

## **Appendix 4**

Schedule of Proposed Replacement Additional (Minor) Modifications to Local Plan - Text

[Derived from Examination Library Document TCRMOD/5 - see Council Report Background Document B.1]

## Explanatory note

This schedule contains the Proposed Replacement Additional Modifications to the Submission Local Plan, which were set out in Examination Library Document TCRM0D/5. These are matters which are considered by the Council not to go to the heart of the Local Plan's soundness or to represent a significant change to the Plan's strategy. They are mainly updates to the text or clarification of environmental etc standards. They also include matters of clarification, update and minor changes to Policy, but not a significant change to the Plan's strategy. These matters will be considered carefully by the Council in finalising the Local Plan.

### \*October 2015 Update: Amendment to RAM91

The Inspector's Final Report (12<sup>th</sup> October 2015) indicated that Replacement Main Modification 13 *"is a relatively minor matter relating to retail impact assessments (which) should be considered as a minor modification to the Plan"* (paragraph 71). Accordingly RMM13 has been reclassified as RAM91A. The previous RAM91, which also relates to the floorspace thresholds for retail assessments has been renamed RMM91B

This Schedule is accompanied by a related document (see Appendix D below) which illustrates a number of Policies Map changes, previously set out in Examination Library Document TCRM0D/6.

### **The Proposed Replacement Additional Modifications are expressed as follows:**

Replacement Additional Modifications to Local Plan Policies – new text is shown as **underlined emboldened red text**; deleted text is shown as a black ~~strikethrough~~.

Additional Modifications to Local Plan explanatory text – new text is shown as underlined black text (not emboldened); deleted text is shown as a black ~~strikethrough~~.

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

[Note that these Replacement Additional Modifications replace the previous Additional Modifications published in February 2015. For consistency the numbers have been kept the same (so RAM1 and AM1 relate to the same subject matter).]

Modification Reference	Local Plan policy/para	<p><b>Amended text:</b> Amended Policy text is set out in <u>red emboldened underlined text</u>. New Explanatory text is shown as non-emboldened <u>underlined</u> text. Deleted text is shown as <del>strikethrough</del>. (RAM= Replacement Additional Modification)</p> <p>For Information: Replacement Additional Modifications (RAMs) cover the same subject matter as the withdrawn Additional Modifications (So RAM1 corresponds to withdrawn AM1 etc).</p>
RAM1	all	All square metre area measurements should read Sq m (or M <sup>2</sup> ) and not metres squared (M <sup>2</sup> ). This applies throughout the Plan
RAM2	1.1.3	Amend last sentence: <del>but the growth trend will be upwards — particularly after 2018 when the market is expected to improve.</del> <u>but the Local Plan seeks to set out a sustainable strategy to promote and accommodate growth within environmental and infrastructure limits.</u>
RAM3	1.1.5	Amend as follows: <del>demand for new homes starts to rise and investment delivers improved infrastructure.</del> <u>The Local Plan's strategy will be subject to five year reviews, where evidence of the need for development and the Bay's capacity to accommodate it will be reassessed (See Part 7.5).</u>
RAM4	1.1.8	Line 7: replace " <del>we know</del> " with " <u>the Council has assessed</u> "
RAM5	1.1.15	Third sentence add after: " <u>A basket of measures will be used to determine whether the Local Plan's growth strategy remains supported by evidence of need and capacity. The Council will consider whether additional land is needed: for example where there is "planning failure" (e.g. a lack of land available) there is a case to increase land supply. However where there is market failure (e.g. lack of delivery of new homes), other solutions to allocating more land are likely to be appropriate.</u> "
RAM6	2.1.2	Add on fourth line, after landscape: " <u>historic</u> " Add at end of first bullet point: " <u>that enhances and realizes the economic potential of the historic environment</u> "
RAM7	2.2.5	Add at end of paragraph: " <u>progress towards creating jobs and improving the local economy will be assessed as part of the Local Plan review</u> "
RAM8	2.2.9	Add reference to conservation assets at 2.2.9: <u>Torbay has a rich historic environment, with significant prehistoric, medieval, C18<sup>th</sup> and 19<sup>th</sup> assets.</u>
RAM9	2.2.11	Amend penultimate sentence: <u>...These 'constrained' sites, which are not considered as developable or deliverable in the Plan period, will be included in a reserve of land alongside those sites in Teignbridge and South Hams as part of an ongoing duty to cooperate to consider housing need and sustainability on a cross boundary basis by the LPAs in the area. This reserve will only be drawn on when demand shows it is needed, having regard to the most up to date evidence of objectively assessed</u>

		<u>need (see paragraph 7.5.14 below), evidence about each site, and if the constraints originally identified remain valid.</u>
RAM10	2.2.13	<p>N.B This paragraph cites external statistics etc that will need updating as new data becomes available.</p> <p>Amend Bullet 2, second sentence: <u>The most recent projections, 2012 based sub-national population projections, released May 2014, project a population increase from 132,300 in 2014 to 134,450 in 2021 and 138,900 in 2032- an increase of 11,000 people over the Plan period. The most recent (2012 based, published February 2015) DCLG Household Projections indicate an increase of 7,550 households in Torbay between 2012-30. Torbay's population growth is driven by (domestic) migration, and the population projections assume an increase in inwards migration in the latter part of the Plan period.</u></p> <p>Third bullet point: change <del>most recent</del> to <u>previous</u></p>
RAM11	2.3.1	<p>Economic Recovery and Success- last bullet point: add the <u>historic and marine environment</u> Protect and enhance a superb environment: add bullet point <u>protect and enhance country parks</u></p> <p>Amend penultimate bullet- Enhancement of the Yalberton Valley and <u>Westerland Valley</u> for nature conservation and <u>green sustainable</u> tourism.</p> <p>Create more sustainable local places. Add new penultimate bullet point: <u>provide affordable homes for local people</u></p> <p>Revise last bullet point: Support affordable self build and <u>custom built</u> homes for local people, across the Bay</p> <p>New last point: <u>Seek to minimise crime, fear of crime, disorder and antisocial behaviour through appropriate design, management and location of development.</u></p>
RAM12	Aspiration 1	Add new bullet point " <u>To ensure a balanced provision of housing and employment</u> "
RAM13	Aspiration 3	<p>Amend bullet point 1: To safeguard heritage assets, <u>including those at risk...</u></p> <p>Amend bullet point 2: ...landscape character <u>river corridors, open spaces, country parks and natural areas and setting of proposals</u></p> <p>Last bullet: add and sustainable tourism value</p>
RAM14	Aspiration 5	<p>(Bullet 5): add <u>by incorporating climate change factors such as run-off, sea level rise, increased storminess and unpredictable weather.</u></p> <p>(Bullet 6): add "<u>over the lifetime of development</u>".</p>
RAM15	4.1.11	Bottom line add AONB, <u>historic environment, valuable....</u>

