- Existing Woodland of Local Importance
- Proposed Landscape Buffer Planting
- Proposed Street Trees
- Large Scale Tree Planting
- Existing Hedgerows to be Retained and Enhanced
- Hedgerows to be Maintained With 10m Buffer

- Formal Public Open Space/Play Areas
- Local Food Production Areas
- Orchards
- Sports Provision
- Strategic Countryside Walks
- Informal Public Open Space with Water
- Sensitive Design and Ecological Enhancements

Phase 1

The first phase of development at Collaton St Mary comprises two different parts of the village. They focus on areas that have been developed in the past and are more appropriate for short-to-medium term development within the village.

At the western end of the village is the vacant motel site. It is surrounded by occupied uses on either side, including a static caravan site along its eastern boundary and a car showroom and dwellings to its west.

The development of this site will affect the long term viability of the rest of the masterplan proposals. This first phase needs to be designed and laid out in such a way as to ensure that access is safeguarded to future phases further east. In essence, this first phase will form one of 2 major gateways into the southern part of the masterplan. Therefore, its primary value is not in achieving maximum housing numbers on the site but rather in providing a gateway into a larger area.

The result of this approach means that the houses on this site are accessed directly off the spine road rather than off the Totnes Road. A variety of open spaces will be provided, which will primarily serve the needs of the first phase houses but also the eastern end of the later phases.

At the eastern end of the masterplan, a second gateway is proposed for Phase 1. This tranche of work seeks to create not just a gateway into the southern part of the masterplan, but a social hub for the local community. This will include a mix of small scale local retail and social uses with residential accommodation on upper levels. The local centre, using the existing Parkers Arms public house as its starting point for its creation, will provide a social anchor at the eastern end of the village's main street to complement the more community-focussed anchor at the far end by the church and school. The viability of the centre will be enhanced by its proximity to passing traffic on the Totnes Road along with a strong and attractive relationship with the public meadow immediately adjacent.

The **Adopted Torbay Local Plan 2012-30 "A landscape for success"** states that while Collaton St Mary is suitable for greenfield development in a period beyond the next 10 years, it does also highlight the appropriateness of new developments on brownfield land. These two parts to Phase 1 identified in this section fall into that latter category of proposed building work. They enable Collaton St Mary to fulfil pressure on housing in the short term without compromising future housing growth in a sustainable way.

The first phase of the life of the masterplan will also be the period where the necessary upgrades to the existing infrastructure is carried out. The proposals set out in this masterplan help to eliminate uncertainty over possible future ad-hoc development in the village. This enables the relevant bodies to plan for future infrastructure needs in the area proactively rather than reactively in later phases. This includes upgrades to the sewerage network to improve the

conditions for the existing settlement as well as being able to accommodate future development. As part of the delivery of the local centre, a detailed highways study will be required to refine proposals for the main road through the village. Initial investigations suggest that a filter lane into the local centre, coupled with a rearrangement of parking, will improve accessibility for vehicles and pedestrians.

A visible part of the upgrade to the infrastructure works will be the creation of a publicly accessible meadow to the south of the local centre. This meadow is a multifunctional space that gives the local community a large open space for recreational purposes. The meadow will be planted in certain areas with flora that attracts as wide a range of birds, animals and insects as possible, which reflects the feedback received from local residents. Such an environment will be as much a place for learning as relaxing.

In much the same way as the space currently operates, it will be designed to naturally flood but in a more controlled way that takes account of greater volumes of run-off water from future phases.

This area falls within a major flight and feeding corridor for the greater horseshoe bat, a species that is protected under European legislation. The meadow will still provide foraging ground for the bats. It will, therefore, not be designed as a permanent wetlands but a generally dry area for flora and pasture to enrich their foraging environment. Additional survey work will need to be carried out to assess bat movements and inform necessary mitigation measures. The creation of a new pedestrian and cycling link from the local centre through to later phases of development to the west will be designed with a number of features to mitigate against any possible impacts on the bats. These will include:

- Lighting levels along the stretch of road within the flight corridor will not exceed 0.5lux
- The gap in the hedgerow created to facilitate the new link will be kept to a minimum width.
- At the point where the link crosses the hedgerow, additional taller planting may be used to raise the profile of the hedgerow and encourage the bats to continue their journey along the line of the hedgerow.

The route may need to be raised with a bridge to avoid flooding and facilitate the flow of water.



Number of units in Phase 1: 25-30 houses (plus 5-10 apartments depending on local centre details)

Proposed Masterplan: Phase 1



Page 147

Density of development in Phase 1: 20 units per hectare approximately

Phase 2

The second phase of development Collaton St Mary will be the first where new residential accommodation is provided on greenfield land. This is expected to happen post 2024, as indicated by the Local Plan.

Following on from the delivery of Phase 1, where the new local centre is planned, this second phase is the first to supply a significant amount of new housing within the village. As with the brownfield developments in Phase 1, this part of the masterplan needs to future proof the delivery of a later phase. What happens here will influence the delivery of the rest of the masterplan.

The overall masterplan is founded on the basis of a central linear park that runs through the heart of the southern development phases. This parkland will ultimately extend all the way down to the motel site in Phase 1 where the link between the two gateways into the masterplan area will be completed. This park will act as a simple navigation device, whereby residents and visitors will find it easy to navigate their way through each part of the development.

The built form for this zone has been guided by the existing patterns of building surrounding the area. The strong linear nature of St Mary's Park to the south forms an impenetrable barrier and so the proposal seeks to screen these back gardens off with housing that faces into the masterplan area. The boundaries created along the northern edge, coupled with that of St Mary's Park and a narrowing in the landscape to the west, form a natural enclosure for this phase of development.

There are several areas where individual houses will act as mini gateways. The more prominent of these sit at the western end, where they will ultimately form a staging post along the journey through the masterplan. When Phase 3 is underway, the importance of these buildings to the wider area will become more apparent.

The linear parkland works to retain as many of the natural features that exist in the landscape as possible. This includes the stream running down from Windmill Hill Clump as well as the hedgerow running alongside the stream. This hedgerow is of benefit to the bats and so will be given some breathing space and a protective buffer along the development edge to allow it to flourish. Lighting levels along this edge will be kept to below 0.5 lux.

Within the heart of this phase is retention of a series of protected trees and vegetation. The existing farmhouse building will be replaced with new housing along the southern edge of the farmhouse site, thus enabling the established trees to be incorporated into the linear parkland from the outset. The park will also facilitate pedestrian and cycling links to the wider village environment. The main one of these is that which connects the linear parkland with the Totnes Road adjacent to the school. This route forms a main cross masterplan connection and is an integral part of the green infrastructure corridor. The existing thatched cottage sitting on this stream-lined lane forms an appropriate signpost along this attractive connection within the village.



Number of units in Phase 2: 130-135 houses

Total at the end of Phase 2: 155-165 houses

Proposed Masterplan: Phase 2



Page 149

Density of development in Phase 2: 20 units per hectare approximately

Phase 3

Away from the enclosed nature of the other phases, the overarching principle of Phase 3 is its connection with the wider landscape. It takes advantage of its location at the foot of one of the highest points in the Torbay landscape to draw views of it into the heart of the masterplan.

Phase 3 makes the full connection between all the previous phases of development south of the Totnes Road. It links not just the road network, but more importantly, the central linear parkland. This route will provide a significantly improved connection for pedestrians and cyclists that currently use the Totnes Road for access. The final stretch of parkland to be created will revolve around the existing streams and hedgerows that form strong linear features that extend right along into Phase 2.

While this part of Collaton St Mary is seemingly less constrained by existing buildings surrounding it, the existing built form of St Mary's Park and along the Totnes Road continue to guide the general form of development in this phase. The sloping nature of the land means that the contour lines on which the western end of St Mary's Park sit form the southern most extent of the new development. This helps to piece the new built form in with the existing in a more coherent manner.

The masterplan is keen to promote permeability throughout the scheme, and while Phase 3 has a more solid built line of properties along its northern boundary, a strategic pedestrian and cycle access route connects through to the Totnes Road facing the Car Boot Sale land. To the east, another pedestrian and cycle route links into St Mary's Park to better integrate the existing housing into the village environment. This link is not deemed to be appropriate for vehicular access though due to the constraints of the junction with Stoke Lane and the likelihood of creating a popular shortcut through St Mary's Park for Stoke Gabriel traffic.

However, the main design principle of this phase is the orientation of the streets to capture views out into the surrounding landscape. Glimpses of the sharply rising slopes of Windmill Hill will be a striking natural feature embedded within the journey along the spine of the masterplan. The landscape becomes a natural part of the experience of living at Collaton St Mary and forms a distinctive feature of the masterplan. Although starting to rise up sharply towards the ends of these streets, the gradients can be managed to capture the views without compromising access to individual houses.

For the time being, the static caravan park has not been included in the development proposals. That is not to say that it cannot be incorporated in the future. A limited number of potential access points through to that site have been identified at this stage, which will enable the site to be redeveloped at a later stage and piece harmoniously into its built surroundings. One of these access points lies in Phase 3, while another can be provided from within the motel site in Phase 1.



Number of units in Phase 3: 180-185 houses

Total at the end of Phase 3: 335-350 houses

Proposed Masterplan: Phase 3



Page 151

Density of development in Phase 3: 20-25 units per hectare approximately

Phase 4

This last phase of development for Collaton St Mary provides for a mix of different developments and infrastructure improvements. It helps to resolve a number of issues that exist and were raised during the public consultation event.

The areas highlighted for development in this phase are not necessarily most suited for delivery towards the end of the life of the masterplan. Instead, they are standalone projects that can be delivered earlier without negatively impacting upon the other phases should the need or desire to develop these areas sooner arise. It is noted that there is currently stronger developer interest in these two sites, and fewer site assembly issues than with the land to the South of Totnes Road. Nevertheless, development of the areas will need to ensure that they are properly supported by infrastructure, particularly drainage/ flood prevention measures and the retention/ improvement of darkened corridors for greater horseshoe bats.

The first of these is the development on the Car Boot Sale land to the west of the school. This is an area of the village that has been subject to previous proposals. The Landscape appraisal that has been carried out has found that the upper slopes of the site are more sensitive due to their prominence in views from the Totnes Road to the outlying hills which form an intrinsic part of the village setting, and in views from wider countryside to the north and north-west. The appraisal concluded that the lower slopes are more appropriate for new development without compromising those views. As a result, the masterplan proposes that new residential accommodation sits below the curving 60m contour line and careful thought guided by detailed landscape and visual appraisal, will be required to ensure that development is contained within the more discreet parts of this area and that key views are protected.

An integral part of this phase is the provision of open space for food production for the use of the whole local community. This includes space for allotments, which will have good pedestrian links back to the rest of the masterplan area. Its connectivity, combined with a high degree of visibility from the Totnes Road, will help to ensure its appeal and success.

Within the landscape strategy for this area, the hedgerows have been protected with 10m wide buffer zones. With back gardens facing the hedgerows, there will be no impact from street lighting adversely affecting the bats' flight corridor. A break in the line of housing along the northern edge will ensure that access to the hedgerow is maintained. A community orchard will be grown here to give the space character and civic purpose.

Access to this development will be from a new link road connecting Blagdon Road with the Totnes Road. This new link will provide a number of benefits to the local community by simplifying the vehicular movement through the northwestern quadrant of the masterplan area. Current traffic along Blagdon Road passes the primary school at a narrowing in the road width, which becomes congested during pick-up and drop-

off periods for the school. With just a single line of traffic able to squeeze through, the problem can extend back out onto the Totnes Road. The provision of a new link road will mean that through traffic can bypass this end of Blagdon Road. The existing junction with Blagdon Road will effectively be relocated further to the west on the other side of the school. This will result in the new link road serving the new residential development, the through traffic from Blagdon and the school. The alignment of the road is such that the school is given space to increase its outdoor area. Pick-up and drop-off traffic will use this facility.

The creation of a new road to link from the Totnes Road to Blagdon Road through to later phases of development to the west will be designed with a number of features to mitigate against any possible impacts on the bats. These will include:

- Lighting levels along the stretch of road within the flight corridor will not exceed 0.5lux
- The gap in the hedgerow created to facilitate the new road will be kept to a minimum width. Measures such as reducing the road width to lane at this point could be explored in more detail later
- At the point where the road crosses the hedgerow, additional taller planting is used to raise the profile of the hedgerow and encourage the bats to continue their journey along the line of the hedgerow. A consequence of this link road is the ability to pedestrianise the stretch of Blagdon Road between the Totnes Road and the new link road. Creating a more community focussed environment here will help to better connect the church, the school and parish rooms. It will also strengthen the green infrastructure corridor that runs through the heart of the village. The character of this street will be significantly improved with the reclaiming of the space for the local community along with the opening up of the stream adjacent. It will provide a much safer connection to the school from the rest of the village.

The second area for development is that to the north of the village centre. The landscape character appraisal has deemed the lower end of these slopes to be less sensitive where it can accommodate new housing, forming a continuation of the built line of Borough Park Road. With good pedestrian links back into the heart of the village, new housing here will help to strengthen the core of the village and improve access to the local centre from Borough Park Road.

Vehicular access is proposed via Borough Park Road. Direct access onto the Totnes Road is not deemed to be appropriate due to the unsuitability of the junctions with the Totnes Road. However, the pedestrian routes will line up with a number of existing passageways and with the existing pedestrian crossing facility leading to the Paignton Community and Sports College.

There is scope within this development to accommodate live-work units, if there is a demand for them. Such a location would be ideal due to its close relationship with the local centre and easy access off the Kings Ash Road.



Number of units in Phase 4: 105-110 houses

Total at the end of Phase 4: 440-460 houses

Proposed Masterplan: Phase 4



Density of development in Phase 4: 20 units per hectare approximately



This masterplan seeks to ensure that development is proposed which meets the needs of the future within the context of the present. In presenting an overall masterplan for the future of the village, the Council have demonstrated their commitment to ensuring that future growth is integrated with the existing village.

Delivery.

As noted earlier in this masterplan, the Council have identified Collaton St Mary as a future growth area for the Torbay area. However, whilst indications are that the village can accommodate future housing growth, aligned to general improvements to the village's services and infrastructure, this masterplan seeks to ensure that this is delivered in a manner which is sensitive to the existing settlement, reflecting the individual character of the area. It is this sensitive approach which will ensure that any new development can be understood within its context and be considered acceptable by local people.

Phasing

The approach to phasing of the development proposed in this masterplan is critical to ensure that the development process is managed in a way which causes a minimum degree of disruption to local residents whilst also ensuring that the final built environment is a success both in terms of its design outcomes but also financial success through sales. Indicative phases are as follows:

	Masterplan proposal
1 – First 10 years to 2024	Redevelopment of brownfield motel site to accommodate circa 25-30 houses. Local Centre development to provide focal for local community and building connections between different parts of the village.
2 – Post 2024	Delivery of circa 130-135 houses.
3 – Post 2024	Delivery of circa 180-185 houses Extension of the green spine to create complete connection with Phase 1. Removal of the temporary road (created during Phase 1) with pedestrian only link remaining.
4 – Post 2024	Delivery of circa 105-110 houses on sites to the north of the village. Land safeguarded for future school expansion. Remaining section of Blagdon Road pedestrianised creating second community focal point created adjacent to the church.

Whilst the residential park home site at Beechdown Park is noted within the masterplan to remain in its current developed form, should the site become available at a future date there is potential



Governance

As a Council-led masterplan, we remain responsible for the overall governance and leadership required to ensure the delivery of the aims and aspirations presented here. However, a range of partners will need to be involved to deliver individual elements of the masterplan, particularly in relation to key infrastructure, including the upgrades to the sewerage, the implementation of green corridor and the residential developments.

As the local planning authority, the Council remains responsible for the consideration and approval of proposals within Collaton St Mary and the surrounding area. As such, proposals which accord with the principles and aims of this masterplan will be considered favourably, albeit must still comply with the development plan and other relevant policy. Proposals for development which would prejudice the aim of the masterplan will be resisted as they would lead to difficulty in delivery the masterplan concept. Developers are encouraged to actively engage with the Council at an early stage in order to ensure that specific development proposals can be formulated in a way which supports the masterplan.

As an early adopter of the Neighbourhood Plan process, there are three active forums across the Torbay area has, each of which is at varying stages of progress in the formulation of plans. The Paignton Neighbourhood Forum are preparing a plan which, amongst others, covers Collaton St Mary. **The new Torbay Local Plan has now been adopted, and once the Paignton Neighbourhood Plan has been examined and adopted, it will also form part of the development plan.**

This masterplan is anticipated to perform a central role in both, but particularly the Neighbourhood Plan, which will itself be a critical tool to guide future development within Collaton St Mary in a manner which ensures that development is delivered sensitively and is integrated with the existing he town centre area.

Funding

The Council recognise that investment decisions to undertake residential development are heavily dependent on a number of issues, including but not limited to development viability driven by land value and relevant site specific constraints. To this end, any decision on the part of landowners and developers to progress the development of sites identified within this masterplan will be driven by the availability of funding.

The Council are understandably not in a position to provide financial support to the physical development of this masterplan. However, as a Council led masterplan, we are committed to realising development within Collaton St Mary within the concept and parameters proposed. Therefore, where potential developers engage with the Council in a pro-active manner and commit to the aims of the masterplan, we will endeavour to provide appropriate support where possible. This may include assistance to prepare detailed site briefs and design codes or facilitating pre-application discussions with key stakeholders (for example consultees or infrastructure delivery partners).

The Council may also be able to facilitate the provision of targeted funding or support from the Heart of the South West Local Enterprise Partnership to provide assistance in delivery critical infrastructure which helps to unlock development of economic benefit.

Landownership

The control and direction of use relating to private ownership of land is not within the remit of the Council. It is therefore recognised that the future delivery of this masterplan is to some degree outside of the Council's control. However, we consider that by developing a masterplan which seeks to see future development delivered in a strategically co-ordinated manner, the Council have taken a positive and definitive step in signalling to landowners that development of high quality and vale can be delivered to meet the future needs of Collaton St Mary.



Recommended Future Strategies

The delivery of this masterplan requires continued partnership with the local community, along with a range of other stakeholders to ensure its successful implementation.

