

Appendix 1

Supporting Information and Impact Assessment

Service / Policy:	Spatial Planning
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Section 1: Background Information

1. What is the proposal / issue?

The Council has a statutory obligation to prepare a local plan for Torbay. The current Torbay Local Plan (1995-2011) was Adopted in 2004. Initial discussion took place with Members and community representatives in 2010/2011 on the options for the level and location of future growth in the Bay. The Council published a Consultation Draft of the new Torbay Local Plan in September 2012. This was accompanied by related Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA) documents.

In February 2014, a revised Plan was published for consultation, namely the Proposed Submission Local Plan. A number of Draft Modifications were subsequently proposed by the Council in response to representations received. These accompanied the Local Plan when it was formally submitted to the Planning Inspectorate (PINS) in July 2014 (Minute 42, July 2014).

Hearing Sessions were held over three days in November 2014, conducted by the Inspector appointed by PINS, to debate key policy matters set out in the Plan.

Following receipt of the Inspector's 'Initial Findings' and 'Further Findings' in December 2014, the Council published in February 2015 a series of Proposed Main Modifications and Proposed Additional (Minor) Modifications to the Local Plan for consultation, together with related Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA) documents. These Modifications were later withdrawn by the Council and substituted by a set of Proposed Replacement Main Modifications and Proposed Replacement Additional Modifications, Further Additional Modifications and revised HRA and SA documents. These were the subject of consultation in June 2015. The representations received and the Council's responses were submitted to and considered by the Inspector.

Main Modifications go to the heart of the Plan and are critical to its soundness. In contrast, the Additional Modifications are a series of minor changes to the Plan that the Council has agreed with consultees over a period of time in order to improve and fine tune the document. The content of these changes is at

the discretion of the Council and the Inspector does not comment on them since they are not critical to the Plan's soundness. These Additional 'Minor' Modifications have nonetheless been subject to exactly the same level of consultation as the Main Modifications and have been passed to the Inspector for information. They will supplement the Main Modifications to the Local Plan,

The Local Plan Inspector has now published his final report on the new Local Plan. It states the Plan is sound, subject to a series of Replacement Main Modifications, and the Council is therefore now able to adopt the Plan. The proposed modifications need to be considered and agreed by the Council. The Plan cannot be adopted by the Council without the inclusion of the Inspector's modifications. Adoption of the Plan by the Council marks the final stage of its preparation. Adoption of the Plan will provide clarity and certainty for growth and regeneration to 2030. It would as a consequence supersede the current Torbay Local Plan (1995-2011), which was adopted by the Council in 2004.

Key stages of this process are illustrated below:

- ✓ **TLP Consultation Draft Plan** - Published 28 September 2012
- ✓ **TLP Proposed Submission (Publication) Plan** - Published 24 February 2014
- ✓ **TLP Submission to Secretary of State** – Submission 31 July 2014
- ✓ **TLP Examination Hearing Sessions** – Held 18-20 November 2014
- ✓ **Inspector's 'Initial Findings'** – Received 15 December 2014
- ✓ **Inspector's 'Further Findings'** – Received 23 December 2014
- ✓ **Council's Proposed Main & Additional Modifications to TLP** – Published 9 February 2015
- ✓ **Council's Response to representations to Proposed Main & Additional Modifications to TLP** – Published 22 April 2015
- ✓ **Council's Proposed Replacement Main & Additional Modifications to TLP** – Published 18 June 2015
- ✓ **Council's Response to representations to Proposed Replacement Main & Additional Modifications to TLP** – Published 14 August 2015
- ✓ **PINS Report of the Examination into Torbay Local Plan** – Published 12 October 2015

2.

What is the current situation?