RAM16	Picture 4.1  Key Diagram	<p>Expand indicative line SDB3.1 east to cover Galampton</p> <p>Note amendments to Legend to Key Diagram: <del>Strategic Delivery Areas</del> (top line renamed <b>Strategic Policy Areas</b> . Insert <b>Strategic Delivery Areas</b> above dotted green and red boxes.</p> <p><b>On Key Diagram, amend indicative boundary of SDB3.1 by moving slightly westwards to reflect local settlement pattern more accurately.</b></p>
RAM17	4.1.20	<p>Amend paragraph 4.1.20 and insert new paragraph after 4.1.20:</p> <p>The Sustainability Appraisal and Habitats Regulations Assessment for the Local Plan has carried out plan level assessments <del>not included assessment of the impact of</del> development proposals on greenfield sites identified as having significant constraints, such as in AONB. As such, it will be necessary for any development coming forward on those sites to be assessed <u>at a project level</u> in its own right, but also on the cumulative impacts taking account of development on more sustainable / less constrained sites in the Bay.</p> <p><u>Torbay has significant environmental constraints, including being within the flight paths and foraging zone of the South Hams Special Area of Conservation. The Habitats Regulations Site Appraisal Report of the Torbay Local Plan (Kestrel Wildlife 2014) identifies a number of mitigations measures for safeguarding the integrity of the SAC. The greater horseshoe bat mitigation strategy should be implemented within development areas. Further details are set out in Policy NC1 and the Strategic Delivery (“SD”) policies of this Plan. This includes maintenance of darkened corridors to maintain flight paths, and the use of developer contributions to manage increased recreational pressure on the South Hams SAC resulting from increased housing numbers and recreational pressures.</u></p>
RAM18	4.1.21	<p>Amend last line: natural <u>and historic</u> environment</p>
RAM19	4.1.32	<p>Add to end of paragraph: <u>Masterplans have been prepared for Torquay Gateway, Great Parks Paignton, and Collaton St Mary, Paignton as well as Torquay and Paignton Town Centres. The Masterplan for Great Parks was completed in 2013 as supplementary guidance. The Town Centres Masterplans were adopted by Council as Supplementary Planning Documents on 1 June 2015. The Masterplans for Torquay Gateway and Collaton St Mary will be adopted as SPD following adoption of the new Local Plan. This suite of Masterplans are expected to inform Neighbourhood Plans.</u></p> <p><u>Whilst the Masterplans are based on sound evidence and have undergone public consultation, all capacities identified by them will be treated as provisional until HRAs and drainage infrastructure assessment has been carried out for specific development proposals, and appropriate mitigation strategies put in place. Mitigation strategies should be informed by bat survey evidence using standards set out in the 2010 South Hams SAC Guidance.</u></p> <p>After paragraph insert new text: <u>Greater horseshoe bat mitigation strategies for the four Future Growth Areas should be</u></p>

		implemented as recommended by the HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014.
RAM20	SS3	Amend first sentence of Policy SS3: ...positive approach reflecting <b>in accordance with</b> the presumption in favour...
RAM21	4.1.36	Add to end of paragraph add: <u>"It will be noted that paragraph 119 and footnote 9 of the NPPF indicates that some matters such as AONB, Habitats Regulations, flooding and coastal erosion and designated heritage assets may outweigh the presumption in favour of sustainable development."</u>
RAM22	4.2.20	Add new penultimate sentence: <u>For example, this could involve using South Devon College's expertise in delivering renewable energy solutions in new, and upgraded existing development.</u>
RAM23	SS5	Add sentence to end of second paragraph (starting "This will include"):  <b><u>In the case of mixed use developments, an element of cross subsidisation of employment uses from higher value land uses will be sought, to ensure the speedy delivery of employment element of developments.</u></b>  Amend penultimate paragraph of SS5 (Proposals for the loss of...):  <b><u>Where there is no reasonable prospect of the site being used for Class B other (i.e. non Class B) employment purposes or such a use would conflict with the Local Plan, preference will be given to other employment generating uses subject to other policies in the Local Plan alternative uses that help deliver sustainable local communities will be supported.</u></b>
RAM24	4.2.26	Add to end: <u>Whilst Policy SS5 allows for a mix of employment types, there is a need for class B1 and B2 jobs to increase the Bay's value added and rebalance the economy away from the service sector. On this basis proposals that provide a high proportion of "B" space will be encouraged. The 25% noted above will not be seen as a maximum (see Glossary for definition of "B" space).</u>
RAM25	4.2.27	Amend paragraph as follows:  Table 4.2 sets out potential employment sites in Torbay, for information purposes. This should be read in conjunction with the Strategic Delivery Area policies (SDT, SDP and SDB). In the early stages of the Plan, employment is expected to come forward from employment land with planning permission at Edginswell Business Park (2.8ha) and White Rock (8.8ha). The Plan also seeks early delivery on employment sites on previously developed land such as Brown's Bridge (Torquay), <u>South Devon College and new Innovation Centre, Bookhams/ Devonshire Park, Yalberton Road and Claylands (Paignton)</u> ; and existing sites, such as Yalberton, that are in need of a 'refreshed' offer. There will also be an emphasis on regenerating the three town centres to bring forward improvements of existing and addition of new employment space. <u>Masterplans setting out regeneration proposals for Torquay and Paignton town centres were adopted by the Council as SPD in June 2015. These</u>