We have identified within this section our proposed phasing plan for the delivery of the future enhanced settlement of Collaton St Mary. The phasing has been developed with consideration of the existing community at its heart in order to ensure that any potential disruption is kept to a minimum and to allow for key developments which will benefit the local community to be delivered early, for example the new Local Centre being developed as a key part of Phase 1.

In order to progress the phased development in accordance with these masterplanning principles, to ensure that delivery is within existing or new infrastructure and to maintain the existing positive sense of community within Collaton St Mary, we propose the future strategies:

- The development of a more detailed strategy to identify the specific infrastructure needs based on the requirements of the individual partners and the negotiated funding to deliver critical elements of this;
- A strategy will be developed which places the existing residents and community as key stakeholders to future development.
- Engagement with the Paignton Neighbourhood Forum will be continued to ensure that the Masterplanning principles are carried through to the emerging Paignton Neighbourhood Plan, ensuring that the masterplan (which builds on the Local Plan Future Growth Area) is central to the Development Plan at all tiers.
- Detailed Technical Assessments will be required to inform the preparation of any subsequent planning application to deliver the development proposed within this masterplan. This will include, but not be limited to, flood risk assessments, further ecological studies, transport assessments and potentially full EIA. Future applicants should satisfy themselves of the requirement to undertake these studies.

7.0



Page 156

Appendix

**HRA Site Appraisal Report of Torbay Local Plan
Strategic Delivery Areas
(Proposed Submission Plan)**

Extract Relating to Totnes Road

M J Oxford CEng. FIEEM.

Kestrel Wildlife Ltd

October 2014

**HRA Site Appraisal Report of Torbay Local Plan
Strategic Delivery Areas
(Proposed Submission Plan)**

Extract relating to Totnes Road

Prepared by Kestrel Wildlife Ltd

Date: 20 October 2014

Version: **Final version for Circulation within Torbay Council and with Natural England**

Recommended Citation: Oxford M. & Jenkins, J. (2014) HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas, (Proposed Submission Plan)

A report by Kestrel Wildlife Ltd on behalf of Torbay Council.

Appendix A	Protection and Enhancement of Ecological Networks	35
Appendix B	SAC Conservation Objectives and GBH Conservation Status	36

References		37
-------------------	--	----

HRA Site Appraisal Maps

Map 1	Local Plan Key Diagram	40
Map 2	Greater Horseshoe Bat Favourable Buffers and Potential Pinch Points	41
Map 3	Edginswell Future Growth Area, Torquay	42
Map 4	Preston Down, Paignton	43
Map 5	Great Parks, Paignton	43
Map 6	Totnes Road Future Growth Area, Paignton	44
Map 7	Topography around Collaton St Mary, Paignton	45
Map 8	Yalberton and Claylands, Paignton	45
Map 9	Brixham Road Future Growth Area, Paignton	46
Map 10	Clennon Valley Leisure Hub, Paignton	46
Map 11	Fishcombe Cove, Brixham	47
Map 12	Wall Park Future Growth Area, Brixham	47

Contents

Acknowledgements

Summary

1.0	Introduction	
1.1	Introduction	6
1.2	Background	7
1.3	Strategic Landscape Approach to Greater Horseshoe Bat Conservation	8
2.0	Methodology	
2.1	Desk study	9
2.2	Site visits	9
3.0	Structure of This Report	10
4.0	Sites in Torquay Strategic Delivery Area	
4.1	Edginswell Future Growth Area	11
5.0	Sites in Paignton Strategic Delivery Area	
5.1	Preston Down Road	13
5.2	Great Parks	13
5.3	Totnes Road Future Growth Area	16
5.4	Yalberton Industrial Estate and Claylands	23
5.5	Brixham Road Future Growth Area	25
5.6	Clennon Valley Leisure Hub	28
6.0	Sites in Brixham Strategic Delivery Area	
6.1	Fishcombe	29
6.2	Wall Park Future Growth Area	31

Appendices

Acknowledgements

Thanks to the Strategic Planning Team at Torbay Council for commissioning Kestrel Wildlife Ltd to undertake this piece of work to support the HRA of the Local Plan.

We have drawn on a range of ecological reports and studies in the Torbay area, and are grateful to a number of people who have provided information. Our thanks in particular to Laura Horner (Natural England) for background information on the HRA process associated with Neighbourhood Plans and for useful discussion relating to wider HRA issues.

This report was prepared by:

Mike Oxford M.Sc., FIEEM, CECOL. Kestrel Wildlife Ltd

5.3 SDP3.3 Totnes Road Future Growth Area**Key Characteristics**

5.3.1. The Totnes Road (Land around Collaton St Mary) Future Growth Area is a composite site centred around the village of Collaton St Mary; as such it encompasses a number of land parcels and these are shown on Map 6 of this report. Each are identified separately by a capital letter (e.g. 'A', 'B', 'C' etc) and their key characteristics are described in turn below.

NOTE: Further details on the landscape character of the area around Collaton St Mary can be found on pages 28-29 and pages 65-67 of the Torbay Landscape Character Assessment.

5.3.2. This Future Growth Area lies within the northern part of the Berry Head Component of South Hams SAC *Sustenance Zone* (an area identified in Natural England's South Hams SAC guidance (2010) as being of particular importance for GHBs). It also has several *Strategic Flyways* running through it and these generally follow the lower slopes of the valleys (see Map 6 at the end of this report). One flyway runs along the northern side of Area 'A', while the others run through the centre of the village in an approximately north-south direction through areas C, F and G (see Map 6 of this report).

5.3.3. There are historic records of at least 6 Greater Horseshoe Bat roosts along the valley between Collaton St Mary and Stoke Gabriel (approx 3km) to the south. There is also a historic record of a roost just outside of Collaton St Mary to the north-east of the village. And the porch at St Mary's Church is also believed to be a 'night perch' for what is probably an individual bat foraging in the immediate vicinity (bat droppings were most recently identified on the floor of the porch on the 5th June 2014).

5.3.4. Based on the precautionary principle, and informed by the local proximity of these roosts on either side of the village, it is assumed that GHBs commute through Collaton St Mary, moving in an approximately north-south direction and vice versa.

5.3.5. Map 7 shows the high ground around Collaton St Mary and emphasizes that Natural England's *Strategic Flyways* runs through the valley bottoms. Further general context is also presented in Photo 1 (looking toward the centre of the village from the high ground just to the north-east of St Mary's Church) and in Photo 2 (looking north-eastward towards the centre of the village from a location east of Brake Copse). It is clear from these photos the extent to which tall hedgerows and mature trees are prevalent through and around the centre of the village; as such, these are likely to offer suitable and sheltered flyways for commuting bats.

5.3.6. **Area 'A'** is comprised of an area of high ground to the north of Collaton St Mary on the southern slopes of the Upper Clennon Valley. The area appears to be quite intensively farmed, with a mix of pasture, ryegrass leys and arable fields. To the north and east, the area slopes gently downhill towards the built-up edge of Paignton, with the eastern boundary being marked by the wide and well-lit A380 (Kings Ash Hill). The highest part of the area is marked by a long line of mature trees running approximately south-east to north-west, and to the south of this the land slopes more steeply down to the village and the A385.

5.3.7. With the exception of mature trees and the tall hedgerow in the valley bottom along the northern boundary of area A, other hedgerows across this area tend to be relatively low and well maintained in a box shape. There are two small woodland copses on the upper northern and eastern slopes and, while the copses and hedges offer some shelter for commuting/foraging GHBs, the areas of higher ground are generally quite open and exposed. Consequently, the *Strategic Flyway* identified through this area (see Map 6) follows the more sheltered line of the northern most hedge along the bottom of the valley.

NOTE: The *Strategic Flyway* through area 'A' connects open countryside to the west with the Clennon Valley which lies to the east of the A380. There are historic records of greater horseshoe bat roosts in the Clennon Valley (e.g. near Paignton Zoo) meaning that, at least in the past, GHBs have been using the valley.

There are substantial areas of suitable foraging habitat throughout the valley; including: areas of open grassland (although most of this is amenity); substantial areas of broadleaved woodland and scrub; and a string of open water bodies stretching from Paignton Zoo (at the upper end) to the southern edge of the sports pitches associated with Torbay Leisure Centre (at the lower end of the valley).

The open undeveloped eastern end of the Clennon Valley is approximately 250 metres wide and is separated from the coast by the A379. However, this main road is unlikely to act as a complete barrier to GHB movement, as there are hedges, scrub and tall trees along both sides of this section of the road. And it is not lit as brightly as the pinch points along the A380 and A3022 at the top end of the valley (see points 7 and 12 on Map 6). Also, in places mature conifer trees along the A379, and nearby hedges and scrub, offer GHBs the opportunity of potentially safe, high level 'hop overs' across the road.

If GHBs do cross the A379 it is possible that they regularly or seasonally commute and/or migrate back and forth along the coast towards the Berry Head Roost. This route into the Clennon Valley would be far less 'intimidating' to GHBs than via the intensively developed, and very well lit, western end of the valley around the Totnes Road, A380 and A3022 junctions.

5.3.8. **Area 'B'** lies on the lower slopes of the high ground identified in area 'A' above, and sits against the northern side of Collaton St Mary (see distant views on the right hand side of Photo 2).

5.3.9. The fields appear to be under permanent pasture and tend to be slightly smaller than on the northern slopes of area 'A'. As such, area 'B' probably offers slightly better and more sheltered foraging habitat for GHBs. The village church and surrounding tall trees and mature hedges form the western boundary of this area, while the eastern boundary abuts the housing at the end of Borough Park Road. There is a possible horseshoe bat roost (source Natural England) towards the eastern side of area 'B'. Mitigation associated with development within area 'B' should be in accordance with the mitigation objectives set out in paragraph 5.3.39 below (in particular with objectives ii, iii, x, xi, xii, xiii, xiv and xv).

5.3.10. **Area 'C'** is in the valley bottom to the north of the A385 and is formed from a series of long thin pasture fields (pony paddocks) that extend from the village school and church in an approximately north-easterly direction along the valley bottom. The northern boundary of area 'C' is marked by a brook, a tall mature hedge with tall hedgerow trees, and the lane that runs to Lower, Middle and Higher Blagdon. There are also a string of eight small ponds along the inside of the hedge through area 'C'.

5.3.11. The southern boundary is also formed by a tall mature hedgerow that abuts area 'D'. GHBs have been recorded along this hedgerow (from results of work undertaken by EAD Ecological Consultants in 2013 on behalf of Taylor Wimpey to inform their planning application for residential development on area 'D').

5.3.12. This area runs along the centre line for the *Strategic Flyway* identified by Natural England (see Map 6 at the end of this report).

5.3.13. Planning permission for a new poultry unit has been granted consent by Torbay Council at the northern end of area 'C' adjacent to the northern apex of area 'D' (planning reference P/2012/0865). As a condition of consent, this unit will be unlit and it is not expected to affect the movement of horseshoe bats through these fields or along the adjacent hedgerows.

5.3.14. **Area 'D'** is comprised of one large triangular field of semi-improved grassland; currently used for a hay crop and occasional use for car-boot sales. The southern boundary runs along the A385 and is marked by a 2-3 metre grass verge, an old metal fence and a line of planted semi-mature trees. The highest point of area 'C' is to the west, and from here the land slopes down toward the village centre and also towards the hedges on the north-western and north-eastern boundaries. These boundary hedges are mature and contain numerous tall trees.

5.3.15. Tall mature hedges, with hedgerow trees, lie along both the north-eastern and north-western boundaries.

5.3.16. A full season of survey effort has been undertaken in accordance with NE's 2010 South Hams SAC guidance on behalf of Taylor Wimpey in support of their planning application for the site (planning reference P/2013/0572). The results of these surveys show that there was some greater horseshoe bat activity along the hedges on the north-western and north-eastern boundaries, with overall greatest activity along the latter hedge, which is shared with area 'C'. However, no horseshoe bats have been recorded foraging across the open grassland in area 'D'.

5.3.17. **Area 'E'** lies opposite area 'C' on the southern side of the A385 (Totnes Road). There is a line of built development along almost the entire northern edge of area 'E' where it abuts the main road. In the western part of this area, there is also a hotel complex and next to this, to the east, is a dense area of small residential 'mobile' homes.

5.3.18. The land behind the residential development along the A385 slopes downhill for a short distance before rising again towards the high ground around Brake Copse south of Collaton St Mary (see details of topography on Map 7). The land immediately behind the settlement is largely under arable cultivation while the higher slopes appear to be under a mix of arable and permanent pasture.

5.3.19. Two tall very well developed hedges run up the slopes in a southerly direction (see Photo 2), and these would provide a strong sheltered corridor for commuting horseshoe bats. They also link the *Strategic Flyway* in the valley bottom with Brake Copse and the open countryside beyond; also permanent pasture immediately to the east of Brake Copse may provide suitable foraging habitat for foraging bats.

5.3.20. **Area 'F'** has residential properties along its northern boundary (fronting onto the A385) and also along the southern boundary along St Mary's Park road. The area is relatively low lying with the highest point in the south-west corner.

5.3.21. There are three fields (pasture) and one large residential property (Marbrook) situated in the middle of area 'F'. All of the boundaries around area 'F' are comprised of tall mature hedges with tall hedgerow trees (see Photo 2 - right hand side beyond the closest hedgerows).

5.3.22. The hedge along the eastern boundary is particularly noteworthy because it forms a very strong linear landscape feature running approximately north-south and, as such, offers an almost optimal commuting route for horseshoe bats passing through the middle of the village. It also forms the western edge of area 'G' which appears to offer optimal foraging opportunities over cattle-grazed pasture in association with a water course and damp/marshy habitat (see 'G' below).

5.3.23. In the northern part of area 'F', the line of residential properties along the A385 are broken by two vegetated gaps (see pinch point 2 on Map 6 of this report). In effect, these form two narrow green corridors and in association with tall trees on either side of the A385 (in particular a mature Holm Oak on the southern side), they offer a potential dark high level 'hop over' across the main road for commuting bats (see Photo 3).

5.3.24. **Area 'G'** is formed of flat low-lying land and is located in the centre of the village. It has a small watercourse running through it, flowing north-south, and on either side of this there is cattle-grazed pasture in association with areas of tall damp/marshy habitat. As such, this type of habitat mosaic offers potentially optimal foraging opportunities for horseshoe bats. The hedge along the western boundary of area 'G' is also particularly noteworthy because it forms a very strong linear landscape feature running approximately north-south and, as such, offers an almost optimal commuting route for horseshoe bats passing through the middle of the village. There is a similar tall hedgerow feature, also running north-south, towards the eastern edge of area 'G', although this is only 100m (approx.) in length. To the east of this latter feature is a very narrow field that abuts Stoke Road, where the boundary is marked by a post and rail fence and short broken sections of thin hedgerow.

5.3.25. The northern edge of area 'G' has residential and commercial properties that front onto the A385 in the centre of the village. These include a car showroom and the Parker Arms Public House on the corner of Stoke Road. These properties represent an almost unbroken line of development along the southern side of the A385. However, there is a thin green corridor (comprised of a large private garden) that follows the line of the brook where it passes under the A385 and then links into the grounds of the primary school at the southern end of area 'C' (see point 1 on Map 6). This pinch point appears to offer one of the most likely flight routes across the main road, especially as it is linked, both north and south, to near-optimal foraging and commuting habitat. The A385 Improvement Scheme will need to take account of this pinch point.

5.3.26. The southern tip of area 'G' narrows into another pinch point between residential properties and where the Stoke Road takes a series of sharp bends (see point 3 on Map 6). There are a number of streetlights at this location, which might to large extent normally deter greater horseshoe bat movement. However, as with the northern pinch point in area 'G', horseshoe bat habitat immediately to the north and south are near-optimal and this location is considered to offer the most likely route through the southern end of the village – and a crucial one if Natural England's *Strategic Flyway* is to function through the landscape as hoped. It should therefore not be developed.

5.3.27. South of point 3, horseshoe bats would appear to have two alternatives for commuting routes

- To follow uninterrupted dark flyways southward along the tall hedges on both sides of Stoke Road (see point 4) and/or:
- To follow the line of the watercourse, a small block of woodland and a relict tall hedgerow running through the Yalberton Industrial Estate (see point 5 and area 'H' on Map 6). This area is well lit at night.

5.3.28. **Area 'H'** covers the Yalberton Industrial Estate. While it does not form an integral part of the Local Plan proposals for the Totnes Road Future Growth Area, the Estate does form an important element within the 'landscape' south of Collaton St Mary and provides further context for how GHBs may be active in the wider area around the Growth Point (identified as a Neighbourhood Plan potential employment development (improvement) area).

5.3.29. A full characterisation and appraisal for area 'H' is provided in Section 5.4 of this report.

Does future development of the Totnes Road Growth Area have the potential to impact the integrity of the South Hams SAC?

5.3.30. The growth Area is within the South Hams (Berry Head) *Sustenance Zone* and also has two *Strategic Flyway* running through it.

5.3.31. A number of landscape features, likely to be of major importance to GHBs, offer suitable (or even optimal) foraging and commuting habitat close to and through the village (see Map 6). These include:

- The long thin fields, small ponds, watercourse and mature hedgerows in area 'C';
- The watercourse, tall mature hedges and cattle-grazed pasture in area 'G';
- The mature hedgerows around area 'F';
- The mature hedgerows running southward through area 'E'.
- The watercourse, hedges and garden features either side of the A385 at Pinch Point 1 on Map 6

5.3.32. These landscape features contribute to the overall connectivity and functionality of the *Strategic Flyway* along the valley through Collaton St Mary.

5.3.33. Development in an inappropriate location and/or of an inappropriate design have the potential to adversely affect GHBs and thereby be likely to impact on the integrity of the South Hams SAC. This might be as a result of one or more of the following

- loss of grazed pasture which would reduce the extent of potential foraging habitat available to bats;
- severance of habitat connectivity through the centre of the village (particularly at pinch points) caused through loss of mature hedgerows and/or tree lines and/or through widening of the A385;
- loss of tall trees and associated woody vegetation on either side of the A385 that currently are assumed to provide relatively dark and safe crossing points over the main road;
- disturbance to bat foraging and commuting habitat that is to be retained within future development (e.g. as a result of increased light levels) so that GHBs are no longer able to make use of these features.