The Inspector's Report includes thirteen Main Modifications, which cover four

key areas / topics, the first three of which were proposed by the Council and included in its Proposed Replacement Main Modifications document:

- The Plan should cover the period to 2030, with regular reviews and assessment against the delivery of new jobs and homes;
- Delivery of 8,900 homes in the Bay to 2030, which reflects Torbay's environmental quality and capacity;
- A requirement for the Council to produce new site allocation plans, showing the location and type of development over the medium term, if Neighbourhood Forums fail to deliver formal draft Neighbourhood Plans by the end of March 2016; and
- The inclusion of a site at Churston Golf Course (1st and 18th hole / clubhouse site) as a potential housing site over the medium to long term.

The Inspector rejected calls, by the housing industry, for much more development and for higher levels of affordable housing. He believes that quantum of development is unrealistic, in such an environmentally sensitive area, and that the level of demand from the market does not justify increased levels of growth. He also firmly rejected Neighbourhood Forums calls both for less growth and a cap on house building until jobs had been created. He said it was right for the Local Plan to be ambitious for new jobs and homes.

The Inspector has confirmed that the Plan includes enough land for housing for the next 5 years.

The following additional commentary is relevant to the Inspector's modifications:

- Plan period: This starts in 2012. The National Planning Policy Framework (NPPF) requires a minimum Plan period of 15 years from adoption. It was considered prudent during the Examination to reduce the Plan period rather than seek to increase housing numbers, not least because to add in further housing sites would have greatly extended the Examination period.
- Provision of new jobs: The Inspector recognises that the Plan is ambitious and is a Plan for growth. He supports the Council's growth strategy and accepts the target of 5,000-5,500 new net additional jobs during the Plan period as a reasonable basis for the strategy. However he recognises the need for careful monitoring, given the difficulties associated with both the forecasting of future job levels and the actual delivery of jobs.
- Number of new homes: The agreed level of 8900 new homes reflects both the environmental capacity of the Bay and the need for more homes, as driven by a number of factors, including jobs. This figure equates to almost 500 homes per annum across the Plan period. Delivery rates over the last 10 years have averaged around 480, although for the past three years this figure has averaged only around 300. This will require a strong focus on ensuring a sufficient housing

land supply, reinforcing the importance of maintaining a rolling' five year supply of housing and thereby ensuring housing supply policies remain up-to-date.

- **Neighbourhood Plan:** The Inspector has confirmed the deadline for delivery of neighbourhood plans for Torquay, Paignton and Brixham. By the end of March 2016, the Council will need to receive proposed neighbourhood plans and related documentation in order to comply with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. In practice, this means that well before the end of March 2016, Forums will have to have consulted with various consultation bodies for at least 6 weeks on the pre-submission version of the neighbourhood plan. If the Council does not receive proposed neighbourhood plans by the end of March 2016 it will be necessary for the Council to begin the preparation of Site Allocations Development Plan Documents in order to deal with local spatial planning matters.
- **Churston Golf Course:** The Inspector believes this site could be delivered. Such redevelopment is likely to require a new location for a club house and new holes to replace any lost as result of development. Both these have proved undeliverable to date, as a recent appeal decision has shown. It will be the role of the emerging neighbourhood plan to consider how this site might be promoted and tested further.

The Inspector's Report includes a number of implications for future work and working arrangements with neighbouring Councils:

- The Council would be required to undertake the rapid production of three Site Allocation Development Plan Documents if Neighbourhood Plans fail in one way or another
- Formal establishment of a South Devon Delivery Review Panel (or similar), with Teignbridge and South Hams District Councils, to monitor delivery of jobs and homes in the Bay
- 5 yearly reviews of the Plan, with evidence required to support those reviews
- Earlier review of the Plan, if land south of White Rock is shown to be capable of development

3. What options have been considered?

There are essentially two options open to the Council – to adopt, or to not adopt the new Local Plan (see also Section 8 below regarding Risks).

Now that the Council has received a final report from the Inspector which has found the Local Plan to be sound with 'Replacement Main Modifications', the Council is legally in a position to formally Adopt the Torbay Local Plan. It should be noted that the Inspector's Report is 'binding' and the Council can only adopt the new Local Plan with the Modifications agreed by the Inspector.