		<p>sources of are expected to provide at least 10 years of new employment space delivery.</p> <p>Add text to end of paragraph: <u>In order to secure the delivery of modern employment buildings, an element of cross subsidy will be sought from Masterplans and in the consideration of strategic development schemes (see glossary), This will be secured either through land equalisation agreements, direct provision of servicing of employment land/infrastructure or through developer contributions.</u></p>
RAM26	4.3.17	Amend: reduce rat-running <u>including</u> through Marldon, Berry Pomeroy, <u>Galmpton</u> , and reduce further afield impacts.
RAM27	4.3.18	Add after first sentence: <u>Detailed routing will need to address matters such as rights of way.</u>
RAM28	4.3.23	Add at end of paragraph: <u>such works should have regard to the requirements of the Habitats Regulations and be acceptable in terms of the Candidate SAC and Marine Conservation Zone.</u>
RAM29	SS7	<p><b>Infrastructure phasing and delivery of development</b></p> <p>Amend paragraph 2 as follows:</p> <p>In order to be permitted, development must be supported by provision of the critical infrastructure required for the development to proceed. <b><u>Development that does not provide critical infrastructure such as flooding, highway safety or ecological/environmental improvements to meet Habitat Regulations will not be permitted.</u></b></p> <p>Add additional point to paragraph 6:</p> <p>In seeking developer contributions, regard will be had to:</p> <p><b><u>2) The need to prioritise critical infrastructure provision, e.g. flood defence works, highway safety works and/or ecological/environmental improvements to meet Habitat Regulations requirements.</u></b></p>
RAM30	4.3.27	<p>Amend sub-paragraph 1 as follows:</p> <p>1. Critical infrastructure: physical and enabling infrastructure, which must be delivered on time to allow proposed development to proceed in narrow physical or safety terms (e.g. road access, flood defence works, sewerage capacity, water and electricity). <u>Infrastructure necessary to make development comply with Habitats Regulations requirements, particularly affecting the SAC and Marine cSAC will be treated as critical infrastructure:</u></p>

RAM31	4.3.29	Add text to end of paragraph: <u>The Assessment of Future Sewer Capacity Study to 2032 (AECOM 2014) identifies the need for a programme of sustainable urban drainage (SuDs) and water sensitive urban design (WSUD). Policies ER1, ER2 and W5 deal with flood risk and water management in more detail. There will be a need for developer contributions, whether s106 or CIL, to help bridge infrastructure funding gaps. Matters that deal with critical infrastructure, such as flood protection, will be given the highest priority, and development will not be permitted if such matters cannot be satisfactorily addressed.</u>
RAM32	4.3.34	Add to end of paragraph: <u>However, notwithstanding the above considerations, developments that are unable to mitigate successfully matters such as flood risk will not be permitted.</u>
RAM33	4.4.3	Add penultimate sentence: <u>The south of the Bay is part of the South Devon AONB</u>
RAM34	SS8	<p>Amend Policy SS8 as follows: All development should have regard to its environmental setting and should positively contribute to the conservation and enhancement of the natural assets and setting of the Bay.</p> <p>The Council will <del>seek to</del> safeguard, conserve and enhance the valued qualities, features and attributes of sites protected under European legislation and other important natural landscape, including tranquillity, dark night skies, <u>bathing waters</u>, biodiversity and geodiversity <u>commensurate with their importance. It will ensure that:</u></p> <p><u><b>New Point 1: Sites, species and habitats protected under European, or equivalent, legislation will be protected from development. Development, around the edge of the built up area will be required to protect and manage wildlife and habitats, including corridors between them, in accordance with Policy NC1. Particular attention must be paid to greater horseshoe bat flight paths, and ciril buntings.</b></u></p> <p>2 (former 1) Delete “natural” before landscape in Line 2</p> <p>3 (former 2) Development proposals outside the AONB will be supported where they conserve or enhance the distinctive landscape character <u>and biodiversity</u> of Torbay.</p> <p>Add to end of point 3 (former 2): However, it will be particularly important to ensure that development outside the AONB does not have an unacceptable impact on the special landscape qualities of an adjoining or nearby AONB <u>or other valued landscapes such as country parks.</u></p> <p>4 (former 3) The Council will, in considering major planning applications, seek long term land management practices to maintain or restore landscapes, greenspace, <u>dark corridors</u> and amenity open spaces, integrating biodiversity and green infrastructure objectives including improved public access. If development impacts adversely upon biodiversity, geodiversity or countryside management, developer contributions <u>and mitigation measures will</u> may be required to improve management or enhancement of the natural environment with a goal of achieving a net gain in biodiversity.</p>
RAM35	4.4.6	Add to end of paragraph: <u>In addition to national sites, Torbay has a network of locally important wildlife sites and corridors.</u>