5.3.34. The most likely significant effect from proposed development within the Future Growth Area is the potential restriction on the bats' ability to disperse and move to and from foraging areas either side of the village. Such movement may occur on a regular daily basis, or on a more infrequent seasonal basis e.g. in the early spring and late autumn when the bats may be using routes through the village in order to migrate to and from their hibernation roosts used through the winter.

5.3.35. In order to meet the requirements of Habitat Regulations Assessment, it is therefore essential that adequate mitigation be provided that ensures (i) there are no further restrictions on potential movement of GHBs along the strategic flyway through the village and (ii) the retention and enhancement of foraging opportunities (see para 5.3.37 below).

Is it likely that potential impacts will require Habitat Regulations Assessment (HRA)?

5.3.36. Development of the Totnes Road Future Growth Area will need to be informed by detailed bat surveys and accompanying ecological assessments. Wherever GHBs are confirmed to be present, then a Habitat Regulations Assessment will be required to determine whether the integrity of the SAC is likely to be affected adversely. It will only be possible to avoid a full Appropriate Assessment if detailed mitigation measures are incorporated into development proposals to demonstrate (when examined against the 'Likely Significant Effect' (LSE) test) that there will be no likely significant adverse effect on the integrity of the South Hams SAC.

Is it likely that impacts can be mitigated effectively?

5.3.37. Mitigation measures for GHBs should support the SAC *Conservation Objectives* set by Natural England and also promote *Favourable Conservation Status* for this species (see Appendix B). As such, mitigation measures for the Totnes Road Future Growth Area should aim to:

Facilitate ease of movement and conserve energy expenditure by Greater Horseshoe Bats by providing optimal daily and seasonal commuting routes through the existing and proposed new built up areas and by retaining and enhancing foraging and roosting opportunities.

5.3.38. In order to achieve the above aim, and to provide the certainty necessary to satisfy the requirements of the HRA process, the following mitigation objectives must be incorporated into the master-planning process for the Totnes Road Future Growth Area. This mitigation must then be implemented in full at such time as development applications are brought forward. Such mitigation should be a combination of identifying and recognising:

- key design constraints required to avoid or minimise¹ adverse effects, and;
- habitat mitigation/enhancement opportunities to provide overall net gains² for GHBs specifically and for wider biodiversity in general.

¹ Adverse effects should be 'minimised' to the point where either alone or in combination with other effects they do not have an adverse effect on the integrity of the South Hams SAC.

² The achievement of a net gain for biodiversity is consistent with the objectives set out in Local Plan Policy NC1 Biodiversity and Geodiversity.

5.3.39. *Design Restrictions/Constraints should:*

- Maintain existing connectivity of bat commuting and foraging habitat through and around Collaton St Mary in accordance with the flyways shown on Map 6 (unless it can be established through detailed bat surveys that relevant areas are not in use by GHBs);
- Achieve no net loss of foraging habitat (especially within area G on map 6) unless it can be established through detailed survey that the affected areas do not (and could not) support foraging GHBs;
- Achieve no overall net loss of existing hedgerows and trees within the Future Growth Area identified on Map 6;
- Avoid light spill in bat flyways and foraging areas i.e. achieve light levels less than 0.5 lux in sensitive locations;
- Achieve road layouts associated with new development that do not sever or interrupt key bat flyways;
- Establish the proposed village green outside of optimal areas of foraging habitat in area G (e.g. locate village green on the eastern side of area G rather than in the centre of this area);
- Ensure that the design of any new proposed bus lane (See Transport Local Plan 3 March 2011 Section 7.20) and associated cycleway and footpaths along the A385 avoids any adverse effects on habitat connectivity at the pinch points at 1 and 2 on Map 6, including those arising from:
 - widening the road to accommodate a bus lane/cycleway/footpath that would require removing trees on one or both sides of the carriageway), and/or;
 - introducing new and/or brighter street lighting through the pinch point.

Habitat Mitigation/Enhancement Opportunities should:

- Create a green corridor along the northern edge of area F (behind the properties fronting the A385) in order to maintain access to 'hop-over' points provided by mature trees along the main road (see point 2 on Map 6);
- Enhance/replace existing street lighting in 'Pinch Points' (see Map 6) to reduce current extent and/or levels of illumination (while maintaining necessary highway and pedestrian safety) in order to minimise disturbance and severance effects from light spill across key flyways;
- Undertake habitat creation/enhancement to provide new tree lines and hedgerows in the surrounding landscape (e.g. within the proposed Green Infrastructure) to strengthen bat commuting habitat in the wider landscape;
- Provide landscape buffers between bat flyways/foraging habitat and the new built development – these should ideally be 10m wide;

xii. Create a 'string' of new bespoke bat roost(s) to support and improve viability of green corridors through the built development (e.g. provision of new bat roost within (a) western boundary of area G, (b) within northern part of area C and (c) in an appropriate location to the south of Collaton St Mary and to the west of Stoke Road);

xiii. Provide long-term habitat management for GHBs, for each development, through a Landscape and Ecological Management Plan (LEMP), secured through a planning condition and/or obligations;

xiv. Implement development through the means of a prior-approved Construction Environmental Management Plan (CEMP), secured through a planning condition and/or obligations;

xv. Undertake appropriate and proportionate ecological monitoring of the LEMP(s) to establish the effectiveness of proposed mitigation measures and to provide early warning of any necessary contingency or remedial measures required to meet original objectives;

5.3.39. The provision of such measures would be consistent with the four principles set out in the proposed modified Local Plan Policy NC1.

Photo 1



Photo 2



Photo 3



APPENDIX A Protection and Enhancement of Ecological Networks

- A.1.1 Across Europe, all of the Special Areas for Conservation (SACs) and Special Protection Areas (SPAs) together contribute to the European Natura 2000 network. The protection, management, and enhancement of such ecological networks, and especially those relating to the *Natura 2000* network, are identified as being particularly important in the *EU Habitats Directive*.
- A.1.2 Article 3 of the Directive states:
Where they consider it necessary, Member States shall endeavour to improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna and flora, as referred to in Article 10.
- A.1.3 Article 10 then goes on to explain:
Member States shall endeavour, where they consider it necessary, in their land use planning and development policies and, in particular, with a view to improving the ecological coherence of The Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild fauna and flora. Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems of marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.
- A.1.4 *The Conservation of Habitats and Species Regulations (2010)* transpose the above EU Directive into English legislation. Regulation 39 requires development plan policies to include policies that implement at the local level the requirements of Article 10 so as to encourage the management of features of the landscape which are of major importance for wild flora and fauna.

- A.1.5 In relation to the potential development sites discussed in this report, Regulation 39 provides Torbay District Council with an opportunity to link conservation objectives to the allocation of some or all of the sites finally adopted. In particular, the LPA has both a justification and a statutory mechanism by which they can seek through their development plan policies the management and enhancement of landscape features in and around the Local Plan Area which are of major importance for GHBS.
- A.1.6 For instance, planning for Green Infrastructure in and around the proposed future growth areas could also lead to significant biodiversity gains and substantial improvement of GHB commuting and foraging habitat providing the bats with a very much enhanced flyways around the town. Such measures could also contribute to wider Green Infrastructure objectives and achieve benefits that could then also be enjoyed by the local community.

APPENDIX B SAC CONSERVATION OBJECTIVES AND GHB CONSERVATION STATUS

B.1. South Hams SAC Conservation Objectives

- B.1.1 As required by the Habitats Directive, high level 'Conservation Objectives' for the South Hams SAC have been identified by Natural England. An overarching objective and a list of further generic objectives aim to:

'Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.'

This is to be achieved by, subject to natural change, maintaining and restoring:

- *The extent and distribution of the qualifying natural habitats and habitats of qualifying species.*
- *The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species.*
- *The supporting processes on which qualifying natural habitats and habitats of qualifying species rely.*
- *The populations of qualifying species.*
- *The distribution of qualifying species within the site'.*

NOTE Natural England are in the process of preparing site specific objectives for each SAC and SPA in England.

- B.1.2 The application of these objectives will be site specific and dependant on the nature of the site and its features. The local planning authorities should take these objectives into account when undertaking Habitat Regulations Assessments.

B.2 Favourable Conservation Status (FCS)

- B.2.1 Article 2(1) of the Habitats Directive states that *'Measures taken pursuant to this Directive shall be designed to maintain or restore at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest'* (emphasis added).

- B.2.2 The concept of 'conservation status' is therefore fundamental to the purposes of the Habitats Directive. Article 1(i) defines the conservation status of a species as:

'the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its population within the territory referred to in Article 2' and continues that the conservation status of the species will be taken as 'favourable' when:

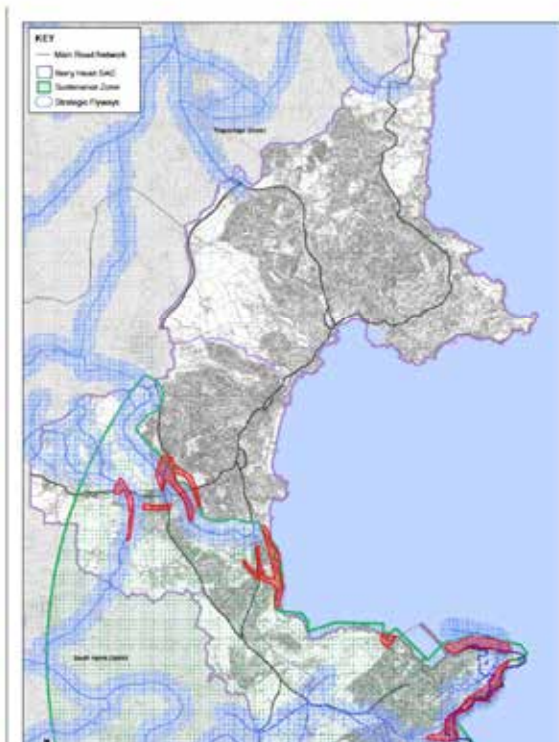
- *'population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and*
- *the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and*
- *there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis'*

Map 2 Greater Horseshoe Bat Strategic Flyways and Potential Pinch Points

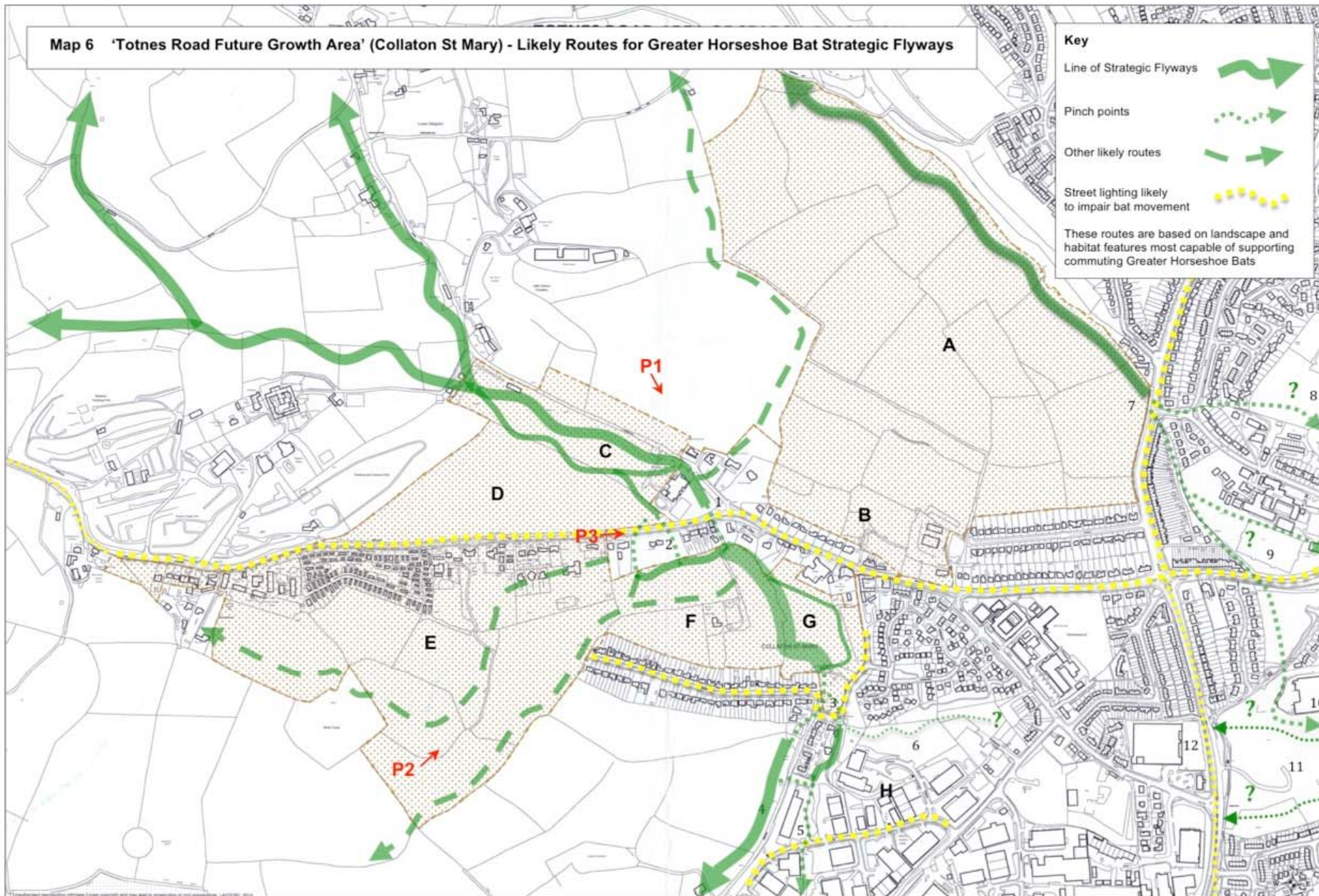
Kestrel Wildlife Consultants Ltd
Tel: 01884 35107 Mob: 07884 341683

HRA Site Appraisal of Torbay Local Plan vs 3
E mail: consultants@kestrelwildlife.co.uk

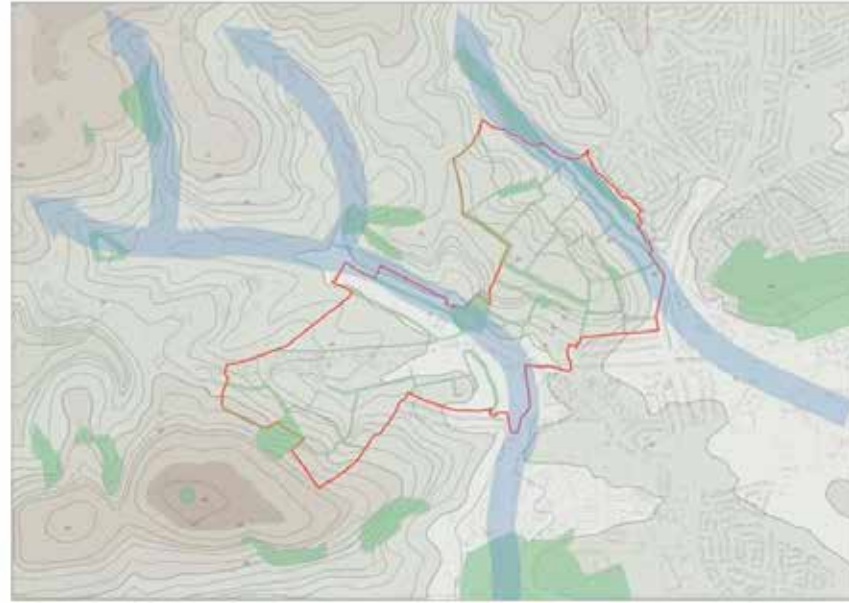
Page 161



Kes:
Tel: t



Map 7 Topography and Strategic Flyways – Totnes Road Future Growth Area



Map 8 Yalberton Industrial Estate and Claylands, Paignton





Collation St Mary Masterplan: Recommended Changes to Draft Masterplan

The Draft Collaton St Mary Masterplan (October 2014) <http://www.torbay.gov.uk/csm-masterplandraft.pdf> has been amended following the initial round of consultations. A revised draft version (dated February 2015) incorporates changes made in response to the initial (October 2014) consultation. (Changes are outlined in red in the revised document).

The changes between the October 2014 and February 2015 drafts are set out in Annexe 1 for clarification.

Following the second consultation (December 2015-January 2016) a number of additional changes to the Masterplan are required. ***These are incorporated into the February 2016 revision of the Masterplan (attached at Appendix 2 above***, with two minor points identified awaiting clarification).

The recommended changes to the masterplan are set out below.

Recommended Additional Changes to the Draft Masterplan

Overview (and throughout the masterplan)

Update references to the Local plan to refer to the Adopted Torbay Local Plan 2012-30 “A landscape for success”. Where appropriate amend Local Plan text and policies quoted to refer to text as stated in the Adopted Local Plan. (Specifically under “Local Policy” on page 6). Note that Policy SS8 and NC1 (As modified) require project level surveys of greater horseshoe bats, and measures to safeguard them, prior to planning permission being granted.

Planning Policy Appraisal (page 5)

Amend text as follows existing section and replace as follows:

~~The local policy framework for the Torbay area is, as with many areas, an evolving one. The Torbay Local Plan, covering the period 1995 – 2011, was adopted on 5th April 2004. It is this plan which comprises a key part of the Development Plan for decision making in the local area.~~

The Adopted Local Plan 2012-30 and beyond “a landscape for success” was adopted by Council on 10 December 2015. This plan establishes policy and broad strategic allocations for future development based on updated evidence, which will ensure the delivery of a sustainable future for the Torbay area.

The Local Plan includes policy to guide development, all of which will have varying degrees of applicability for future work. However, in the context of this master planning exercise, the following are considered key.

Collaton St Mary is ~~recognised~~ allocated in Policy SS2 as a Future Growth Area. This designation recognises the potential of the area to accommodate development during the latter part of the Plan period from 2024 onwards. However Government advice is clear that sustainable development must not be delayed if infrastructure and other constraints can be satisfactorily addressed. Further support for the principle of development is contained within Policy C1 Countryside and Rural economy. This seeks to avoid unrestricted development of

the open countryside surrounding Paignton and, to ensure this; the Policy directs development to Future Growth Areas.