As the Council is not legally obliged to adopt the Torbay Local Plan, it could choose not to adopt the document. However, given the significant importance

	<p>that the Government attaches to Council's having in place an up-to-date local plan, this option is not recommended by officers. The relevance of this stance is reinforced by a number of other key government policy threads, including the existence of a 'plan-led' development management system, the requirement to demonstrate a rolling five year housing land supply and government's drive to encourage local planning authorities generally to provide a positive framework for investment in jobs and new homes. Any recommendation other than to adopt would in this context be both perverse and self-defeating.</p>
<p>4.</p>	<p>How does this proposal support the ambitions and principles of the Corporate Plan 2015-19?</p> <p>The Local Plan comprises a wide range of spatial planning policies, which individually and collectively seek to address all of the Corporate Plan's ambitions, namely:</p> <ol style="list-style-type: none"> 1. Protecting all children and giving them the best start in life 2. Promoting healthy lifestyles across Torbay 3. Working towards a more prosperous Torbay 4. Ensuring Torbay remains an attractive and safe place to live, visit and work 5. Protecting and supporting vulnerable adults. <p>The policy framework set out in the Local Plan similarly addresses the need to embrace each of the stated principles of the Corporate Plan, namely to use reducing resources to best effect, reduce demand through prevention and innovation, and to pursue an integrated and joined up approach to change and development.</p> <p>In addition, both the Sustainability Appraisal and the Habitats Regulations Appraisal that accompany the Local Plan have sought to ensure that these ambitions and principles have received particularly close scrutiny.</p>
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>All business and resident communities in the Bay will be affected in different ways by the policies set out in the new Torbay Local Plan.</p> <p>For this reason, Plan preparation involves consultation and engagement with a large number and range of individuals and organisations. Details are held in the Local Plan Consultee Database, which contains around 800 contacts, each of whom has been consulted directly by email or letter at each consultation</p>

stage. Contacts include residents, Neighbourhood Forums and Community Partnerships, amenity organisations, statutory bodies, utilities, businesses, planning consultants and developers. All Ward Councillors are consultees and have been closely involved in the evolution of the Local Plan. Key policy issues affecting the Plan have been considered and discussed by Members on a continuous basis.

The new Local Plan has therefore been the subject of extensive consultation and there has been considerable public engagement during the course of its preparation. Further details are set out in Sections 11 and 12 below.

6. How will you propose to consult?

The preparation of local plans 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 (SCI). A variety of methods of public participation and engagement have been used, according to the stage reached in Plan preparation. Early stages of plan preparation have focussed on identification of key issues and the consideration and appraisal of alternative development options for growth.

A Consultation and Engagement Strategy has been developed for each relevant Plan preparation stage. In each case it has involved widespread use of the press and other local media, websites, community liaison, posters, and email and paper correspondence with a large number of consultees. Council Offices, Libraries and Connections Offices have been used to display Local Plan reference documents.

Public engagement during preparation of the Plan has therefore been in accordance with both the statutory framework for consultation set out in the relevant Regulations and in the Council's Adopted SCI.

During the current final stages of the Local Plan's preparation, the Council is required by legislation to advertise receipt of the Inspector's Report and to publish it on its website, and to serve Notice accordingly on consultees.

Similarly, following Adoption of the Plan, the Council is required to publish a Notice of Adoption, Adoption Statements for the Plan and the Sustainability Appraisal, the Adopted version of the Plan and to serve Notice on consultees. This needs to be carried out in a timely manner to ensure compliance with the

arrangements facilitating any legal challenge to the Plan (see also Section 8).

Section 2: Implications and Impact Assessment

7. What are the financial and legal implications?

Adoption of the Local Plan will ensure that a clear and positive planning policy framework is in place. This will act as a catalyst for regeneration and investment in key locations throughout Torbay. The provision of new homes (shelter) and jobs (income) will contribute to the reduction in levels of deprivation. In turn, development proposals provide opportunities for income generation for provision of community facilities via S106 Agreements, Community Infrastructure Levy (CIL) and award of New Homes Bonus (NHB). For example, in the key development areas allocated in the Torquay Town Centre, Paignton Town Centre, Torquay Gateway, Collaton St Mary and Great Parks Masterplan areas, it is estimated that there is potential to generate some £22.5m of NHB.