		<p>These are shown on the Policies Map and are addressed by Policy NC1 “Biodiversity and geodiversity”. Other policies in the Local Plan such as C4 “Trees, hedgerows and natural landscape features” are also relevant.</p> <p>Regard should be had to the Nature of Torbay – a Local Biodiversity and Geodiversity Action Plan 2006-16 in respect of all target habitats and species in Torbay.</p>
RAM36	4.4.7	<p>Amend second sentence: The Council will <u>require no overall detriment</u> and seek net gains in the natural environment <del>as a desirable outcome</del> in accordance with paragraphs 9 and 117 of the NPPF</p> <p>Add to end of paragraph: <u>However such mitigation measures cannot be used to compensate intrinsically unsuitable development (see Policy NC1). High quality bathing waters are an important asset both for ecology and tourism in Torbay. The Bathing Waters Directive requires that the quality of sea water be improved. Policies ER2, ER3 and W5 seek to minimise the impact of waste water upon bathing water qualities, for example by removing existing and restricting new surface water connections to combined sewers.</u></p>
RAM37	4.4.9	<p>Add to end of paragraph: <u>Much landscape is man-made and there is an interrelationship between the historic and natural environment for example when considering hedgerows, field patterns and other naturalized features (see Policies HE1 and C4.</u></p>
RAM38	SS8.1/HE1	<p>Note that <b>Policy HE1</b> will be re-badged as a strategic policy and inserted at this point (after SS8)..</p>
RAM39	HE1 / SS8.1	<p><del>The Council will seek to</del> <b>Development will be required to</b> sustain and enhance those monuments, buildings, areas, walls and other features which make an important contribution....</p>
RAM40	6.3.3.1	<p>Add to the end of the paragraph: <u>The Council will keep under review the need both for amendment to existing Conservation Area boundaries and for the designation of new Areas.</u></p>
RAM41	6.3.3.11	<p>Add text at end of (HE1) to refer to the Heritage Strategy:</p> <p><u>The Torbay Heritage Strategy was adopted in 2011. Its purpose is:</u></p> <ul style="list-style-type: none"> <li>• <u>to develop a strategy that will help maintain the local and community identity</u></li> <li>• <u>to be mindful and respectful of the things that make Torbay a special place</u></li> <li>• <u>to contribute to the quality of life for residents and the community</u></li> <li>• <u>to initiate conservation-led regeneration to maintain geographical and historical character</u></li> <li>• <u>to restore original and sentimental character to heritage assets</u></li> <li>• <u>to encourage an already thriving tourist economy.</u></li> </ul> <p>Policies SS8 and C3 are also relevant to natural features and naturalised manmade features (such as hedgerows or historic</p>

		<u>ruins) of historic or landscape significance.</u>
RAM42	SS9	Add new criterion after e): <b>f) <u>Maintain existing and contribute to new tree planting and woodland creation</u></b>
RAM43	4.4.13	Amend paragraph and add new sentence:  ...Aller Valley GI link and cycle link (Teignbridge District Council), and enhanced access to and within the <u>Yalberton Valley and Kingswear Peninsular (South Hams District Council). The Recreational Impacts on Berry Head Study (Footprint Ecology 2014) has indicated that development within 5km of Berry Head (broadly equivalent to SDB1 Brixham Peninsula) could place additional pressure on this component of the South Hams SAC, and identified measures needed to be carried out to enhance the management and durability of Berry Head (See Policy NC1 below).</u>
RAM44	4.4.15	Add: <u>Yalberton Valley between Great Parks and White Rock</u>  Add at end of paragraph: <u>Country parks and other green infrastructure are often of historic importance, particularly Cockington and Berry Head, Brixham. Policy HE1 (SS-) is relevant to consideration of these historic assets.</u>
RAM45	4.5.12	Amend introductory text: <u>Evidence of Torbay's housing requirement need will be kept under review, particularly as population and household projections are regularly refreshed (see Section 7.5 below). The current evidence is set out in:</u>  Add new bullet point: <u>The most recent demographic data is currently the 2012 based ONS population projections (published 2014) and the 2012 based DCLG household projections (published 2015).</u>
RAM46	4.5.13	Add to end of paragraph: <u>The 2012 (published 2014) based population projections indicate a population increase of 11,000 people between 2012-32, which is a third lower than the 2011 based figure. Analysis of the projections shows that they are dependent upon high migration rates.</u>
RAM47	4.5.14	Bullet 1: add <u>ONS projections have been adjusted downwards over the past 10 years.</u> Bullet 3: replace "Household sizes are falling" with <u>Household sizes did not fall between 2001-11, but may fall in the future, but any fall is likely to be less fast than predicted...</u> Last bullet: add <u>However, deaths in Torbay still outnumber births by approximately 5:4.</u>
RAM48	4.5.25	Amend sentence: This may trigger a review of homes required, <u>either upwards or downwards.</u>
RAM49	4.5.26	Amend sentence: ...20 years <u>and possibly beyond</u>
RAM50	SS10	Point 5: add <b>...<u>whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict.</u></b>