Whilst Policy SS2 identifies the potential of the area in broad terms, Policy SDP3 Paignton North and Western Area, specifically sub policy 3.3, provides more detail. It identifies scope for approximately 830- 460 homes in the area to meet future housing need. **As a result of the draft masterplan, the Modifications to the Local Plan reduced the number of dwellings in SDP3.3 to 460 (from 836 in the Submission Local Plan,RMM10 and RMM11).**

Whilst paragraph 5.2.2.8 does recognise the challenges for development and the particular need to ensure that development enhances the role of the village centre, it also emphasises that these challenges will be overcome through the masterplanning process which will ensure a broad range of needs, including infrastructure, are met.

The role of a masterplan and delivery through Neighbourhood Planning is referenced within Policy SDP1 Paignton. This policy reiterates the infrastructure requirements relating to the area, particularly highways, drainage and landscaping.

The Local Plan was been informed by Habitats Regulation Assessment and Sustainability Appraisal. To assess the acceptability of Future growth Areas, a further Habitats Regulation Appraisal Report of the Local Plan Strategic Delivery Areas was commissioned (Kestrel Wildlife Ltd, October 2014).

Map 6 of this report sets out likely routes for greater horseshoe bat strategic flyways. It also identifies mitigation measures that are likely to be required to achieve development in the area. A number of Modifications were made to the emerging Local Plan to emphasise the importance of addressing biodiversity issues (including in combination effects), and the need for additional survey work to be carried out between April and October (see especially Policy SS8 nature Conservation and NC1 Biodiversity and geodiversity). The relevant section of the HRA site assessment and Map 6 are appended to this Masterplan for information.

The Local Plan also sets out policies on flooding (ER1, ER2 and W5), strategic transport (SS6) and development access (TA2) and design principles (DE1 to DE3) which, among others, will be relevant to determining development proposals in the area.

The Collaton St Mary Masterplan provides an greater level of detail than can be included in the Local Plan. However, it does not replace the need for project level ecology (especially greater horseshoe bat), flooding, transport etc surveys and assessment that must be provided before planning permission can be approved.

Illustrative masterplan (page 24)

Under “The Meadow” (second bullet point), Replace existing bullet point text as follows:

~~The creation of a large publically accessible open space for the local community. This addresses local concerns regarding the lack of public rights of way and open spaces in the area for rest and relaxation.~~ The masterplan should promote public access to the countryside and open space for the community. However the primary functions of the meadow must be retained as a flood meadow and greater horseshoe bat/ wildlife corridor.

Local Centre

Add sentence to the end of the paragraph:

In addition, the site is suitable for residential use above the first floor (subject to design issues). The centre should incorporate flood resilience measures and reduce the amount of water run-off from the (currently hard-surfaced) area

Development should reinforce the context of historic buildings in the village.

Illustrative masterplan (and subsequent Phasing Plans)

Replace with Option 2 Map showing the deletion of proposed vehicular access across the meadow and replacement with a pedestrian/cycle path. Add notes:

- The role of the meadow should be conserved and enhance as a water meadow and wildlife corridor. Pedestrian/cycle access should not interfere with this primary function and should be designed accordingly (e.g. With a permeable surface and appropriate warnings that it may not always be useable in periods of high rainfall). Any lighting should be kept to a low level (0.5 lux maximum).
- Vehicular access will be from Totnes Road (Woodlands, Lower Blagdon Farm and Torbay Holiday Motel are known to be available). The layout should provide adequate vehicle accessibility and provide pedestrian/cycle links to Totnes Road.
- Improvements/alternatives to the Stoke Road junction, and road safety measures in the village will be investigated and funding sought through developer contributions. However these will not prejudice the role of the meadow.

Phase 1 map: Amend second diagram to show a pedestrian/cycle access across the meadow.

Add Appendix to the Masterplan: **HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Kestrel Wildlife Ltd October 2014) Part 5.3 Totnes Road Future Growth Area and Map 6.**

Option 2

These changes have been proposed to the previously consulted masterplan for Colston St Mary (Option 1) to address a number of Highway's issues.

The changes proposed within Option 2 have been driven by the desire to reduce the highway's infrastructure crossing the Meadow due to a potential conflict with the bus right corridor.

Advantages:

- The removal of the road link across the Meadow removes any chance of conflict with jets flying overhead. A pedestrian and cycling link is maintained across the Meadow.
- Additional access points are created along the A305 to alleviate the loss of the link across the Meadow at the eastern end.

Disadvantages:

- A large proportion of houses are dependent on vehicular entrances to western end of the A305. All of Phase 2 is accessed solely from a single road to the west.
- The Highway's concerns regarding the existing junction of Stoke Road and the A305 are not addressed.



Annexe 1

Changes made to the October 2014 Draft Collaton St Mary Masterplan (in the revised draft dated February 2015)

Note that further changes are required as set out in the main document.

In objective 6 mention: construction techniques and preventing crime through environmental design.

Add new paragraph at end of page:

The masterplans sets out an indicative plan for the area's development. Before development commences it will be necessary for green and physical infrastructure to be put in place. In particular, further survey work will be needed to ensure that greater horseshoe bats and other biodiversity are not adversely affected.

Whilst this masterplan has considered the issue of flooding, detailed proposals will need to ensure that there is adequate sewer capacity to serve development, and flood attenuation measures are provided, using sustainable urban drainage systems wherever possible.

Detailed applications should have regard to polices in the Adopted Torbay Local Plan 2012-30 and beyond "A landscape for success". In particular Policy DE1 "Design" sets out design considerations for development.

Site and Surrounding Context

Third paragraph, change Blagdon Barton Farm to Devon Hills

Fourth paragraph: Community School and Sports Academy at Borough Road and Waterleat Road...

Planning Policy Appraisal

Amend reference to the "Adopted Torbay Local Plan 2012-30 and beyond: a landscape for success".

Third paragraph. As a result of the draft masterplan, the modifications have reduced the number of dwellings in SDP3.3 to 460 (RMM10).

Landscape Character Appraisal

P10 Devon County Landscape Character Type. Please add to end of paragraph: Land to the west of Collaton St Mary falls within the South Hams.

P19 wider rural landscape, including the relationship with the South Hams

4.0 Consultation

P22. The Collaton Drop in day was the 22nd April 2014

Masterplan

Illustrative Masterplan: (Note that additional amendments are proposed to remove the vehicular crossing over the Water Meadow, following the December 2015 Consultation).

Delete the small parking area adjacent Primary School open space.

Note that a clear dark corridor for greater horseshoe bats will need to be retained through the Masterplan, including treed/foliage coverage to retain crossing points over the proposed link road and Totnes Road.

Phase 1

Tenth paragraph. Please add after “foraging environment”: Additional Survey work will need to be carried out to assess bat movements and inform necessary mitigation measures before planning permissions are approved.

Amend second diagram to show a pedestrian/cycle access across the meadow.

Phase 4

Please add to end of first paragraph: It is noted that there is currently stronger developer interest in these two sites, and fewer site assembly issues than with the land to the South of Totnes Road. Nevertheless development of the areas will need to ensure that they are properly supported by infrastructure, particularly drainage/flood prevention measures and the retention/ improvement of darkened corridors for greater horseshoe bats.

Option 2

These changes have been proposed to the previously consulted masterplan for Collaton St Mary (*Option 1*) to address a number of highways issues.

The changes proposed within Option 2 have been driven by the desire to reduce the highways infrastructure crossing the Meadow due to a potential conflict with the bat flight corridor.

Advantages:

- The removal of the road link across the Meadow removes any chance of conflict with bats flying overhead. A pedestrian and cycling link is maintained across the Meadow
- Additional access points are created along the A385 to alleviate the loss of the link across the Meadow at the eastern end

Disadvantages:

- A large proportion of houses are dependent on vehicular entrances to western end of the A385. All of Phase 2 is accessed solely from a single road to the west
- The highways concerns regarding the existing junction of Stoke Road and the A385 are not addressed



Key

- Vehicular access point into the development south of the A385
- Revised access arrangement within the proposed development area
- ⋯ Pedestrian/cycling-only link across the Meadow

Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

A1 Original Sheet Size

0mm	100mm	23/10/2015	A	JB	PS	Text colour changed from white to grey. Text amended.
date	rev	name	chk	note		



Architecture Town Planning Interior Design Building Surveying Landscape Architecture Graphic Design
Promenade House, The Promenade, Clifton Down, Bristol BS8 3NE
T 0117 974 3271 F 0117 974 5207 www.stride-treglown.co.uk

STATUS
DRAFT

PROJECT
Torbay Masterplans
Collaton Saint Mary

DRAWING TITLE
Masterplan - Option 2

SCALE	DATE	DRAWN	CHK	DRAWING NUMBER	REV.
NTS	15.10.2015	JB	PS	15158_SK_204	A

Collaton St Mary Masterplan Supplementary Planning Document

Regulation 12 (a) Town and Country Planning (Local Planning) (England) Regulations 2012

Public Participation Statement

Draft January 2016

1. Introduction

This **draft** Public Participation Statement sets out how Torbay Council has engaged and consulted with stakeholders during the preparation of the Collaton St. Mary Masterplan Consultation Draft in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Statement of Community Involvement 2014¹. It supplements the earlier public participation statement covers the preparation of the draft Masterplan up to the formal public consultation that took place in October-November 2015².

2. Purpose of the Masterplan SPD

The purpose of the SPD is to provide detailed advice on the design principles and assist the delivery of key elements of the Adopted Torbay Local Plan 2012-30 A landscape for success (the “Local Plan” hereafter).

The Local Plan identifies the Collaton St Mary area as a Future Growth Area (Policy SS2). Policies SDP1 and SDP3 sets out development considerations in the Paignton area, including Collaton St Mary. Other policies in the Local Plan are relevant to the Collaton St Mary Area. These include but are not limited to: SS6 Strategic transport improvements, SS8 Natural Environment, NC1 Biodiversity and geodiversity, DE1 Design and ER1 Flood risk. The maintenance of a rolling five year supply of deliverable housing land is an important planning consideration, (see Policy SS13).

Collaton St Mary was consulted on through the Local Plan process. This consultation dealt with both the principle of development and the overall housing requirement for Torbay. Further detail of the Local Plan can be found on the Examination web page at: <http://www.torbay.gov.uk/localplanexamination>

In summary, the stages of consultation were:

- Issues and Options October 2009
- Draft Local Plan September-October 2012
- Proposed Submission Plan February- April 2014
- Local Plan Examination, November 2014
- Main and Additional Modifications February-March 2015
- Replacement Main and Additional Modifications June-August 2015

¹ Torbay Council's Statement of Community Involvement 2014 sets out the key stages of development plan preparation and the opportunities for consultation and engagement by individuals, communities and other stakeholders -<http://www.torbay.gov.uk/sci>

² Under Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012

Several objectors (namely Paignton Neighbourhood Forum and Collaton Defence League/ Collaton St Mary Residents Association attended the Examination Hearing in November 2014.

The Masterplan preparation informed the emerging Local plan. In particular Replacement Main Modification 10 to the Local Plan reduced the proposed housing numbers in the Collaton St Mary area by 376 dwellings to 460 dwellings (from 836 proposed in the Proposed Submission Plan).

3. Early stage informal Masterplan consultation

3.1. The Council appointed consultants Stride Treglown in early 2014 to carry out initial community and stakeholder consultation and prepare a draft Masterplan.

There has been a heavy emphasis on ‘bottom-up’ masterplan development which has acted as a guiding theme throughout the production of the document. Many of the ideas and principles that feature have been generated specifically through community participation. The consultation process has included numerous public exhibitions and workshops, an online questionnaire and many individual meetings with various organisations and representatives. These events were:

- Drop in Day –Collaton Parish Rooms 23 April 2014
- Stakeholder Session –Paignton Club 24 April 2014
- Feedback Session –Paignton Club 24 April
- On-Line Survey –29 April –5 June 2014
- Stakeholder Engagement –June –August 2014

The Drop in Day and on-line survey were advertised with a Flyer, delivered to around 600 residential properties and businesses in and around Collaton St Mary. The consultation was also advertised in the local press, the Blatchcombe Newsletter, via email to local community and business organisations and on the Torbay Council website. A paper copy of the survey was distributed by a local volunteer and the results analysed and considered as part of the consultation programme. A presentation was also made to the Torbay Regeneration Network during a Breakfast Seminar in June.

The consultation was carried out in distinct phases and this staggered approach allowed feedback from participants to inform the development of the masterplan over the past 5 months.

In addition to community consultation, the Council held a Technical Workshop at the outset of the process in February 2014 to scope the constraints, technical considerations and issues which required specific attention as part of the masterplan. Various Council officers were invited including a selection of partner organisations.

4 Issues raised through public participation and the influence on the production of the Masterplan

Initial Consultation

The consultation work has been instrumental in terms of defining the key areas and content of the masterplan. This is summarised within the Consultation section of the main Collaton St. Mary Masterplan Consultation Draft. In particular, there is detail on how the findings, aspirations and objectives have been influenced through the engagement process.

Specifically, some of the key ways in which the Collaton St. Mary Masterplan has developed to accommodate the views. Ideas and responses from local residents are as follows:

- Based on initial consultation responses, the draft masterplan reduced the number of homes proposed from 836 to 460 (a reduction of 376). This informed a Main Modification (RMM10) to the Local Plan.
- Location of a possible new local centre to the rear of the BMW garage site. The proposed location was the most popular, as it was felt there could be a natural connection with the existing local centre in a relatively central location to the existing and extended village. (However see below)
- New Local Centre to provide opportunities for a range of uses, to complement the Parish Rooms, including disabled accessible community space, local retail and public open space.
- The impact on key views and rural setting of the village minimised by keeping proposed development on the south side of the village and on the lower slopes of the hills to the north and south.
- Introduction of a link road between Blagdon Lane and Totnes Road, with access to a new school car park and drop off point.
- Introduction of new accessible wildlife habitats and green corridors.
- Expansion of accessible public open space in the village, at the new local centre, adjacent to the school (sports field), on the southern slopes of the car boot field (orchard and community garden) and green linear park area through proposed new housing development on the south side of the Totnes Road. Space to accommodate children's play areas, multi use games area and new outdoor sports pitches.
- Network of pedestrian and cycle routes connecting the new village centre with other parts of the village.
- Enhanced pedestrian and cycle connections with Paignton Town Centre.
- Dark corridor introduced through the village, hedges and tree lines retained and enhanced throughout the masterplan area to accommodate the movement and

foraging of Greater Horseshoe Bats. External lighting levels to be restricted throughout this zone and connecting planting and landscaping to facilitate the movement of bats across breaks created by existing and new roads. The HRA of the Local Plan (2014) and subsequent negotiations with Natural England also resulted in a number of Additional Modifications to the Local Plan setting out the importance of safeguarding greater horseshoe bats and the need to carry out surveys as part of the planning application process.

Public Consultation 27 October -24 November 2014

A formal consultation³ took place between 27 October -24 November 2014. This received 15 representations. A full summary of comments received and the Council's response to them is set out in Annexe 1 below.

Many of the representation received relate to the principle of development, which has been established by the Local Plan. Similarly the need for new housing has been addressed through the Local Plan.

Detailed comments related to:

- Objections to the principle of development and the need for additional housing in Torbay. These matters are determined through the Local Plan. The Local Plan Examination and Modifications ran parallel to the masterplan, with the Local Plan being adopted by Council on 10 December 2014. However, the adoption of the Collaton St Mary Masterplan (as well as the Torquay Gateway Masterplan) was put on hold until the Local plan was adopted. The Torquay Gateway Masterplan was adopted on 10th December 2015, but the Collaton St Mary Masterplan was put back pending consideration of access and related matters.
- The road layout, including site access, congestion and scope to provide for alternative means of transport
- Impact of development upon foul sewage and the need for additional sewerage infrastructure.
- Surface water drainage and impact of development upon the water meadow west of Stoke Road and in the vicinity of Ocean BMW garage.
- Impact upon wildlife- specifically the greater horseshoe bat corridors identified in the HRA Site Appraisal Report (Oxford M and Jenkins J, October 2014). The main route is along the meadow,
- The need to incorporate principles of crime prevention through design and respect heritage assets in the area.
- Developers on the north of Totnes Road argued that their sites were capable of accommodating a higher level of development than shown in the draft Masterplan.

Of these it emerged that the proposed access road crossing the meadow was the most environmentally sensitive aspect of the draft Masterplan in terms of impact on surface water flooding and the greater horseshoe bat corridor.

It was also suggested, by Ward Members that alternative access arrangements could offer scope to reduce conflict between traffic on Totnes Road and Stoke Road.

³ Under Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012

Consultation into Access Arrangements

In the light of the above representations, it was considered appropriate to run a more targeted consultation on options for highway access, as a more targeted consultation. This was additional to the main Regulation 13 consultation above and was sent to statutory consultees and people/organisations who had previously made representations on the Regulation 13 Consultation. Ocean BMW was also consulted as the business most directly affected by the possible change to the masterplan. The Council also assessed the Options in terms of their flooding and greater horseshoe bat impact.

This revised consultation ran between 4th December 2015-8th January 2016. This is a week longer than the minimum 4 weeks required by the regulations, to take into account the Christmas break. In addition notifications were sent on 1st December and several late representations were accepted.

The revised consultation set out five potential options for dealing with the eastern accesses to development of the land south of Totnes Road. These were:

The Options are:

- 1) Junction arrangement as per draft masterplan with access through Ocean BMW garage with a new link road across the meadow. Stoke Road junction is unchanged.
- 2) The proposed temporary access onto Totnes Road becomes permanent, so that there are two accesses onto Totnes Road (in addition to the proposed access at Torbay Motel). Cycle and pedestrian access only across the meadow and Stoke Road junction is unchanged.
- 3) Access across the meadow via Ocean BMW with new alignment of Stoke Road along the western side of the meadow towards Stoke Gabriel. Rearranged road layout in the village centre with closure of Stoke Road at the Parkers Arms.
- 4) Two accesses onto Totnes Road with cycle and pedestrian access only across the meadow (as per option 2). New alignment of Stoke Road on eastern (Paignton) side of the meadow. Closure of existing Stoke Road junction at Parkers Arms.
- 5) As per option 4, but with vehicular access across the meadow

The consultation resulted in 15 representations. A full summary of representations received, and the Council's response to them is set out at Annexe 2.