The government operates a plan led development plan system in the context of the National Planning Policy Framework and National Planning Practice Guidance, with an overarching presumption in favour of sustainable development. The preparation and adoption of a sound statutory local plan will maximise the opportunities arising from this approach to secure well-planned and located development in accordance with a robust and evidenced policy framework.

With a five year supply of housing land secured through an adopted Local Plan, the Local Planning Authority will be well placed to manage development in accordance with an agreed spatial planning strategy, rather than having to experience a plethora of sporadic and piecemeal development proposals, which would otherwise be the case. This in turn deters the submission of non-policy compliant planning applications, reduces the need for appeals and public inquiries, and minimises costs to the Council. An adopted new Local Plan will therefore be key to managing change and protecting our unique environment in accordance with an agreed spatial strategy.

It should be noted that there are financial implications attached to the additional work necessary following Adoption of the Plan (see Recommendations 3.6d, e, f and g above). This will be the case particularly in

	<p>relation to the updating or renewal of the policy evidence base (eg Strategic Housing Market Assessments, Retail Studies) required to support the production of SPDs, possible Site Allocation DPDs and any future review of the Local Plan. Research underpinning the latter is likely to have a cross-boundary dimension, providing some potential opportunities to share costs.</p>
<p>8.</p>	<p>What are the risks?</p> <p>Preparation of the Torbay Local Plan is a corporate priority. The key aim of the Plan is to provide a clear direction for sustainable growth in Torbay over the next fifteen years or so. Failure to adopt the Local Plan following the close of the Independent Examination would result in a high risk of speculative development taking place in unsustainable locations. Without the new Local Plan in place, the Council will not be able to demonstrate a five year supply of housing. This is particularly relevant in the context of the National Planning Policy Framework (NPPF), which emphasises the need to produce up-to-date local plans and sets out the risks to local planning authorities that fail to pursue this approach. Failure to support this final stage of the Local Plan would also result in a lost opportunity to secure community gains for local areas, remove the potential benefits to be derived from ‘parallel tracking’ with the three neighbourhood plans, and lead in turn to a loss of confidence within the community.</p> <p>A decision to agree the recommendation in this Report to Adopt the new Local Plan would remove these particular risks. The decision to adopt the Plan should not in itself constitute a risk to the Local Planning Authority in spatial planning terms, because it has been rigorously tested at Examination and its policies and delivery mechanisms are subject to monitoring and review.</p> <p>However, Members are reminded that by law the Adoption of the Plan is open to legal challenge. Any person aggrieved by the Local Plan may make an application to the High Court <i>within six weeks of the Plan’s adoption</i> in accordance with the relevant Act. The Plan can be challenged on specified grounds only. If successful, the High Court may quash the Plan wholly or in part. Should a challenge arise, the Council could be liable for the payment of related costs; conversely, it may be awarded costs to cover preparation of its own case, depending on the outcome of the challenge.</p> <p>Members should be aware that following the adoption in 2004 of the current Torbay Local Plan (1995-2011), the Council adopted five related Supplementary Planning Documents (SPDs) to provide further detailed guidance on the implementation of specific Local Plan policies. It is important that the status of these SPDs and other relevant planning guidance is not lost following the superseding of the current Local Plan by the new Plan. To ensure that they continue to retain weight in the determination of planning applications in the short term, Members are recommended to agree to their retention as supplementary planning guidance, insofar as the SPDs and other planning guidance do not conflict with policies in the new Local Plan.</p> <p>The relevant guidance is as follows:</p>