		Point 13: amend to clarify meaning as follows- Provide a good standard of residential accommodation especially in <del>community investment areas, identified on the policies Map</del> , by seeking to retain small to medium size homes (2-4 bedrooms) and resisting change of use of these homes to HMOs and small self contained flats. <b><u>This applies especially in community investment areas identified on the Policies Map, and other areas with poor quality housing.</u></b>
RAM51	4.5.30	Add text at end of paragraph: <u>Planning should create safe and accessible environments where crime and the fear of crime do not undermine quality of life or community cohesion (NPPF paragraph 58 refers). The Police Architectural Liaison Officer (ALO) will provide advice and recommendations on designing out opportunities for crime, disorder, antisocial behaviour and community conflict in the built environment. In addition to design, the location and management of development are relevant. In appropriate cases the Council will work with the Police ALO to assess the potential crime (etc) impact of development and, where impacts can be mitigated, necessary management or mitigation measures (see also Policy TC5 Evening and nighttime economy and DE1 Design).</u>
RAM52	4.5.32	Penultimate line: delete " <del>over the next 5 years</del> ".
RAM53	SS11	Revise last sentence of paragraph 3 as follows: Development <b><u>within the Brixham Peninsula (SDB1)</u></b> should have regard to Policy NC1 concerning the need for developer contributions to mitigate the impact of <b><u>increased</u></b> recreational pressure on the South Hams SAC.  Amend first sentence of last paragraph: The overall provision of homes will be carefully monitored to ensure that it is provided in a sustainable manner <b><u>and maintains a rolling five year supply of deliverable sites in accordance with Policy SS12.</u></b>
RAM54	4.5.34	Amend after fourth sentence and add new text:  <u>This figure meets the demographically implied provision in the 2012 based population projections and household projections derived there from, with an allowance for economic prosperity and meeting a backlog of need from hidden households. This figure will need to be reviewed and adjusted for changes in migration rates household size and economic performance (and concomitant housing demand) as part of a major review of the Plan which will take place on a 5 yearly basis.</u>  <u>The Council will also keep vacant properties under review. Short term vacancies will arise because of market churn (e.g. dwellings being vacant between moves or whilst being refurbished) and should be added to housing requirements. Conversely long term vacant dwellings (for longer than 6 months) represent a wasted resource that the Council is seeking to bring back into occupation (see 4.5.32 above), and can be used to meet need. Current evidence indicates that the number of short and long term vacant dwellings are roughly the same in Torbay (917 short term and 1047 long term in Autumn 2014), and therefore largely cancel each other out.</u>
RAM55	4.5.38	Amend first sentence: The NPPF requires councils to maintain a 5 year (+5%) supply of housing land as the

		first phase of a 15 year land trajectory <u>insofar as consistent with other policies in the NPPF</u>
RAM56A	4.6.12	Delete at end of paragraph, to reflect Government guidance on Allowable Solutions: :  <del>Where carbon offsetting/allowable solutions are used to reduce the carbon emissions associated with a development proposal, they should be focused on local projects with proven carbon saving performance that occur within Torbay.</del>
RAM56B	4.6.17	Add at end of paragraph: <u>It can also boost Torbay's "green" economy</u>
RAM57	SDT1	Add at end of paragraph 2: <b><u>whilst conserving or enhancing the historic and natural environment</u></b> Add at end of paragraph 3: <b><u>Priority species such as cirl buntings and greater horseshoe bats will be safeguarded. All development will be required to minimize or reduce surface water draining into combined sewers, in accordance with Policy ER2 in order to safeguard the Marine Candidate Special Area of Conservation.</u></b>  Note that housing numbers in SDT1 are amended as a Main Modification.  <b>Note: Policies Map changes – see Annex 1. (See also Replacement Main Modification 14 to Appendix D).</b>
RAM58	5.1.1	Add to last line: <u>strong built and natural environmental assets. The reef off of Torquay is an important part of the Marine cSAC, whilst the combined sewers elsewhere in Torbay are nearing capacity.. In order to avoid harm from combined sewer outfalls, development should avoid additional surface water run-off into combined sewers in accordance with the hierarchy set out in Policy ER2.</u>
RAM59	5.1.3	Add after Class B Space in second line: <u>See Glossary</u>
RAM60	5.1.4	Add sentence to end of paragraph: <u>Regeneration proposals should maintain or improve provision of public open space.</u>
RAM61	Table 5.2	SHLAA sites elsewhere in <b>SDT1</b> add note: <u>Includes Sladnor Park, Maidencombe, Torquay subject to landscape, biodiversity and access (etc) considerations.</u>  <b>Note that Table 5.2 has been amended as a Replacement Main Modification.</b>
RAM62	SDT2	Add to end of first paragraph: residents and visitors , <b><u>whilst conserving or enhancing the area's historic character and environmental value</u></b>
RAM63	5.1.1.1.	Add to end of paragraph: <u>The lower part of the town is within Torquay Harbour Conservation Area and development will be expected to complement the area's historic character.</u>
RAM64	SDT3	Amend second sentence of paragraph 3: Any proposals that may lead to significant effects on sites protected under European Legislation, <b><u>including bats and cirl buntings,</u></b> will only be permitted where no adverse effects on the integrity of the site can be shown.

		<p>Add text after paragraph 3:</p> <p><u>Any detailed proposals for development in the area must be informed by appropriate bat and cirl bunting surveys undertaken, in accordance with Policy NC1 and the 2010 South Hams Bat Guidance (or subsequent guidance). Any biodiversity impact from development should be offset. Particular attention should be given to loss of grassland (foraging) habitat and hedgerows. A buffer of darkened hedgerow should be provided and maintained, particularly along the western boundary, in accordance with Policy NC1.</u></p>
RAM65	5.1.2.2	<p>Insert new sentence after “location of the site”: <u>In particular the setting of Edginswell Hall and Village will be conserved or enhanced.</u></p>
RAM66	Table 5.5	<p>Edginswell Future Growth Area. Add note at the end of text in the fourth column: <u>This should make allowance for the high pressure gas pipeline north of the Future Growth Area, in consultation with National Grid</u></p>
RAM67	SDP1	<p>Add at end of paragraph 4: <u>Priority species such as bats and cirl buntings and their habitats will be safeguarded and any impacts mitigated.</u></p> <p><b>Note that housing numbers in SDP1 have been amended as a Replacement Main Modification.</b></p>
RAM68	5.2.2	<p>Add to end of paragraph: <u>Regard should be had to the conservation or enhancement of the built, natural and historic environment, particularly within conservation areas, in accordance with other policies in this Plan</u></p>
RAM69	5.2.5	<p>Add text after end of 5.2.5: <u>Greater horseshoe bat mitigation measures for SDP3 and SDP4 Strategic Delivery Areas should be implemented according to the recommendations of the HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014.</u></p>
RAM69A	5.2.1.3	<p>Amend first sentence of paragraph 5.2.1.3:</p> <p>It is critical that flood defence works are put in place, probably in the form of a new sea wall and coastal defence to alleviate the impact of climate change, <u>wave action</u> and upstream flooding.</p>
RAM70	SDP3	<p>Amend paragraph 1, amend line 2: range of <u>housing especially</u> family housing, employment, <u>local</u> recreation and local retail facilities.</p> <p>Add to paragraph 4 after “South Hams SAC” add: <u>as well as other species such as cirl buntings in accordance with Policy NC1</u></p>