The issues covered in this consultation were largely the same as in the November 2014 consultation, including objection to the principle of development. There were also objections about the adequacy of the consultation process and that insufficient detail of traffic modelling etc was submitted to make an informed decision. As set out above, the December 2015 consultation was about the access options, and supplemented the earlier consultations. Extensive consultation on the principle of development took place through the Local Plan, whilst the draft masterplan had also been through two rounds of consultation.

In addition matters relating to flooding and greater horseshoe bats were raised.

It is emphasised that the Masterplans are an intermediate level of detail. They do not replace the need for detailed bat surveys, Transport Assessments etc that need to be carried out to support planning applications.

These comments informed the recommended proposed amendments to the final Masterplan. The major change is the deletion of the road crossing the meadow and provision of accesses via Woodland and Lower Blagdon Farm on Totnes Road. This will reduce pressure on the meadow's role as a functional flood plan and greater horseshoe bat corridor.

Annexe 1 Schedule of representations received on the main consultation 27 October- 24 November 2014

	Name	Organisation	General Comments	Details	Torbay Council Response
CSM/ Org1	Sarah-Jane Barr	Devon & Cornwall Police	General comment regarding further detail and recognition of crime and disorder	<ul style="list-style-type: none"> Principles of Crime Prevention through Environmental Design (CPtED) should be incorporated relating to: access and movement; structure; surveillance; ownership; physical protection; activity; management and maintenance 	Design principles, including designing against crime (etc) in policy Local Plan Policy DE1 apply to development in Collaton St Mary. Refer to DE1 in the Masterplan.
CSM/ Org2 Page 179	Alex Scholefield	Torbay Coast and Countryside Trust	Support for GI proposals and Yalberton Valley, concerns over Greater Horseshoe Bat Impacts	<ul style="list-style-type: none"> Concerns over impact on Greater Horseshoe Bat corridors, particularly lighting and pinch points. Suggest further investigation needed to determine bat activity and inform mitigation measures. Further survey work required. Support for meadow area but impact of recreational use will limit potential to support wildlife and therefore whether development has overall gains for biodiversity Support for Yalberton Valley as wildlife protected area. Support for orchards as outlined in Torbay GI Delivery Plan Concerns over loss of farmland at Little Blagdon Farm (as a business issue for TCCT: replacement land may be required to maintain farming production output. 	<p>Further survey work needs to be undertaken in support of planning applications. The need to protect the meadow for flood attenuation and as a greater horseshoe bat corridor is noted. Amend masterplan to emphasise this.</p> <p>Page 24 “The Meadow” –bullet point 2. Amend to indicate that the meadow’s main functions as a flood meadow and wildlife corridor should not be undermined by public access. N.B removing the proposed access road across the meadow would reduce the impact on the flood meadow. However this required consultation (as set out above).</p> <p>The principle of development is set out in policies SS2 and SDP3 of the Torbay Local Plan.</p>

CSM/ Org3	Carole Box	CPRE Torbay	Objection to principle of development at Collaton St. Mary	<ul style="list-style-type: none"> • Collaton St. Mary area should be retained as agricultural land and its current role as open landscape (reference to existing Local Plan designation as AGLV) 	The principle of development is set out in policies SS2 and SDP3 of the Torbay Local Plan.
CSM/ Org4	David Stuart	English Heritage	General observations	<ul style="list-style-type: none"> • Support for emphasis on placemaking • Undesignated heritage assets should also be considered • More detail requested on how plan reinforces local distinctiveness and takes account of existing rural context 	Support noted.
CSM/ Org5 Page 180	David Watts	Paignton Neighbourhood Forum	Objections relating to soundness and legal compliance	<ul style="list-style-type: none"> • Masterplan should be better aligned with draft, emerging Neighbourhood Plan. Neighbourhood Plan will supersede masterplan so more effective collaboration required. • Growth at CSM is premature and this should be taken into account with expected phasing • Concerns over effects on Greater Horseshore Bats and that further work is required • Foul and surface water capacity is not sufficient to support development • Phase 4 concerns over traffic proposals stemming from inappropriate location for development • Landscape impacts are unacceptable in the light of existing AGLV • No greenfield land is required at CSM up until 2032 • Further SA work required to ensure legal compliance - landscape, flooding and ecology issues 	<p>The principle of development is a matter for the Local Plan. The Neighbourhood Forum and Collaton Combination were represented at the Local Plan examination. The Local Plan was adopted in December 2015 and the area is proposed as a Future Growth Area (Policy SS2). Table 5.12 of Policy SDP3 indicates that development of greenfield land at Collaton St Mary is likely to be needed in years 11-15 of the Plan period (i.e. post 2023). However it may be required sooner and there is developer interest in the area.</p> <p>The Council considers that development in Collaton will be needed to maintain five year land supply in the medium term.</p>

			representation)		
CSM/ Org9	Joe Keech	Devon County Council	General comment	<ul style="list-style-type: none"> • Masterplan should maximise opportunity to create sustainable public transport corridor with Totnes whilst noting opportunities to improve A385 outside Torbay border are limited. 	Noted.
CSM/ Org1 0	James Doxford	South Hams District Council	General comments with some support. One objection to density.	<ul style="list-style-type: none"> • Concerns over density of development - it should be closer to 830 dwellings. A lower allocation will impact on achieving appropriate levels of development in Torbay. • Support for use of link roads in masterplan • Principles of masterplan endorsed (design) • Reference to Duty to Co-operate would be helpful • Mitigation of Air Quality Management Area in Totnes would be a useful reference • Further detail to show that account taken of impact on landscape character in South Hams has been done 	See response to the Local Plan modification. Replacement main Modification 10 reduced the level of development to 376 dwellings as the masterplan assessed that this is the most achievable number, given the area's landscape, biodiversity and flooding constraints.
CSM/ LD1	Katie Peters	Origin 3 on behalf of Taylor Wimpey	Object to density and levels of housing (would like to see higher numbers)	<ul style="list-style-type: none"> • Masterplan should cater for 836 homes rather than 460 • Concerns over some aspects of design including highways and access. Suggest less detail should be in masterplan • Suggest orchard should be relocated to more landscape sensitive part of site (higher slopes) • Overall housing density is too low and inconsistent with what is achieved elsewhere in Torbay 	The masterplan has been based on assessment of landscape, biodiversity etc issues. Whilst it does not set a maximum figure, further evidence of landscape etc impact would be needed before exceeding the indicative figures in the masterplan.

CSM/ LD2	Elliot Jones	Boyer Planning on behalf of Bloor Homes	Object to density and levels of housing (would like to see higher numbers)	<ul style="list-style-type: none"> • 440-460 dwellings is too low, falling far short of Local Plan figures • Masterplan does not balance requirement of meeting housing needs with landscape constraints • Scale of development will make it difficult to meet wider infrastructure requirements 	The masterplan has been based on assessment of landscape, biodiversity etc issues. Whilst it does not set a maximum figure, further evidence of landscape etc impact would be needed before exceeding the indicative figures in the masterplan.
CSM/ In1	Pam Bristow	Individual	Objection to principle of scale of development at CSM	<ul style="list-style-type: none"> • Question whether consultation was sufficient • General comments on matter of factual detail. • Concerns over impact of link road on existing community. • Concerns over flood protection and drainage. • Development principle of growth at CSM is unacceptable. 	See response to PNF above
CSM/ In2	Roger Bristow	Individual	Objection to principle of scale of development at CSM	<ul style="list-style-type: none"> • Concerns over flooding, infrastructure and school capacity. • Development principle of growth at CSM is unacceptable. • Development does not reflect existing character of village. • Insufficient jobs created as part of masterplan. 	See above
CSM/ In3	Adrian Gee	Individual	Objection to principle of scale of development at CSM	<ul style="list-style-type: none"> • Infrastructure is not capable of supporting development • Flooding has not been considered appropriately • Concerns over design of dwellings relating to affecting amenity of existing properties • Support for green infrastructure led approach 	See above

Page 183

Annexe 2 Collaton St Mary: Summary of responses from Additional Consultation on Access 4th December 2015-8 January 2016.

	Name	Organisation	General comments	Detail	Torbay Council response
CSM2/ Org1	Sarah-Jane Barr	Devon and Cornwall Police	Response to the draft masterplan remains relevant .	No specific comments on specific access options currently consulted on.	Noted
CSM2/ Org2	Carol Reeder	Natural England	Advice on Habitats Regulations Assessment matters.	The latest consultation is not accompanied by an HRA. Need to ensure that development is consistent with the Habitats Regulations Assessment that underpinned the Torbay Local Plan. Options 2 and 4 appear to avoid detrimental impacts to HRA. A greater horseshoe bat mitigation plan is required before permission is granted for development in the Masterplan area.	The Strategic Delivery Areas in the adopted Local Plan 2012-30 were the subject of HRA. The Council has sought further advice from Mike Oxford of Greenbridge Ltd about how the possible access options affect the greater horseshoe bat foraging habitat and HRA work already undertaken. This concurs with Natural England's advice that options 2 and 4 minimise conflict with bat flightpaths and foraging areas.
CSM2/ Org3	Ian Hooper	Environment Agency	General observations	EA will liaise with Torbay Council on flooding matters. Development should not increase flood risk elsewhere, and where possible should reduce flood risk.	Noted
CSM2/ Org 4	David Stuart	Historic England	No specific comments	No specific comments	Noted
CSM2/ Org5	David Watts	Paignton Neighbourhood Forum	Object to all options on grounds of flooding, impact on	Scope of consultation too limited. Inadequate information about traffic flow and impact on A385, which is a key traffic route No details of impact on foul and surface	A more detailed consultation took place in October-November 2014 following stakeholder workshops etc in April 2014. Details of bat corridors are set out in the HRA of the Local Plan. It is acknowledged that details of

			major arterial route. More comprehensive assessment of impacts is needed.	water drainage/ flooding or impact on protected species. Assessment of all options- number 1 (draft masterplan) is least harmful, followed by option 4 (road diverted east).	accesses, highway modelling, drainage etc will need to be submitted as part of planning applications.
CSM2/ Org6	-	The Combination: Collaton Defence League and Collaton St Mary Residents Association	Object to all options. Lack of consultation	Object to all options. Consultation was inadequate and took place over Christmas. Lack of detailed information. Collaton St Mary is not needed - should build on brownfield land. Not needed until five year review period. Council is seeking to develop Collaton St Mary for financial reasons	The formal consultation period ran from 4 th December 2015 to 8 th January 2016, which is a week longer than the required 4 weeks. Notifications were sent out on 1 st December to provide as long as possible for responses. The Combination's comments reiterate their previous objections to the principle of development, which were made through the Local Plan.
CSM2/ Org7	Helen Kummer	Stoke Gabriel Parish Plan Group	Object to the proposal on flooding grounds	Endorse Paignton Neighbourhood Forum's objections. Flooding is a major concern, particularly at Portbridge. Impact on tourism. More information is needed about improving access at Stoke Road.	Noted – see PNF's comments above. The development will be required to have no detrimental impact on downstream flooding and a s106 contribution will be sought if surface water is proposed to drain into the Yalberton stream. However flooding and bat issues indicate that options which avoid crossing the meadow west Stoke Road are more acceptable from a flooding and biodiversity perspective
CSM2/ Org8	Carole Box	CPRE Torbay	Object: flooding, traffic impact and ecology	Object that lack of evidence of flooding, traffic impact and ecology. Collaton has a history of foul and surface water flooding.	See above.
CSM2/	Keith White, J F Saul	Collaton Mews Residents	Object to the principle of development: flooding,	Concern at consultation over the Christmas period Object that high level of existing road noise will be exacerbated.	See above. It is unlikely that the <i>additional</i> road noise affecting Collaton Mews will be significant, as most traffic would be expected to come via the A385 (either from

Org9			traffic impact, noise, wildlife impact, loss of agricultural land and harm to character of village.	Potential for increased flood risk and loss of flood attenuation. Impact on sewage infrastructure, Loss of local habitat, harm to character of the village, agricultural land	Tweenaways Cross or Totnes Road. The flooding and biodiversity issues are noted and point to a need to avoid the meadow (Options 2). Improvements. The character of the Village and traffic movement are already noted in the draft masterplan. However, there is scope to increase the emphasis on traffic calming and safety measures in the village/Stoke Road junction.
Individuals					
CSM2/ Ind1	K Drew	Individual	Object that has not been informed about the proposal	Has not been informed about the development at Collaton St Mary. Impact on residential amenity.	The December 2015 consultation was limited to specific highways options and targeted on key stakeholders and people/organisations who had previously made representations of the draft masterplan.
CSM2/ Ind2	Adrian Gee	Individual	Object to development on highway and flooding grounds.	Development is against the wishes of local residents. Traffic congestion on Totnes Road. Flooding issues have not been taken into account.	See above
CSM2/ Ind3	Leaf Lovejoy	Individual	Object on highway grounds	Endorse views of Paignton Neighbourhood Forum. New development will make existing congestion and flooding problems worse. There is no need for development at Collaton St Mary. None of the access options are satisfactory or address infrastructure problems.	See above
CSM2/ Ind4	Michael Rhodes	Individual	Object because of flood risk	More detailed assessment of flood risk, including flooding at Portbridge, near Stoke Gabriel is needed. Suggest that flood alleviation measures should be required from new housing at Collaton St	Sustainable drainage measures and/or s106 contributions towards the Yalberton Stream will be required to ensure that there is no downstream impact. However, comments from the Council's Drainage

				Mary.	Engineer indicates that options which avoid the meadow are likely to impact on the flood meadow and should be avoided.
CSM2/ Ind5	Chris Robson	Writing as a private individual	Prefer option 3	Option 3 removes the dangerous junction at Parkers' Arms, improves Stoke Road, and reduces rat-runs. Would integrate new development into the village.	Unfortunately, bringing Stoke Road across the west of the meadow will have the greatest impact on the greater horseshoe bat corridor and flooding.
CSM2/ Ind6	Michael Webster	Individual	Insufficient details of proposals. Impact on flooding and biodiversity	Flooding and sewerage issues are not adequately considered. Downstream impacts at Stoke Gabriel, including cumulative impact from development on Brixham Road. Road safety concerns. Impact on bat flight corridors.	See above. Removing the reduce the impact on flooding and greater horseshoe bats.
Page 188	Consultants /Developers				
CSM/ Dev 1	Elliot Jones, Boyer Planning	Bloor Homes	Land north of Totnes road is promoted. Bloor Homes also own land west of Stoke Road (Higher Ridge).	Promote land to the north of Totnes Road for 160-200 dwellings, with new access off Totnes Road. Bloor Homes own the land west of Stoke road, including the meadow and note that a road across the meadow would cross their land	It is noted that Bloor homes wish to promote land to the north of Totnes Road for a larger number of dwellings than set out in the Masterplan. However no evidence of landscape or other impact has been provided at this time. It is noted that Bloor Homes own the meadow. However this is critical green infrastructure for flooding and bats, so will need to be maintained and enhanced as a meadow.
CSM/ Dev 2	Richard May, Maze Consulting	On behalf of Mr and Mrs Hopkins, Woodlands	Support access via Totnes Road	Support access via Totnes Road. More provision for housing should be made at Woodlands to ensure a viable scheme.	Noted. The development shown on the masterplan is indicative and not a maximum, so long as matters such as flooding, biodiversity etc can be satisfactorily addressed. Development at Woodlands will need to safeguard the floodplain and wildlife corridor running to the rear.

Agenda Item 16



Meeting: Council

Date: 25 February 2016

Wards Affected: Preston

Report Title: Relocation of Torbay School and a New Primary School in Paignton

Is the decision a key decision? Yes

When does the decision need to be implemented?

Executive Lead Contact Details: Cllr Julien Parrott, Executive Lead for Adults and Children, Tel. 207113, julien.parrott@torbay.gov.uk,

Supporting Officer Contact Details: Richard Williams, Director of Children's Services, Tel. 208949, richard.williams@torbay.gov.uk

1. Proposal and Introduction

- 1.1 On 26th February 2015 members agreed to relocate Torbay School from its current location at Torquay Road, Paignton TQ3 2AL to a new site which would better meet the needs of the young people attending this special school.
- 1.2 When the report was submitted last February the preferred option was to relocate Torbay School to the site of the school's outreach unit at Hillside, South Parks Road, Torquay. However, further site investigations confirm that this site is not viable; with limited funding the onsite issues made the scheme unaffordable and it was evident that the amount of usable space would be too small for the needs of the school.
- 1.3 Children Services is equally committed to both school places and the wider youth services but recognising that one is a statutory function for the Council. With this in mind the Council has been looking at alternative sites for the school to relocate to and these investigations have identified the site at MyPlace, Paignton as a suitable option.
- 1.4 In 2013 the Council agreed to lease the MyPlace site to the Youth Trust for the delivery of Torbay's youth programme. This lease has not yet been finalised and Officers are now asking members to review this decision and agree that the site can be utilised to accommodate Torbay School and will need to include elements of youth provision. Our preferred Academy sponsor is keen to work with the Youth Trust to create a place that is accessible to the community, maintaining the initial aims of the site. We would issue an instruction to include access as part of the commercial transfer of the site, however this would be subject to confirmation by the secretary of state.

- 1.5 With support from Children's services the Youth Trust will need to develop a new business plan to maximise the use of available space at the MyPlace centre, utilise other potential opportunities on the full Parkfield site and throughout Torbay to the benefit of Children and Young People. There are a number of options that can be explored in partnership with Trustees and Councillors that would develop the Youth Trust in line with the original vision and provide them with a sustainable future that is not reliant on a single building. This could include exploration of other existing youth sites, Old Parkfield, Acorn Centre, Chilled out).
- 1.6 The relocation of Torbay school will leave a vacant site near the centre of Paignton with purpose built school accommodation. Historically, there has always been a high demand for places in this area of Paignton.
- 1.7 The LA's recent programme of expansions has ensured that there is sufficient capacity within all 3 planning areas with current projected surpluses of 3% in Torquay, 4% in Paignton and 8% in Brixham until 2020. However, the tight capacity in Paignton and Torquay does present problems for the LA when placing those children moving into the area during the school year. Plus there is no capacity for any unforeseen growth following completion of South Devon link road or any increases in housing targets as set by regional government. As a result the LA is proposing a new primary school between Paignton and Torquay in 2018. The new school would serve both areas, ensuring that the LA can respond to in year migration, parental preference and any new growth from developments not already factored into the LA projections. Furthermore Torbay has not opened a new school since it became a unitary authority in 1998; the current situation provides an opportunity for the LA to introduce competition to the local market.
- 1.8 The vacant site would provide Children Services with the opportunity to open a new primary school in Paignton. The new school would help ease capacity issues in both Paignton and Torquay and ensure that the LA can respond to in year migration, parental preference and any new growth for the foreseeable future. The Department for Education (DfE) is also encouraging Torbay to consider opening a new school at this time.