	<ul style="list-style-type: none"> ➤ Sections 13-15 (The Historic Environment) and Sections 16-19 (The Natural Environment) of the 2004 Adopted Torbay Local Plan Environmental Guide. ➤ Greenspace Strategy SPD (2006) ➤ Urban Design Guide SPD (2007) ➤ Planning Contributions and Affordable Housing SPD (2008) ➤ Paignton Town Centre Masterplan SPD (2015) ➤ Torquay Town Centre Masterplan SPD (2015) <p>To ensure their continued relevance, it will be necessary to implement a programme of review, consolidation or replacement of such guidance in the context of the new Local Plan.</p>
<p>9.</p>	<p>Public Services Value (Social Value) Act 2012</p> <p>The submitted Local Plan has been examined by an Independent Planning Inspector, appointed by Government. Funding of the Examination of the Local Plan is the responsibility of Torbay Council; the final fee for the Inspector’s services was approximately £38,750. The appointment of an Independent Inspector and the operation of the Public Examination process is not a procurement matter.</p> <p>An experienced Programme Officer was appointed to manage the Examination process and to liaise between the Inspector and the Council. The post is graded at Scale I (Scale Points 34 – 37, pro rata) and this temporary contract has run for the duration of the Examination process. The post has operated on both a part-time and full-time basis, according to the particular stage of this process and the associated workload.</p> <p>The costs of both the fees of the Planning Inspector and the salary of the Programme Officer are covered by an approved Spatial Planning budget.</p>
<p>10.</p>	<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 the preparation of local plans is informed by an up-to-date, relevant and proportionate evidence base. This is a critical and fundamental prerequisite of a sound local plan. Torbay has prepared a wide range of studies for this purpose, both individually and jointly with other organisations.</p> <p>This extensive evidence base extends to over 100 documents dealing with the extremely wide range of topics that the Council is required to address in the plan-making process. These include detailed research covering planning process and legal compliance, including sustainability appraisal and habitats regulations assessment, as well as community, housing, economy, development viability, retailing, tourism, transportation, infrastructure and</p>

	<p>resource management, environment and monitoring.</p> <p>Full details of these documents are available via the Local Plan Examination webpage www.torbay.gov.uk/localplanexamination</p>
<p>11.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>Consultation has been required at each of the key stages of the statutory plan-making process.</p> <p>Some 143 individuals and organisations made representations on the Proposed Submission Plan (February 2014). Subsequently, 280 individuals and organisations made comments on the Proposed Modifications to the Submission Plan (published 15 February 2015), almost 85% of which related solely to two proposed new housing sites. These figures had reduced to 42 individuals and organisations making separate representations on the Proposed Replacement Modifications to the Plan (published in 18 June 2015).</p> <p>The gradual reduction in the scale of representations received by the Council is a reflection of the thorough and continuing negotiation that took place between the Council and objectors during the course of the Examination, in order to resolve concerns and to achieve the outcome of a sound Plan.</p> <p>In all cases, representations received on the different versions of the emerging new Local Plan (including option generation) have been recorded, analysed and responded to accordingly by officers. All of the Council findings and responses have been published and forwarded to the Examination Inspector for his consideration.</p> <p>Full details of these documents are available via the Local Plan Examination webpage www.torbay.gov.uk/localplanexamination</p>
<p>12.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>The conclusions set out in the response documents referred to above have been fed into each subsequent stage of plan preparation process. Typically they have been used to amend, refine and clarify the wording of specific policies and supporting text, helping to ensure compliance with current legislation and best practice. Wherever possible, comments have been used both to help shape and improve the content of the emerging new Local Plan.</p> <p>Additional negotiations undertaken with key bodies such as Natural England have also helped to inform the Sustainability Appraisal and Habitats Regulations Assessment. This work has resulted in changes to the Plan to improve the level of sustainability of proposed development and to ensure the mitigation of any potentially harmful effects of policies in the Plan.</p> <p>Members have been apprised of the key changes that have been made to the new Local Plan over the passage of time via Member Group Meetings, the relevant Policy Development Group and Executive Lead briefings.</p>