		<p>Add to end of paragraph 4: <b><u>Greater horseshoe bat mitigation objectives for Great Parks, Collaton St Mary Future Growth Area, and Brixham Road, should be implemented as recommended by the HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014.</u></b></p> <p>Note that numbers of dwellings in SDP3 will be amended as a Replacement Main Modification.</p>
RAM71	5.2.2.1	<p>Add text to middle of paragraph:</p> <p>The west of Paignton offers the largest area of land for expansion within Torbay, although there are infrastructure requirements that need to be met prior to or in parallel with major development. A significant amount of growth is already underway at Yalberton and White Rock. Further development is committed at Great Parks. <u>This is shown as a grey (committed) site on the Policies Map. However, in the event of the development taking longer to build out than anticipated, it will be treated as a Future Growth Area (see SS2 and below).</u> These commitments, along with urban sites, are expected to provide Paignton's housing supply for at least 10 years from the Plan's adoption. The Council owned former waste site at Claylands is being promoted for development by the Torbay Development Agency and expected to deliver around 6.8 hectares of employment land early in the Plan period.</p>
RAM72	5.2.2.5	<p>Add to end of paragraph: <u>For example redevelopments in the area should consider opportunities for habitat enhancements, such as planting to provide bat and wildlife links through the area.</u></p>
RAM73	5.2.2.7	<p>Add after "Great Parks Country Park": <u>which should be designed and landscaped to minimise flood risk</u></p>
RAM74	5.2.2.10	<p>From line 4 amend as follows: ....These sites should provide a significant amount of employment floor space although mixed use residential schemes will be supported where they provide enabling development, <u>and help to meet housing needs. The Local Plan promotes them for mixed use development comprising a significant element of residential development to assist in the short to medium term supply of housing. As a broad guide, around 25% of the former Nortel site (Devonshire Park) and 25% of Yalberton Road (Jackson Land) will be sought for employment uses, and 75% for residential. ...Strategic landscaping...(As existing to end of paragraph, then add): <u>Early delivery of employment will be required, subject to other Local Plan considerations.</u></u></p>
RAM75	Table 5.12	<p>Amend SDP3.3 last line: brownfield land <u>will be promoted</u> in the shorter term.</p> <p>Add note to SDP 3.4: <u>The former Nortel site (Devonshire Park) is within Policy SDP3.4. Early delivery of brownfield sites such as this will be supported.</u></p> <p><b>Note that Table 5.12 has been amended as a Replacement Main Modification.</b></p>
RAM76	SDB1	<p>Amend paragraph 2, penultimate line, as follows: ...interests of priority species such as the greater horseshoe bat <b><u>and cirl buntings</u></b> can be addressed <del>safeguarded</del>. <b><u>Greater horseshoe bat mitigation measures will be required as recommended by the HRA Site Appraisal Report of Torbay Local Plan Strategic Delivery Areas (Proposed Submission Plan) 2014.</u></b></p>

		<p><b><u>Mitigation measures for the wider SDB1 strategic delivery area include:</u></b></p> <ol style="list-style-type: none"> <li>1) <b><u>protection and management of existing trees</u></b></li> <li>2) <b><u>retention of former hedge lines, managed as part of the development</u></b></li> <li>3) <b><u>no increase in lighting in bat flyways to greater than 0.5 lux</u></b></li> <li>4) <b><u>reduction of the impact of additional recreational pressure on the SAC</u></b></li> </ol> <p><b>Note that housing numbers in SDB1 have been amended as part of the Replacement Main Modifications (including a Policies Map change – see Annex 1).</b></p>
RAM77	5.3.1	<p>Add new text after paragraph 5.3.1: <u>“The Recreational Impacts on Berry Head - additional HRA work for the Torbay Local Plan” ( Footprint Ecology (2014)), has identified that the level of growth proposed by the Local Plan could realistically increase the recreational pressure on Berry Head to Sharkham Point component of South Hams SAC.</u></p> <p><u>The data available suggests that there is a zone of influence of approximately 5km driving distance (roughly equivalent to development in the SDB1 Brixham Peninsula Policy area. The report recommends a number of mitigation measures. The following measures need to be implemented to ensure the integrity of the SAC is not compromised as a result of increases in recreational pressure:</u></p> <ol style="list-style-type: none"> <li>(i) <u>habitat management required to increase the resilience of the site over and above that already required to maintain the interest features of the site;</u></li> <li>(ii) <u>increased visitor engagement work;</u></li> </ol> <p><u>All mitigation must be delivered within a timescale linked to that of the development and targeted to resolve impacts on the European site.</u></p>
RAM78	5.3.2	<p>Add to end of paragraph: <u>Regard should be had to the conservation or enhancement of the built, natural and historic environment, particularly within conservation areas, in accordance with other policies in this Plan.</u></p>
RAM79	5.3.4	<p>Amend first line to read: ..reduce reliance on the private car <u>and rat running</u>, given...</p>
RAM80	Table 5.14	<p>Amend SDB3.1 and SDB3.2 (Wall Park):</p> <p><del>“Note: <u>Development at Wall Park Future Growth Area should be brownfield only (see SA/HRA recommendations) unless there are significant benefits from development of larger area including the enhancement and safeguarding of AONB and biodiversity features, particularly for greater horseshoe bats.</u> (Note that planning permission for the development of Wall park has been issued so this text is no longer relevant).</del></p>