2 Reason for Proposal

- 2.1 The Council recognises and has agreed that Torbay School needs to be relocated. However, with limited capital funding Children Services needs to ensure that a viable solution is found which meets the school's needs with an affordable option. The Council owns the MyPlace site which is of sufficient size to accommodate a school; and the existing facilities would benefit the young people who attend Torbay School. The approximate additional budget cost of providing a new facility for Torbay School on an alternative site would be an additional £4million excluding the additional cost to acquire the land.

At present there are no alternatives and, if the school remains in situ, it will continue to face ongoing issues which will have a negative impact on outcomes for children. In getting to this position the Council has considered in excess of a dozen sites both owned by the Council and sites in the private sector. Following this review the clear recommendation is that Parkfield provides the only deliverable solution whilst also providing the best outcomes for the schools pupils.

- 2.2 If Torbay School does not relocate, the LA loses the opportunity to open a new primary school in the centre of Paignton.
- 2.3 Children's Services acknowledges that this proposal has challenged the existing Youth Trustees and is seeking to reframe its partnership with the Trustees through a new business plan.
- 2.4 Children Services would work in partnership with the school and the Youth Trust to ensure that the MyPlace site meets the needs of both services – to support young people.
- 2.5 Pending agreement by the Youth Trust, it would be advantageous if the school would have use of the site during the school hours and the Youth Trust would have use in the evenings, weekends and during holiday periods. In addition to this, other potential users of the wider Parkfield site (BMX Track) would be unaffected by these proposals.
- 2.6 Enabling both services to use the MyPlace facility would support positive outcomes for children and young people providing an exciting opportunity for partnership working.

3 Recommendation(s) / Proposed Decision

- 3.1 That, subject to the outcome of the formal consultation in 3.3 below and in the event of a decision being made to relocate Torbay School to the MyPlace facility in Paignton, the decision in Minute 172(ii) 'that the Executive Head of Commercial Services be given delegated authority to agree the terms of the lease and/or procurement arrangements for the transfer of the Parkfield site (the new build), BMX and Skateboard Park to the Torbay Youth Trust' be rescinded.
- 3.2 That the Director of Children's Services be requested to work in partnership with the Youth Trust to develop an alternative business plan, to be in place by July 2016, within existing Children's Services resources and to be approved by the Council.
- 3.3 That, following the outcome of the formal consultation, the decision to relocate Torbay School to the MyPlace facility in Paignton and the subsequent transfer of the area of land edged red on the plan attached as Appendix 2 of the submitted report on a 125 year lease be delegated to the Executive Director for Operations and Finance and Director of Children's Services in consultation with the Executive Lead for Adults and Children.
- 3.4 That in the event that a decision is made to transfer Torbay School to the MyPlace facility, the Executive Director for Operations and Finance and Director of Children's Services in consultation with the Executive Lead for Adults and Children be given delegated authority to develop the current Torbay School site at Torquay Road as a new primary school.

Appendices

Appendix 1: Supporting Information and Impact Assessment

Appendix 2: Plan showing land to be transferred to Children Services

Background Documents

Council Report & Decision Review of School Places 26/2/15

<http://www.torbay.gov.uk/DemocraticServices/ieDecisionDetails.aspx?ID=370>

Supporting Information and Impact Assessment

Service / Policy:	Children's Services
Executive Lead:	Councillor Julian Parrott
Director / Assistant Director:	Richard Williams

Version:	2	Date:	18.01.2016	Author:	SAMANTHA POSTON
----------	---	-------	------------	---------	-----------------

Section 1: Background Information	
1.	<p>What is the proposal / issue?</p> <ul style="list-style-type: none"> • That, subject to the outcome of the formal consultation in 3.3 below and in the event of a decision being made to relocate Torbay School to the MyPlace facility in Paignton, the decision in Minute 172(ii) 'that the Executive Head of Commercial Services be given delegated authority to agree the terms of the lease and/or procurement arrangements for the transfer of the Parkfield site (the new build), BMX and Skateboard Park to the Torbay Youth Trust' be rescinded. • That the Director of Children's Services be requested to work in partnership with the Youth Trust to develop an alternative business plan, to be in place by July 2016, within existing Children's Services resources. • That, following the outcome of the formal consultation, the decision to relocate Torbay School to the MyPlace facility in Paignton and the subsequent transfer of the area of land edged red on the plan attached as Appendix 2 of the submitted report on a 125 year lease be delegated to the Executive Director for Operations and Finance and Director of Children's Services in consultation with the Executive Lead for Adults and Children. • That in the event that a decision is made to transfer Torbay School to the MyPlace facility, the Executive Director for Operations and Finance and Director of Children's Services in consultation with the Executive Lead for Adults and Children be given delegated authority to develop the current Torbay School site at Torquay Road as a new primary school.
2.	<p>What is the current situation?</p> <p>In February 2015 the Council agreed that the main Torbay School needed to be relocated for the benefit of its pupils and staff, and also to allow its existing site to be utilised as a primary school to meet the demands of the local area.</p>

Since the decision officers have been carrying out feasibility studies on the relocation site at Hillside, South Parks Road, Torquay, which was identified in the original proposal. It soon became evident that this site was not viable or affordable due to its topography, restrictive access and poor ground conditions.

Children's Services have, therefore, been exploring alternative sites and have identified the site at MyPlace, Paignton as being the most viable option.

MyPlace is located at Colin Road, Paignton TQ3 2NR and is owned by the Council. In 2011 the site was developed as a purpose built youth facility with a sports hall, an indoor climbing wall, an international standard BMX track and a skate park.

In 2015 the Council agreed to lease the MyPlace site to the Youth Trust for the delivery of youth services. The lease would give the Youth Trust sole use of the site. However, this lease has not been signed yet and Children's Services are asking the Council to rescind that decision and allow Torbay School to relocate to that site alongside the youth provision, subject to the outcome of consultation.

The plan attached as Appendix 2 indicates the area of the land that Officers are requested to transfer to Children's Services on a 125 lease to become the main school site. The boundaries of this area may be subject to minor alterations as the plans for the school are developed, the final plan will be agreed with the Strategic Land Task Group.

The project would include the remodelling of existing accommodation plus the building of some new accommodation; the Youth Trust, the school leadership team and the governors would be involved throughout the design process to ensure that what is provided meets the needs of the young people who will be attending and ensure a satisfactory and complementary outcome for both parties.

In addition any new build will take into consideration the DfE recommendations for this type of provision and funding to deliver this project has been ring fenced in the Children's Services capital programme which was agreed by Council in September 2015.

Officers see a synergy between the two provisions and believe that they will potentially complement each other. The school would use the facilities on site during school hours, and then the Youth Trust would use them outside of school hours and during school holidays. The site would become a partnership between the Youth Trust and the school, opening up exciting new opportunities for both services for the youth groups they both target as well as making the facilities at MyPlace more sustainable with shared usage.

Children's Services will work within the Youth Trust to develop a new business plan, utilising, where possible, the resource of the MyPlace Centre but also looking to maximise the potential of the full Parkfield site and other opportunities throughout Torbay. Children's Services acknowledges that this proposal has challenged the existing Youth Trustees and is seeking to reframe its partnership with the Trustees through a new business plan.

This relocation of Torbay School will leave a vacant school site at Torquay Road, Paignton which Children Services propose to develop into a new 210 place primary school with a nursery.

A recent programme of expansions at existing primary schools has ensured that the LA has fulfilled its statutory duty to provide sufficient school places for the area, however, places are still tight and the LA struggles to place children who move into area midyear. This vacant site with existing school buildings provides a unique cost effective opportunity for the LA to open a new school in the centre of Paignton. This will be the first time the LA has opened a new school since going unitary in 1998. The site is in a good central location and the accommodation would need minimal modifications to make it suitable as a primary school. Funding has been ring fenced for this development from the Children’s Services capital programme.

It is proposed that the new school would open September 2018. Children Services would consult with members nearer the time on possible providers who would run the new school.

The new school would serve both Paignton and Torquay ensuring that the LA can respond to in year migration, parental preference and any new growth for from the South Devon Link road or increases in housing targets, for the foreseeable future.

3. What options have been considered?

Children’s Services have looked at various sites for Torbay School including:

Site	Advantages	Disadvantages
Riviera Way, Torquay	Level site Large site Build could be completed before school moves in	Close proximity to main road Restrictive access Prohibitive cost of acquisition Long term aspirations of Council for adjoining site Ground conditions
Lymington Road, Torquay	Level site Good access Build could be completed before school moves in Residential adjoining only on 1 aspect	Site too small Other commercial tenants sharing site
Remain at current location	Less disruptive to school New entrance, MUGA and Car parking would address some of the existing issues	Still issues with accommodation Limited scope for future expansion – growing demand Ongoing issues with neighbours Loss of central site for new primary school

	<p>Occombe House/ Fairwinds Paignton</p>	<p>Council owned Potentially Vacant (<i>Fairwinds is currently leased to Mayfield; lease expires July 2016</i>) Capital works could be completed before pupils move in – less disruption</p>	<p>Site to small Isolated location Vulnerable neighbours in very close proximity with shared access Grade 2 listed building Poor access via public transport Require the relocation of Mayfield Post 16 provision – <i>although their lease expires in July, there are discussions and potential to provide long term solution for this site which would allow Mayfield to remain</i> Site falls within South Hams Planning Authority</p>
	<p>Stoodley Knowle Torquay</p>	<p>Large site Vacant site Capital works could be completed before pupils move in – less disruption</p>	<p>Remote location Poor access via public transport Land in private ownership Negative impact on proposed development of rest of the site Prohibitive costs to acquire site</p>
	<p>Hillside, South Parks Road Torquay</p>	<p>Council owned Large site Already school presence on site Good access via public transport Benefits of co-locating provisions</p>	<p>Site topography prohibitive on design, layout and cost Restrictive access – highways and aspect prevent access from Barton Hill Road Highways solution too expensive Disruption to existing on site provision Close proximity to very residential area Shared narrow access with residents Contractors would load prelims due to restricted access</p>
	<p>Ministry of Justice Site Riviera Way Torquay</p>	<p>Large site Good level site – easy to design and construct on; more value for money Capital works could be completed before pupils move in – less disruption</p>	<p>Prohibitive costs to acquire site Ground conditions – landfill so only a small part of the site could be built on Close proximity to main road Restrictive access Impact on long term aspirations for adjacent site Expensive option as complete new build require</p>
	<p>Vacant B&Q site Torquay</p>	<p>Central location Vacant possession Good access via public transport Capital works could be completed before pupils</p>	<p>Too small No outside space Complicated site for construction Land locked</p>

		move in – less disruption	
	Grange Road Paignton	Council owned Good access via public transport	Existing lease already in place Poor ground conditions Too small Restrictive access Expensive option as complete new build required
	Tanners Road, Clennon Valley Paignton	Council owned	Too small Expensive option as complete new build required
	Chestnut School/Centre Brixham	Council owned Existing buildings designed as a school so value for money/would require minimal refurbishment Large/adequate site	Would need to relocate existing services which would impact on vulnerable children and their families Brixham location a long way for majority of children who come from Torquay
	Old Mill Road Torquay	Council owned Vacant site Good access via public transport Capital works could be completed first – less disruption	To small Limited outside space Old buildings would require significant investment and maintenance
	Lymington Road Torquay	Good level site – easy to design and construct on Good access via public transport Residential neighbours only on one aspect Capital works could be completed before pupils move in – less disruption	Too small Other commercial tenants sharing site Would require significant and costly change to access/highways
	MyPlace/ Parkfield, Paignton	Council owned Good level site – easy to design and construct on Good access via public transport Parking nearby Residential neighbours only on one aspect Good access for contractors Capital works could be completed before pupils move in – less disruption Synergies with youth services to be run from the site – shared opportunities for more targeted youth work & more work with vulnerable young people Opportunity to maximise use of asset; recognised that the excellent facilities on this site are underused during the day Shared use of site will make MyPlace as a youth hub more sustainable; shared	Impact on current users Impact on Youth Trust who were to be granted a lease on the site Covenant – would need to seek agreement from National Trust Possible change to public access/right of way

		<p>costs Could use existing buildings as part of the school; only built in 2012 so require minimal refurbishment Cost effective ; value for money</p>		
<p>4.</p>	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>This proposal supports the ambitions of the Corporate Plan 2015-19 by giving vulnerable young people the best possible opportunity to achieve and succeed as Torbay School is a special school which caters for secondary aged children with behavioural, emotional and social difficulties.</p> <p>The proposal supports the corporate plans principle of reducing demand on services through prevention and innovation. By supporting vulnerable young people through the activities on offer through the Youth service and through this special school, Children’s Services aim is to address their needs and improve their outcomes in their early life; preventing the need for costly and limited intervention later in life.</p>			
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>This proposal has the potential to have an impact on the pupils, staff and governors of Torbay School. In its report to Council in February, Children’s Services flagged up the issues around the school’s existing site and how it is having a negative impact on service delivery. The proposed relocation would address those issues. Children’s Services will be consulting with this group to ensure that they are in agreement.</p> <p>The proposal also has the potential to have an impact on the current plans held by the Youth Trust. The proposal will have a negative impact on young people currently using the facility which has been open access including the BMX track and the skate park. MyPlace is a fantastic local facility which is currently underused by young people during school hours. By having the school there alongside the youth provision, Children’s Services are seeking to maximise the potential of that site and ensure that it remains sustainable. Children’s Services will be continuing to work with the Youth Trust and consulting the young people who currently use the facility.</p> <p>Other parties that have an interest and that will be consulted with include:</p> <ul style="list-style-type: none"> • Torbay Gymnastics Club • Co Ordin8 Day Club • Local Councillors • All Torbay Schools • Local ward partnership • Residents group • DfE Lottery capital department 			

6.	<p>How will you propose to consult?</p> <p>The consultation will be in the form of site visits to the proposed site with stakeholders. A questionnaire will also be made available. Consultation with young people will take place using focus groups through the Parkfield youth sessions.</p>
----	--

<p>Section 2: Implications and Impact Assessment</p>	
---	--

7.	<p>What are the financial and legal implications?</p> <p>Torbay Youth Trust currently has a business plan based on their lease of the whole site, and a full Council agreement in respect of this. This proposed change means that the business case would no longer provide the sustainable outcomes and growth expected. A new business plan will need to be worked up for the Youth Trust and be in place by July 2016 if this proposal is accepted.</p> <p>The shared use of the site will need careful consideration to ensure that both the Youth Trust and Torbay school can operate as effectively as possible for their future needs.</p> <p>The DfE capital department would need to give permission to change the usage of the site which was built as a youth centre.</p> <p>There will be costs attached to the re-build and some of these will relate to ensuring both the youth provider and Torbay School have adequate and appropriate space to enable their business.</p>
8.	<p>What are the risks?</p> <p>There is a potential risk to the Youth Trust of its viability within its existing business plan. If the proposed options are agreed then a new business plan would need to be developed for the Youth Trust.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>The procurement of works undertaken for this project and any related projects will be in accordance with the Public Services Value Act 2012.</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p><u>MyPlace</u></p> <p>Currently at MyPlace there are no Youth Work staff providing services during</p>

	<p>the day. An adult disabilities group uses the centre all day every day bar one and the sports hall is rented exclusively to a club, but is used very little during the day. Other rooms in the centre are rented on an ad hoc basis.</p> <p><u>Torbay School</u></p> <p>The proposed relocation gives the Local Authority an opportunity to address issues at the existing school site which are having a negative impact of the outcomes of the school. If the proposal is agreed the new site will be developed in line with DfE guidance and recommendations for this type of provision. There will be a greater focus on the specific needs of the young people who will be attending – in particular the external spaces and areas for sport which DfE recognise can have a positive impact on this group of young people.</p> <p>Those attending Torbay School tend to be those who experience poor socio economic conditions and are less likely to access mainstream facilities; this relocation offers an opportunity for them to access the best on offer.</p> <p><u>New Primary School Paignton</u></p> <p>The Local Authorities recent programme of expansions has ensured that there is sufficient capacity within all three towns, with current projected surpluses of 3% in Torquay and 4% in Paignton until 2020. However, the tight capacity in Paignton and Torquay does present problems for the Local Authority when placing those children moving into the area during the school year. Plus there is no capacity for any unforeseen growth following completion of South Devon link road or any increases in housing targets as set by regional government.</p> <p>As a result the Local Authority is proposing a new primary school between Paignton and Torquay in 2018. The new school would serve both areas, ensuring that the Local Authority can respond to in year migration, parental preference and any new growth from developments not already factored into the Local Authority projections.</p> <p>Furthermore Torbay has not opened a new school since it became a unitary authority in 1998.</p>
<p>11.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>To be updated once consultation has been undertaken.</p>
<p>12.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>To be updated once consultation has been undertaken.</p>