Equality Impacts

<p>13</p>	<p>Identify the potential positive and negative impacts on specific groups</p> <p>The Local Plan has been subject to Equality Impact Assessment (EqIA) throughout its evolution. In particular, two full EqIAs have been carried out, at the Draft Plan stage (2012) and the formal Submission stage (2014). Details of the latter can be accessed via www.torbay.gov.uk/localplanexamination</p> <p>Following Adoption of the Local Plan with Modifications, the Council will update the 2014 EqIA to reflect the agreed changes. In the interim, the table below has been completed to reflect the 2014 EqIA and the Modifications that have been agreed by the Inspector who conducted the Examination into the soundness of the Local Plan.</p>		
	<p>Positive Impact</p>	<p>Negative Impact & Mitigating Actions</p>	<p>Neutral Impact</p>
<p>Older or younger people</p>	<p>The new Torbay Local Plan, as Modified by the Examination Inspector, contains various Policies that specifically support the needs of older and younger people, including Policies SS11 Housing, H1 Applications for new homes, H2 Affordable housing, H3 Self-build affordable housing and exception sites, H4 Houses in Multiple Occupation (HMOs), H5 Sites for travellers, H6 Housing for people in need of care, SC3 Education, skills and local labour, SC5 Child poverty, and SS10 Sustainable communities.</p>		
<p>People with caring responsibilities</p>			<p>No differential impact</p>

People with a disability	The new Torbay Local Plan, as Modified by the Examination Inspector, contains various Policies that support the needs of people with a disability, including Policies SS11 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 new Torbay Local Plan, as Modified by the Examination Inspector, contains various Policies that support the needs of people who are black or from a minority ethnic background, including Policies SS11 Housing, H1 Applications for new homes, and H5 Sites for travellers.		
Religion or belief (including lack of belief)	The new Torbay Local Plan, as Modified by the Examination Inspector, generally has a neutral impact on religion and belief, although Policy SS10 Sustainable communities has a general relevance.		
People who are lesbian, gay or bisexual			No differential impact

People who are transgendered			No differential impact
People who are in a marriage or civil partnership			No differential impact
Women who are pregnant / on maternity leave			No differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The new Torbay Local Plan, as Modified by the Examination Inspector, contains various Policies that specifically address socio-economic impacts, including Policies SS3 Presumption in favour of sustainable development, SS4 Economy and employment, SS10 Sustainable communities, SS11 Housing, H1 Applications for new homes, H2 Affordable housing, H3 Self-build affordable housing and exception sites, H5 Sites for travellers, H6 Housing for people in need of care, SC3 Education, skills and local labour, SC5 Child poverty, and ES1 Energy.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The new Torbay Local Plan, as Modified by the Examination Inspector, contains various Policies that specifically address the public health impacts of development in Torbay, including Policies SS3 Presumption in favour of sustainable		

		development, SS8 Natural environment, SS9 Green infrastructure, SS10 Sustainable communities, SS11 Housing, H1 Applications for new homes, H2 Affordable housing, H4 Houses in Multiple Occupation (HMOs), H6 Housing for people in need of care, SC1 Healthy Bay, SC2 Sport, leisure and recreation, SC3 Education, skills and local labour, SC4 Sustainable food production, and SC5 Child poverty.		
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	The new Torbay Local Plan sets out a planning policy framework for sustainable development in Torbay, including the provision of homes and jobs, and the protection and enhancement of the environment and biodiversity. The Plan also embraces corporate priorities. Where changes are made in Council wide policy, those with spatial implications, including all Council-led development, have to be in accordance with the policies of the adopted Plan. As a consequence, the development management process should help both to reinforce the positive impacts of development and ensure mitigation of any harmful effects.		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	The new Torbay Local Plan sets out a planning policy framework for sustainable development in Torbay, including the provision of homes and jobs, and the protection and enhancement of the environment and biodiversity. Where changes are made across other public services, those with spatial implications similarly have to be in accordance with the policies of the adopted Plan. As a consequence, the development management process should help both to reinforce the positive impacts of development and ensure mitigation of any harmful effects.		