		<b>Note that housing numbers in SDB1/Table 5.14 have been amended as part of the Replacement Main Modifications (including a Policies Map change – see Annex 1).</b>
RAM81	SDB3	Add after South Hams SAC in second paragraph: <u>“...Adequate mitigation should be provided, in accordance with the HRA Site Appraisal Report (2014), that ensure: (i) there are no further restrictions on potential movement of GHBs along the strategic flyway through the future growth area; and (ii) the retention and enhancement of foraging and on-site roosting opportunities.</u>
RAM82	5.3.2.1	<p>Amend 5<sup>th</sup> and 6<sup>th</sup> sentences as follows: ...sensitive <u>locations including drawing back development from the AONB in the most sensitive areas.</u> All development will be expected to conserve and enhance the undeveloped coast area (Policy C2) and maintain or enhance a coastal margin. This should include <del>provide</del> provision for its long term management (as existing text to the end of the Paragraph).</p> <p>Add a new paragraph or text after 5.3.2.1: <u>"The Recreational Impacts on Berry Head - additional HRA work for the Torbay Local Plan by Footprint Ecology (2014), has confirmed that the level of growth proposed by the Local Plan would increase the recreational pressure on the Berry Head component of South Hams SAC. The evidence has also recommended a number of mitigation measures. These measures need to be implemented to ensure the integrity of the SAC is not compromised as a result of increases in recreational pressure, as follows.</u></p> <ul style="list-style-type: none"> <li>(i) <u>habitat management required to increase the resilience of the site over and above that already required to maintain the interest features of the site;</u></li> <li>(ii) <u>increased visitor engagement work;</u></li> </ul>
RAM83	5.3.2.2	Add new text at end of paragraph: ... <u>including flight paths of greater horseshoe bats. Consideration should be given to the long term integrity of habitats, flight paths and foraging areas, taking into account climate change management (see Policies NC1 and C3).</u>
RAM84	Table 5.17	Amend text as follows:... <u>village envelope, or built up area of Brixham</u>
RAM85	Table 5.18	<p>Delete Wall Park Future Growth Area (site has planning permission).</p> <p><del>Note: Wall Park Future growth Area should be brownfield development only (see SA/HRA recommendations) unless there are significant benefits from development of a larger area.</del></p> <p><b>Note that housing numbers in SDB3/ Table 5.18 have been amended as part of the Replacement Main Modifications (including a Policies Map change).</b></p>



RAM86	6.1.1.1	Add after second sentence: <u>It will also support the role of towns providing a range of other activities such as theatres, galleries etc.</u>
RAM87	6.1.1.2	Insert text in first line: Tourist, <u>cultural</u> and leisure retail provision
RAM88	6.1.1.3	Add to end of paragraph: <u>All town centres contain historic elements, and Policy TC1, in conjunction with the area policies (SDT, SDP, SDT) and Policy HE1 seek to make use of the historic environment to add value to the economy.</u>
RAM89	TC2	Retail Hierarchy table- add to Local Centres in the Paignton Area: <b><u>18.Great Parks (when completed) and 19. White Rock (when completed)</u></b>
RAM90	6.1.1.4	Add to end of paragraph: <u>There are retail and Tourism Business Improvement Districts (BIDs) for each of the three towns centres as well for the Babbacombe Bay area. These are business led schemes to improve and regenerate commercial areas by promoting additional services or new initiatives.</u>
RAM91A  Former RMM13	TC3	Amend last line of TC3 (D1) to reduce comparison retail impact test threshold trigger from 1000 sq m to 500 sq m as follows:  Proposals for A1 retail comparison goods and town centre uses over 4,000 <b>500</b> sq m gross and A1 convenience retail uses over 500 sq m gross must provide a retail impact assessment.  <b>For Information: RAM91A is the former RMM13. Paragraph 71 of the Inspector's Report indicates that this is a relatively minor alteration to the Plan which does not need to be considered as a Main Modification. The previous RAM91, which relates to the same matter now becomes RAM91B</b>
RAM91B	6.1.1.11	Add to end of paragraph: <u>The Torbay Retail Study Update (GVA 2013) recommends that out of centre proposals of more than 500sq m of convenience or comparison retail floorspace should be accompanied by a retail impact assessment (see paragraph 6.31 and 6.32)</u>
RAM92	6.1.1.20	After family friendly appeal in line 4 add: <u>For example the Plan supports the provision and enhancement of cultural facilities such as theatres, art galleries etc.</u>
RAM93	TO1	Replace green tourism with <b><u>sustainable tourism</u></b> in last line of first paragraph.  Revise the last sentence of last paragraph as follows: Development <b><u>within the Brixham Peninsula (SDB1)</u></b> should have regard to Policy NC1 concerning the need for developer contributions to mitigate the impact of <b><u>increased</u></b> recreational pressure on the South Hams SAC.
RAM94	6.1.2.3	Seventh line add: <u>"high quality year round new facilities..."</u>