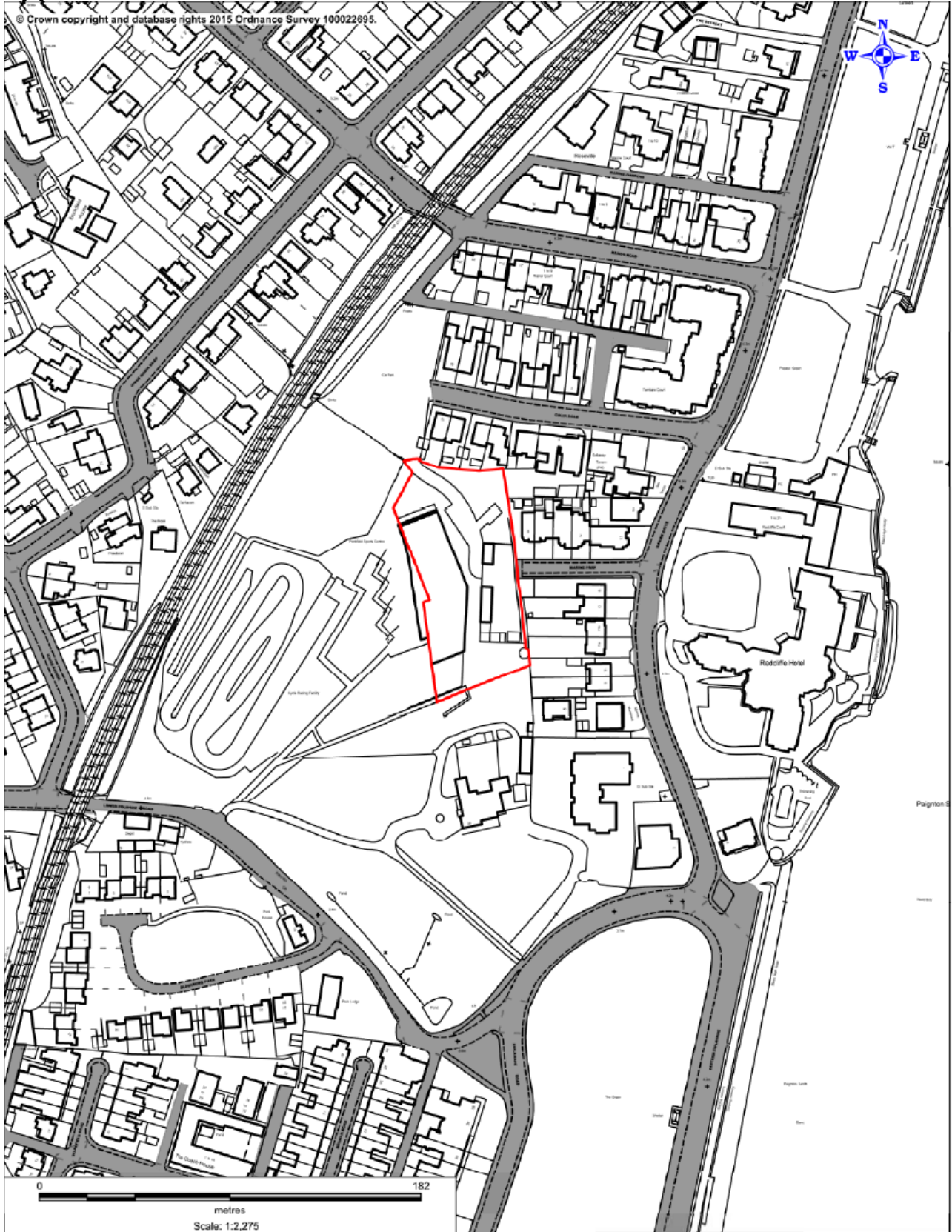
Equality Impacts

13	Identify the potential positive and negative impacts on specific groups Please Note: This section will be updated once consultation has been undertaken.			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			
	People with caring Responsibilities			
	People with a disability			
	Women or men			
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			
	Religion or belief (including lack of belief)			
	People who are lesbian, gay or bisexual			
	People who are transgendered			
	People who are in a marriage or civil partnership			
	Women who are pregnant / on maternity leave			

	Socio-economic impacts (Including impact on child poverty issues and deprivation)		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)		

Appendix 2

© Crown copyright and database rights 2015 Ordnance Survey 100022695.



EM Plan No: EM2671
Date: 19th January 2016
Title: My Place, Paignton EBD School.

Asset No: P0697
LR Title No: DN127384
Scale: 1:1250
Area: 4,907.16m²



TORBAY DEVELOPMENT AGENCY - ASSET MANAGEMENT



Meeting: Council

Date: 25 February 2016

Wards Affected: All Wards

Report Title: Options for the Sustainable Support of Tourism in Torbay

Is the decision a key decision? Yes – General Exception

When does the decision need to be implemented?

Executive Lead Contact Details: Councillor Nicole Amil, Executive Lead for Tourism, Culture and Harbours, Telephone: 01803 523647 Email: Nicole.Amil@torbay.gov.uk

Supporting Officer Contact Details: Kevin Mowat, Executive Head of Business Services Telephone: 01803 292429 Email: Kevin.Mowat@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The English Riviera Tourism Company (ERTC) is a wholly owned company of the Council and it is dependent on Council funding. In the Council's proposed revenue budget for 2016/17 there is no funding allocated for the ERTC. Consequently, in December 2015, the Council agreed to provide transitional funding to the ERTC for a maximum period of nine months from 1 April 2016 to 31 December 2016. The Council also resolved that the Executive Head of Business Services be requested to work with the Board of the ERTC and the Executive Lead for Tourism, Culture and Harbours to provide a report to Council with further advice on the options to deliver sustainable support for tourism that is funded by the private sector.
- 1.2 This paper sets out a recommended option for the sustainable support of tourism in Torbay following the recent 'No' vote for the proposed Torbay Retail and Tourism Business Improvement District (TRTBID), which had offered a funding solution.
- 1.3 It will be a key decision but it has not been published in the Forward Plan issued on 11 November 2015 e.g. three months before the decision is due to be taken as the Council only agreed to provide transitional funding on 10 December 2015. An entry has been included in the Forward Plan published on 6 January 2016. A General Exception notice was published on 22 January 2016 advising of the issue.
- 1.4 This report also sets out Council's intentions for the future of the ERTC, which will provide clarity to the tourism sector and employees of the company.

- 1.5 The Council has agreed to provide transitional funding but without a sufficient level of sustainable funding, beyond 31 December 2016, the ERTC will be unable to maintain the existing level of tourism destination marketing and visitor information services for the English Riviera.
- 1.6 The current position is that the ERTC are contracted by Torbay Council to provide Destination Marketing and Visitor Information Services both of which have been bought into by the 2016 Promotional Partners and these services can be delivered this calendar year.
- 1.7 A private sector led Business Improvement District has recently been launched by leaders within the tourism industry. This 'English Riviera Tourism Business Improvement District' (ERTBID) will offer the opportunity for a clear and viable option for the sustainable support of tourism in Torbay.
- 1.8 Tourism Business Improvement Districts (TBIDs) are now being developed in a number of areas, including other seaside resorts, as encouraged by Government. The development of a TBID, with support where possible from Torbay Council, will represent a progressive and sensible approach to future funding needs in the medium to long term, and would provide a sustainable future for tourism support in the Bay.
- 1.9 Support for tourism remains a discretionary spend by all local authorities across the country and the Council's revenue budget is under increasing pressure. Although the Council has not allocated any funding for the ERTC beyond the end of December 2016, it can still support, in principle, the private sector led 'English Riviera Tourism Business Improvement District' (ERTBID).

2. Reason for Proposal

- 2.1 In September 2014, the Council agreed to fund and support the development of a Torbay Retail and Tourism Business Improvement District (TRTBID) as an alternative sustainable funding model to provide ongoing retail and tourism destination marketing activity, including visitor information services. This proposed funding model is no longer available because the proposed TRTBID was not supported at a recent ballot.
- 2.2 The Council now needs to decide what option or options are appropriate in respect of the delivery of sustainable support for tourism in Torbay. This decision is required in a timeframe that will allow transitional arrangements to be implemented in relation to the services currently provided by the English Riviera Tourism Company (ERTC).

3. Proposed Decision

- 3.1 That the Council supports, in principle, the private sector led 'English Riviera Tourism Business Improvement District' (ERTBID).**

- 3.2 That, subject to a favourable business plan, the Executive Director of Operations and Finance be nominated to cast the Council's votes in favour of the 'English Riviera Tourism Business Improvement District' (ERTBID) at the time of the ballot.**
- 3.3 That, in the event of a 'Yes' vote for the proposed 'English Riviera Tourism Business Improvement District' (ERTBID), the Executive Director of Operations and Finance, in consultation with the Executive Lead for Tourism, Culture and Harbours, be instructed to :-**
- a) decommission the provision of Destination Tourism Marketing and Visitor Information Services from 1 January 2017, wind up the English Riviera Tourism Company (ERTC) and arrange for the transfer of Destination Tourism Marketing and Visitor Information Services to the new ERTBID Company;**
 - b) immediately establish an ERTC/ERTBID Project Transition Board, comprising of two Senior Officers, the Executive Lead for Tourism, Culture and Harbours and two Members from the Conservative Group and one Member from Liberal Democrat and one Member from the Independent Group, so that the Council's income and assets are properly considered in respect of the ERTC; and that the intellectual property rights of the English Riviera brand are safeguarded;**
 - c) allow the ERTC/ERTBID Project Transition Board to establish and facilitate the terms upon which the official ERTC brands and logos will transfer, under license, to the new ERTBID Company;**
 - d) provide Council support to facilitate the transfer of appropriate ERTC staff (including those in the Local Government Pension Scheme) to the new ERTBID Company;**
 - e) negotiate and sign the ERTBID Operating Agreement on behalf of the Council; and**
 - f) make an appropriate charge to the ERTBID Company each year for the duration of the ERTBID (5 years) to cover the Council's costs associated with collection of the ERTBID levy.**
- 3.4 That, in the event of a 'Yes' vote for the proposed 'English Riviera Tourism Business Improvement District' (ERTBID) the Council agrees to :-**
- a) allocate sufficient funds to meet the ERTBID levy liability, for any applicable Council owned properties, for the term of the ERTBID (5 years);**

- b) provide a cash advance facility to the ERTBID Company, which will be returned once the ERTBID levy payments are received;
- c) delegate the approval of pension liability arrangements, including a possible guarantee, to the Chief Financial Officer in consultation with the Executive Lead for Tourism, Culture and Harbours and the Assistant Director of Corporate and Business Services;
- d) request that the Overview and Scrutiny Board keep an oversight of how well the new ERTBID Company is meeting its aims and objectives, especially in relation to the functions, which had previously been undertaken by the ERTC and any performance issues arising from the formal Operating Agreement; and
- e) recognise that the new ERTBID Company will take over responsibility for operating as the official Destination Marketing Organisation (DMO) for Torbay.

3.5 That, in the event of a 'No' vote for the proposed 'English Riviera Tourism Business Improvement District' (ERTBID), the Executive Director of Operations and Finance, in consultation with the Executive Lead for Tourism, Culture and Harbours, be instructed to decommission the provision of Destination Tourism Marketing and Visitor Information Services from 1 January 2017 and wind up the English Riviera Tourism Company (ERTC).

Supporting Information

4. Position

- 4.1 The Council is expecting large budget cuts over the next three years and it has been recognised that, after March 2016, it needed to review the level of direct funding it provides in support of tourism activity. Consequently, on 6th November 2015 the Mayor's proposed budget for 2016/17 showed no allocated funding for the ERTC. In September 2014, the Council agreed to fund and support the development of a TRTBID as an alternative sustainable funding model to provide ongoing retail and tourism destination marketing activity, including visitor information services. This proposed funding model is no longer available because the proposed TRTBID was not supported at a recent ballot.
- 4.2 In the Mayor's budget proposals for 2016/17 the removal of revenue funding for the ERTC was based on the assumption that there would be a 'Yes' vote for the TRTBID. Consequently, in December 2015, the Council approved transitional funding for the ERTC for the period from 1st April 2016 to 31st December 2016. The Council's approval related to a reduced nine-month operational budget for the ERTC of £200,000, which was put forward by the ERTC executive. This decision addressed the immediate issue for the ERTC but the Council needs to review its

policy for supporting destination marketing and visitor information services in the longer term and its ability to continue to fund the ERTC.

- 4.3 The ERTC is an Arms Length Private Company limited by guarantee and owned by Torbay Council. It has been commissioned by the Council as a private sector led public/private tourism partnership to deliver tourism destination marketing and visitor information services for the English Riviera. The ERTC was set up following extensive industry consultation and was formed to fulfil a Services Contract, the term of which was six years and six months from 1st October 2010 until 31st March 2017. It is clear that the Board of the ERTC recognises the serious financial challenges being faced by the Council and they have worked with the Council to find options for a sustainable future for tourism in the Bay.
- 4.4 Prior to the set up of the ERTC, the Council was spending over a £1m each year on the promotion of tourism. The ERTC took a 30% cut on its foundation and since then the funding from the Council has been reducing steadily with the contribution in 2015/16 being £350k, of which £100k was 'transitional funding'. A further £250,000 will be saved from the Council's revenue budget by removing all further revenue funding to the ERTC in 2016/17.
- 4.5 The tourism industry has always been an important part of the economy of Torbay and the ERTC has clearly delivered some excellent results in recent years. However, to achieve their slimmed down operational budget, using the £200,000 of transitional funding, the ERTC has taken the following actions and ceased certain activity this year :-
- The Visitor Information Centre (Torquay) reduced to summer opening only
 - All brand development activity will cease
 - PR activity will not be funded (i.e. journalists, media, etc)
 - Market research will be reduced
 - No attendance at regional or national conferences
 - All campaign activity will cease
- 4.6 The Council's tourism strategy - 'Turning the Tide for Tourism in Torbay' - 2010 ~ 2015 is due for review/renewal in 2016. This key policy document, approved in 2010, makes it clear that "*moving forward Torbay Council will continue to support the industry for a minimum of 5 years*". The policy also refers to the need for significant investment from the public and private sector if the English Riviera is to continue to arrest the decline in the value of tourism. Furthermore the policy states that "*increased private sector investment will be needed moving forward to achieve the key objectives and in particular promote the destination effectively and attract new visitors*".
- 4.7 In January 2016 the South West Research Company were commissioned by the Torbay Development Agency (TDA) to distribute a short survey to understand how Torbay businesses valued the current tourism business support on offer in Torbay

and to see if there was an appetite amongst business to develop a Tourism only Business Improvement District (TBID).

4.8 A total of 166 completed questionnaires were received to an online survey although 11 surveys were discounted from the analysis as respondents had not left valid contact details or in some cases had submitted more than one questionnaire. The key findings are set out below :-

- 58% of businesses had voted in the recent Torbay Retail and Tourism Business Improvement District ballot (TRTBID), 37% did not vote and a further 5% preferred not to answer this question.
- 70% rated their understanding of a TBID as either 'very good' (36%) or 'good' (34%) with a further 19% rating it as 'average'. Just 11% rated their understanding of a TBID as 'poor' (6%) or 'very poor' 5%.
- 94% of businesses were aware of the requirement to pay a levy if a Tourism Business Improvement District (TBID) was formed and just 6% were not.
- Overall, 72% of businesses stated that they would support the development of a TBID in principle with a further 10% being unsure. The remaining 18% did not support the development.
- The top four tourism and destination marketing services valued by more than 70% of businesses in each case were; Destination website and national advertising (83% each), Destination Guide (74%) and Visitor Information Centre (71%). The lowest ranked services which were valued by less than 40% of businesses were; Tourism exhibitions (38%), Tourism conferences (35%), Customer service training (22%) and PR, media and TV activity (3%).
- In terms of marketing sources currently used; the English Riviera website and guide were used by the majority of respondents (74% and 71% respectively) and represent the most used sources by far.
- 88% of businesses felt that there is value in a co-ordinated approach to marketing Torbay, 6% did not and a further 6% did not know.

4.9 The survey results show clear support from the industry for a Tourism only Business Improvement District (72%) and this should provide the Council with confidence that the recently launched private sector led 'English Riviera Tourism Business Improvement District' (ERTBID) would be supported at the ballot.

4.10 A BID is a project developed in accordance with the Business Improvement District (England) Regulations 2004 within which businesses and other stakeholders contribute a levy determined by a prescribed formula, to create a fund to develop responses to impediments to growth, or to improve the trading environment in

which they operate. A TBID is broadly similar to a BID but it is designed to directly and specifically support the development of the tourism sector within a destination rather than a cluster of businesses that share a common trading environment. The scope of the work programme emerges through an in-depth consultation process that takes place before the ballot, between the TBID proposer, and those businesses and organisations that may have a stake in the TBID as beneficiaries of the increased business levels that the project aims to generate.

- 4.11 BIDs generally require all businesses within a specified area except where exemptions exist, to become levy payers. However, TBIDs are likely to define levy payers by the type of service they provide and the sector within which they operate. Conventional BIDs tend to operate within narrowly defined areas whereas TBIDs are likely to be more extensive and are defined by the levy payers' association with a particular destination brand or local DMO.
- 4.12 Successful TBIDs are private sector-led partnerships that closely involve supportive and proactive public sector partners. TBID proposers should work closely with the local authorities in the area to ensure that they become funding and/or delivery partners and provide strategic input. TBIDs will require effective management and leadership. They are likely to be established more readily where there already exists a mature DMO with a proven track record of operating as an independent and respected sector leader, and has in place the necessary governance structures to operate the project.
- 4.13 The definition of levy payers within a proposed TBID is based on an association with the tourism sector and this is more difficult than the more transparent definition by geographical boundary, which is the case with a conventional BID. It is understood that businesses in the following sectors will be included within the proposed ERTBID :-
- Public Houses
 - Public Conveniences
 - Marine
 - Language Schools
 - Transport
 - Food and Drink
 - Entertainment and Leisure
 - Conference
 - Communication
 - Car parking
 - Beach huts
 - Accommodation (Self Catering, Hotel, Guest Houses, Caravan Park, Camping, Holiday Units)
- 4.14 A number of leaders within the tourism industry in Torbay have started to hold meetings to share with other stakeholders their plans to develop a private sector led Tourism BID (Business Improvement District). The proposed new English

Riviera Tourism BID is to operate solely as a private sector led not for profit Destination Marketing Company. Its key objectives would be to:

- To deliver valued Destination Marketing activities
- Continue to grow year round day and staying visitors
- Maximise visitor spend to benefit the Torbay Economy
- Protect employment

- 4.15 The proposed new company led by the private sector will lead and take responsibility for marketing the official English Riviera brand regionally, nationally and internationally for both the leisure and business markets for the period of the BID's lifetime. This will initially be from 2017 to 2021 with further 5-year extensions an option through a re-ballot.
- 4.16 Key Destination Marketing activities managed by the new TBID Company will include those services recently highlighted as the most valued by Torbay Tourism Businesses including promotion and operation of the official web site, Destination Guide and Visitor Information service plus others to be determined through consultation.
- 4.17 The structure and total value of the TBID levy is yet to be finalised but it can be assumed that Torbay Council would be liable to a similar levy value as for the TRTBID. It is estimated that approximately £450k pa can be raised in total from the new TBID with close to 1000 businesses potentially liable to pay the levy including: accommodation, attractions, leisure, food and drink, transport, communications, beach huts, car parks etc. This level of funding is similar to the ERTC's operating budget for 2015/16. Retail is not being included.
- 4.18 Those behind the ERTBID campaign have recognised the importance of sustainable support for tourism and have stated - "that unless we all agree to work together and VOTE YES to set up a Torbay Tourism BID this summer, there will be no coordinated funding available to promote Torbay nationally and internationally for 2017 and beyond". They have also said that without an ERTBID, a range of current Destination Marketing activities undertaken by the ERTC, are all under threat of finishing at the end of this year.
- 4.19 Although the ERTBID campaign has only just begun there appears to be a growing number of ERTBID ambassadors and consultation meetings are planned in Torquay, Paignton and Brixham during February. An ERTBID Steering Group has been formed by the private sector and a campaign slogan has been agreed called "Promote Torbay".
- 4.20 The Council owns a range of properties within the proposed ERTBID area, which will therefore attract an applied levy. It is currently unclear what the levy percentage will be or if a banding approach is preferred by the emerging ERTBID but the Council's BID levy contribution is expected to be in the region of £38,000 per

annum. This figure will fluctuate throughout the BID period due to Council owned property becoming either vacant (additional charge) or leased out (reduction in charge). Each hereditament that is liable to pay the levy will have a vote. In respect of the council properties within the ERTBID area, the Council is asked to delegate authority to the Executive Director of Operations and Finance to complete and return the voting papers.

- 4.21 As part of any BID process, the Council is required to produce Baseline Service Statements that set out the current level of service provision within the ERTBID area for both statutory and non-statutory provision. These statements allow the ERTBID Company to understand the level of services currently in place so that it can provide services and projects that are additional. These statements are not legally binding but they do provide an outline of the commitment to provision of services in line with available funding.
- 4.22 Torbay Council will be the organisation responsible for collecting the ERTBID levy and will incur costs to administer the collection. It is expected that the Council will seek an annual fee from the ERTBID Company to cover these costs. However, in reality this charge will be negotiated as part of the Operating Agreement between the Council and the company. The Agreement will allow the charge to be reviewed each year throughout the life of the ERTBID.
- 4.23 In order that the ERTBID Company can deliver projects as set out in the ERTBID Business Plan, it is expected that the Council will be asked to provide the ERTBID Company with a cash advance to ensure that the ERTBID projects can start being delivered effectively from the earliest stage. The Council as levy collector will recoup this advance, at source, as it receives the ERTBID levy payments. The timing of the ERTBID collection will be set out as part of the Operating Agreement and the BID levy invoice will be sent out as a separate document to the Business Rates invoice.
- 4.24 Under the Business Improvement District Regulations (2004), Torbay Council will be deemed the relevant billing/invoicing authority. Consequently, the Council will be required to sign an Operating Agreement with the TRTBID. The agreement will require the TRTBID Company to produce a report for each Financial Year, which would give details such as the following:-
- a) the total income and expenditure of the BID levy;
 - b) other income and expenditure of the BID Company not being the BID levy;
 - c) a statement of actual and pending deficits; and
 - d) the various initiatives and schemes upon which the BID Company has expended the BID levy.
- 4.25 Also, within three months after the end of each Financial Year (for the duration of the Bid Term) the Council would normally provide an Annual Report to the BID Company and within one month from the date of receipt of the Annual Report in each financial year (for the duration of the Bid Term) the BID Company shall

provide a BID Company Report to the Council. These Regulations clearly imply that the Council has a degree of financial oversight for the BID Company and it can in fact instigate arrangements for the termination of a BID in line with a series of set criteria.

5. Possibilities and Options

5.1 Following the 'No' vote outcome of the Torbay Retail and Tourism Business Improvement District (TRTBID) ballot the ERTC board formed a Sustainable Tourism Sub Group to find options for a sustainable future for tourism in the Bay. At a meeting on 20 January 2016, the ERTC board agreed unanimously to accept the recommendation of the Sustainable Tourism Sub Group, which was to support and facilitate the campaign for a private sector led Tourism BID.

5.2 A number of options were considered by the ERTC's Sustainable Tourism Sub Group :-

Option 1

Move Destination Marketing back in house to be undertaken by Torbay Council. This was deemed unworkable as no budget was available and any funding that could be found in the future would most likely remain under continuous threat. This option was therefore thought to be unsustainable.

Option 2

Leave Destination Marketing to be funded voluntarily by the private sector. The Group thought that this option could result in fragmentation and duplication with several member associations and trade bodies being active but without any one body being in a strong position to make use of the official brand. This option was therefore thought to be unsustainable.

Option 3

Promote a Tourism Business Improvement District. This option would provide security for at least the next five years and would fund itself through levy income, with a workable budget of approximately £450,000 per year. Furthermore, it was thought likely that Torbay Council would agree that the BID Company could make use of the official brand. This option was therefore considered to be sustainable.

A do nothing option was also considered by the Sub Group but the outcomes were thought to be similar to Option 2.

5.3 An alternative funding solution that is used in some countries around the world is a 'bed tax'. Local authorities do not currently have the power to impose a 'bed tax' and this approach is unlikely to be proposed for England. TBIDs are not a form of 'bed tax', which are charged at the point of sale to each guest of accommodation providers.

- 5.4 The Council could choose to find funding from within the 2016/17 revenue budget, and beyond, but this will no doubt be challenging, as the current austerity measures are likely to see further budget cuts to local government. In addition, further public sector funding would indicate to the tourism sector that the Council will always be able to provide financial support and such a message will not help to facilitate a more sustainable funding model in the future.
- 5.5 Tourism support could be funded by the private sector through membership or partnership fees. This option could result in an unequal arrangement and a fragmented sector where some businesses pay and others do not. If Destination Marketing was funded in this way all businesses would benefit but with no compulsion for every business to pay into such a scheme.
- 5.6 The Council could retain the ERTC as a shell company ('mothballed or dormant') (owned and controlled by the Council either directly or as trading subsidiary of the Torbay Development Agency [TDA]) licensing its intellectual property as appropriate. It would be necessary to amend the existing Memorandum and Articles of Association in order to change the current governance structure. This option would cause significant uncertainty within the tourism sector with the probability of significant redundancies depending upon how the Council or TDA operated the company post transfer. In addition, the Board of the TDA has not considered this option.
- 5.7 The proposed ERTBID might offer the prospects of continued employment if the BID is managed by the ERTC or via TUPE if it was to be managed by a new ERTBID Company. (TUPE refers to the "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014")
- 5.8 Torbay Council has a current and ongoing liability (by guarantee) for historic pension liabilities for ERTC staff (because of the original TUPE transfer of a number of staff from Torbay Council to the ERTC). There are currently five full-time equivalent staff working for the ERTC and four of these are members of the Local Government Pension Scheme (LGPS), which is administered by Devon County Council, through Peninsula Pension Services (PPS). PPS have advised Torbay Council of the pension costs of the staff that could be the subject of a TUPE transfer from the ERTC to any new company, which are currently estimated to be £428,000 on a "full cessation" basis. The current and ongoing Torbay Council liability would be crystallised at the time of the transfer of the staff from the ERTC to another company and that company would then be responsible for future pension liabilities. The PPS advice confirms that any new company will be required to become the new admitted body in the LGPS and follow the usual admission agreement process, as part of becoming an Admitted Body, any new company as the employer will be wholly responsible for any future pension liabilities.

- 5.9 A number of tourism sector associations were consulted during the process of considering options to deliver sustainable support for tourism that is funded by the private sector. One of the associations came forward with a bid for Council funding but this was not considered to be a more sustainable option than a TBID. The majority of the trade bodies that were consulted were in support of a TBID.
- 5.10 A Coach Drivers Information Pack letter was received that showed a clear objection to further public sector funding of the ERTC and it also rejected the idea of any further BID ballots. Correspondence was also received from the Torbay Business Forum who confirmed that their executive group were unanimously in favour of a TBID as the way forward.

6. Risks

- 6.1 Uncertainty will be caused if the Council fails to make clear and sound decisions regarding the future of the ERTC. It is therefore necessary to explore, identify and agree the options available for the sustainable support of tourism in Torbay. The ERTC has been a highly successful organisation and it has enjoyed respect locally, regionally and nationally. A great number of local tourism businesses want to safeguard this success and enable the role to be sustained.
- 6.2 An independent and professional research agency undertook a Marketing Evaluation Report for the ERTC in 2014. One of the key points that can be learnt from the report is that the ERTC Destination Marketing Activity currently has a return on investment of £60 for every £1 invested by Promotional Partners. Based on this multiplier it is clear that there could be a significant risk to the Visitor Economy if options cannot be found for the sustainable support of tourism in the Torbay.
- 6.3 It is not possible to quantify the reputational risk to the Bay if options for the sustainable support of tourism are not identified and supported. However, if the Destination Marketing Organisation role of the South West's biggest seaside resort were not to be sustained, having achieved five years of consecutive visitor growth in terms of numbers and value, it is likely to send a negative message to the industry and to potential inward investors.
- 6.4 There are currently five full-time equivalent staff employed by the ERTC and if all the staff were to be made redundant, the cost would be approximately £25,000; however, this figure has been included within a draft budget prepared by the ERTC for the period 31 March to 31 December 2016.
- 6.5 As the ERTC is wholly owned by Torbay Council, the Council will be responsible for picking up any pension deficit on the cessation of the ERTC. A cessation valuation report for the ERTC has been obtained from the Devon County Council Pension Fund (the Fund) and this indicates that the deficit would be £428,000 on a "full cessation" basis and £284,000 on a "partial cessation" basis. The Council can cover this liability in several ways:

- a) providing a guarantee to the new company;
- b) adding the liability to the Council's overall pension liability (which will be funded from future employer contributions);
- c) making a cash payment to the pension fund; or
- d) a combination of the three options outlined above.

6.6 The ERTC currently lease both the Visitor Information Centre and Offices from the TDA, on Vaughan Parade, Torquay. A 12-month notice period is required to terminate and there is a financial risk to the TDA if new tenants cannot be found once the 12-month notice period has elapsed. If sustainable funding cannot be found for the ERTC, then the TDA, which has also been asked to make significant savings, is likely to lose or forego rental income during the notice period if new tenants cannot be found for these properties.

Risk Mitigation

- 6.7 The Council would try to redeploy staff at risk, either directly or through its trading subsidiaries, but the Council will remain responsible for any pension deficit where this is not possible. The TDA, for example, is responsible for providing the Council with strategic tourism advice; it also operates a business and a number of facilities, which might offer suitable alternative employment.
- 6.8 If an alternative funding model can be found prior to the end of 2016, any transitional funding not required by the ERTC would be returned to the Council and this has been estimated to be a refund of approximately £67,000.

Appendices

None

Background Documents

Devon County Council Pension Fund Report – *‘English Riviera Tourism Company Indicative cessation valuation as at 31 March 2016’*.

Report to Council on 23rd July 2015 – *‘The English Riviera Tourism Company (ERTC) and the proposed Torbay Retail and Tourism Business Improvement District (TRTBID)’*.

Report to Council on 10th December 2015 – *‘Transitional Funding for the English Riviera Tourism Company’*.

Torbay Tourism Business Improvement District Survey – January 2016 (South West Research Company Ltd)

Introducing Tourism Business Improvement Districts in England - Published by the English Core Cities DMO Group and VisitEngland – December 2011



Meeting: Council

Date: 25 February 2016

Wards Affected: All Wards

Report Title: Provisional Calendar of Meetings for 2016/2017

Is the decision a key decision? No

When does the decision need to be implemented? As soon as possible

Executive Lead Contact Details: Councillor Mills, Deputy Mayor and Executive Lead for Health and Wellbeing and Corporate Services, derek.mills@torbay.gov.uk

Supporting Officer Contact Details: Teresa Buckley, Governance Team Leader, (01803) 207013, teresa.buckley@torbay.gov.uk

1. Proposal and Introduction

To seek approval for the provisional calendar of meetings for the 2016/2017 Municipal Year.

2. Reason for Proposal

- 2.1 The provisional calendar of meetings for 2016/2017 (attached at Appendix 1) has been prepared based on the Council's decision-making structure and in accordance with the Council's Standing Orders. A further review of the calendar of meetings will be carried out with regards to the recommendations of the Local Government Association Peer Review and the emerging action plan prior to submission to the Annual Council meeting in May.

3. Recommendation(s) / Proposed Decision

- 3.1 That the provisional calendar of meetings for 2016/2017, set out in Appendix 1 to the submitted report, be approved for final ratification at the Annual Council Meeting.
- 3.2 That meetings of the Employment Committee and Civic Committee be held on an ad-hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.
- 3.3 That the Priorities and Resources meetings be determined by the Governance Support Manager in consultation with the relevant Chairman/woman once the budget setting process for 2017/2018 has been agreed.

forward thinking, people orientated, adaptable - always with integrity.

Appendices

Appendix 1: Provisional Calendar of Meetings 2016/2017

Supporting Information

4. Position

- 4.1 Before the end of each Municipal Year the Council considers the provisional calendar of meetings for the following Municipal Year, which is then ratified at the Annual Council Meeting.

The following meetings have been scheduled in the calendar for 2016/2017.

- Council;
- Development Management Committee;
- Licensing Committee;
- Licensing Sub-Committee;
- Harbour Committee;
- Health and Wellbeing Board
- Standards Committee;
- Audit Committee;
- Appeals Committee (Transport);
- Overview and Scrutiny Board.

- 4.2 The meetings of the Council have been programmed to allow sufficient reporting time between the meetings for the plans and strategies which are required to be approved through the Council's Policy Framework process and for the budget setting process.

- 4.3 The draft calendar has also been structured to allow, wherever possible, for each type of meeting to be allocated a certain day e.g. Development Management Committee to meet on Mondays, Licensing Sub-Committees on Thursdays and Council on Thursdays.

- 4.4 Meetings of the Employment Committee and Civic Committee are proposed to be held on an ad hoc basis, to be determined by the Governance Support Manager in consultation with the relevant Chairman/woman.

- 4.5 It is proposed that the Priorities and Resources meetings will be determined by the Governance Support Manager in consultation with the relevant Chairman once it has been determined how the budget setting process will be run.

5. Possibilities and Options

- 5.1 Wherever possible the timings of meetings have been set in accordance with the needs of the Committee Members and the Public, for example the Licensing Sub-

Committees convene at 9:30 a.m. which is suitable for those making representations. Timings are kept under constant review by the Governance Support Manager. There is a small risk that some people will still not be able to attend these meetings, however, in most cases where public participation is permitted, the Council will accept written representations to enable people to put their points of view across.

6. Preferred Solution/Option

- 6.1 Members may wish to set alternative dates for meetings. However, the meetings have been timetabled to allow sufficient time for the reporting of the plans and strategies which make up the Council's Policy Framework and the Council's budget setting process. A calendar of meetings is required under Standing Orders and facilitates the organisation of the Municipal Year.

7. Consultation

- 7.1 The Mayor, Group Leaders, Chief Finance Officer and the Executive Director of Operations and Finance have been consulted on the draft provisional calendar of meetings for 2016/2017.

Background Documents

Constitution of Torbay Council -

<http://www.torbay.gov.uk/DemocraticServices/ieListMeetings.aspx?CId=458&info=1>

Provisional Calendar of Meetings 2016/2017

		MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Appeals Committee (Transport)	9.30 am Wednesday					14	12	9	14	11	8	8	19	
Audit Committee	2.00 pm Wednesday	25		27		21		23		18		22		
Council	5.30 pm Thursday	Annual Council 11 (Wed)		14		22	27		8		2 9 23			9 (Tue) 10 (Wed)
Development Management Committee	2.00 pm Monday		13	11	8	12	10	14	12	9	13	13	10	8
Harbour Committee	5.30 pm Monday		27			19			19			20		
Health and Wellbeing Board	1.30 pm Thursday	19					13					16		
Health and Wellbeing Board Seminar	1.30 pm Thursday			28					15					
Licensing Committee	9.30 am Thursday	12						10						
Licensing Sub-Committee	9.30 am Thursday	12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25	1 8 15 22 29	6 13 20 27	3 10 17 24	1 8 15 22 29	5 12 19 26	2 9 16 23	2 9 16 23 30	6 13 20 27	4 11
Overview and Scrutiny Board	5.30 pm Wednesday	18	15	6		14	19	30	14	25	15	15	12	3
Standards Committee	2.30 pm Wednesday			13								1		
Transport Working Party	4.00 pm Thursday		23						1					



Meeting: Council

Date: 25 February 2016

Wards Affected: All Wards

Report Title: Change of Job Title for Executive Director of Operations and Finance

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Councillor Mills, Deputy Mayor and Executive Lead for Health and Wellbeing and Corporate Services, derek.mills@torbay.gov.uk

Supporting Officer Contact Details: Anne-Marie Bond, Assistant Director of Corporate and Business Services, anne-marie.bond@torbay.gov.uk

1. Proposal and Introduction

- 1.1 On 18 July 2013 the Council appointed Steve Parrock as the permanent Executive Director of Operations and Finance following the departure of the previous Chief Executive.
- 1.2 The Executive Director of Operations and Finance is the Council's Head of Paid Service and most senior officer within the Council.
- 1.3 There has since been confusion with some of the Council's partners as to what the Executive Director of Operations and Finance's role is within the Council. This has not helped the Council's position and interactions with our partners, in particular during the recent interactions regarding the devolution agenda. Following consideration of the issue by the Employment Committee it is proposed to change the Executive Director's job title to Chief Executive with immediate effect. All other terms and conditions of employment will remain unchanged.

2. Reason for Proposal

- 2.1 To provide clarity as to the role of the Head of Paid Service and most senior officer within the Council by reverting back to the job title of Chief Executive.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Executive Director of Operations and Finance's job title be changed to Chief Executive with immediate effect.