RAM95	6.1.2.5	Add to end of paragraph: <u>In particular proposals for new 4 or 5 star hotels would be supported in order to meet a growing demand for high class accommodation.</u>
RAM96	6.1.2.6	Amend 4 <sup>th</sup> sentence as follows: It should not be inferred that all areas within CTIAs are either suitable or proposed for development. For example they contain Babbacombe Downs, <del>and</del> the lakes at Clennon Valley, <u>and the coast near to Berry Head</u> , where a significant emphasis will be on conservation of the environment,..."
RAM97	TO3	Amend first paragraph: ...consistent with wider environmental, <b>historic environment</b> , landscape, biodiversity, ecology, amenity and defence objectives. <b>Sites of importance to marine based activities will be protected for such use, subject to other policies in the Plan.</b>  Amend paragraph 2 to read: The following schemes <del>are proposed</del> <b>will be investigated</b>
RAM98	6.1.2.26	Add text to end of paragraph:  <u>Accordingly, sites that are of importance to the marine economy will be safeguarded for such use (see also Policy C2 below).</u>
RAM99	6.1.2.27	Line 3, amend to: including the seabed, <u>reefs and sea caves.</u>  Amend second sentence to: Where harm <u>to a protected species of European significance (e.g. Lyme Bay and Torbay Marine cSAC)</u> cannot be avoided; <del>and the public benefit it generates overrides the ecological benefit-</del> <u>compensatory measures can only be allowed as a last resort, where the Secretary of State is able to confirm that the objectives of the development cannot be met in other ways, and that the proposal is of overriding public interest.</u> <del>However compensation is only a last resort, particularly for sites of European significance (e.g. Lyme Bay and Torbay Marine cSAC. In such instances in order to demonstrate this, a determination of Imperative Reasons of Overriding Public Interest (IROPI) will be required for the Secretary of State<sup>1</sup>. Advice on such matter may be obtained by the Marine Management Organisation (MMO)</del>  Add footnote 1: See Sections 61-62 of the Conservation of Habitats and Species Regulations 2010
RAM100	6.1.2.28	Add at start of paragraph: <u>Projects are promoted subject to their acceptability in terms of environmental impact from physical impacts, contamination, and nontoxic changes (e.g. to salinity, turbulence nutrients, organic matter etc), as well as minimizing the impacts on main wildlife e.g. through piling, noise or other disturbance. Under the Conservation of Habitats and Species Regulations 2010 (as amended), a licence will be required to carry out works affecting marine mammals or their habitats.</u>
RAM101	6.1.2.29	Add to end of paragraph: <u>Torbay has an important maritime history and all three harbours are within conservation areas. Policy HE1 is relevant when considering historic assets.</u>
RAM102	TA2	Amend TA2.3: Contain high quality provision for <del>non-car</del> <b>sustainable</b> modes of transport  Amend paragraph 3 last line:...where there is an <del>unacceptable</del> impact on road safety and <b>or severe impact (including cumulative effects)</b> on the function and operational safety of the Networks.

RAM103	TA3	Amend first line: The Council will require appropriate provision of car, <b>commercial vehicle</b> and cycle parking spaces....
RAM104	C1	<p>Paragraph 3 add to bullet point 1: New homes for which there is a proven agricultural need <b>or self build affordable housing where acceptable under Policy H3</b></p> <p>Amend last paragraph, from fifth line, as follows:....Development in the countryside should not have adverse effect on the integrity of the South Hams SAC <b>or other important habitats</b>. It should also have regard to Policy NC1 <b>to assess the 'in combination' effects of multiple developments that could affect greater horseshoe bats and the integrity of the South Hams SAC concerning the need and the scope for</b> developer contributions to mitigate the impact of <b>increased</b> recreational pressure on the South Hams SAC. The Countryside Area is shown on the Policies Map.</p> <p><b>Note: Policies Map changes to extent of Policy C1 at Wall Park and Sharkham Village, Brixham (RMMs 12 and 14 refer).</b></p>
RAM105	6.3.1.2	Add to second bullet: <u>and maintain important green wedges.</u>
RAM106	6.3.1.4	Add to line 1: Areas of undeveloped countryside, <u>country parks</u> and green space are important...
RAM107	6.3.1.6	Add after "appropriate" in penultimate line: <u>and reflected in the choice of lighting solutions to minimise the impact of light pollution, particularly on greater horseshoe bats (see Policy SS8) and other wildlife. In this context Within these parameters...</u>
RAM108	6.3.1.8	<p>Add to line 3: <u>great visual and historic importance.</u></p> <p>Add text to end of paragraph:</p> <p><u>Proposals for development will be considered in the context of the Torbay Landscape Character Assessment. This identifies areas of distinctive character and key characteristics to protect, conserve or enhance to help maintain those features which contribute to that distinctive character. It also describes the sensitivity of the landscape to change and potential mitigation and management strategies. The related Brixham Urban Fringe Study uses the LCA as the basis for a more detailed analysis of landscape compartments in the South Devon AONB surrounding Brixham, providing recommendations for conserving, maintaining and enhancing the integrity of the various designations.</u></p>
RAM109	C2	<p>Add to line 2: seek to enhance its distinctive landscape, <b>seascape</b>, biodiversity geological, recreational and cultural value</p> <p><b>Note: Policies Map change to include northern strip of land at Broadsands within C2. (see Annex 1)</b></p>
RAM110	6.3.1.15	Add after boat repairing in second sentence: <u>(see also Policy TO3 above)</u>
RAM111	C3.3	<p>Point 1, add: marine ecology and <b>the integrity of</b> sites protected under European Legislation...</p> <p>Point 3. ...significant further coastal protection and sea defence works in undeveloped or developed coastal locations <b>or inhibit the ability to access, maintain and/or improve existing sea defence or coastal management assets.</b></p>

RAM112	6.3.1.21	<p>Add to last bullet point: Sea defence, flood risk and erosion, <u>including the safeguarding of development and habitats, including corridors.</u></p> <p>Add new text after last bullet point: <u>Some marine works will require an Environmental Impact assessment, as covered in Policy T3. Early engagement with the Marine Management Organisation (MMO) and Natural England is advised.</u></p>
RAM113	C4	<p>Add in paragraph 1, line 3:...landscape, <b>historic</b> or nature conservation...</p> <p>Add to end of second paragraph: <b><u>Development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.</u></b></p>
RAM114	6.3.1.22	Amend first line: Woodlands, trees and hedgerows <del>can</del> form important landscape features as well...
RAM114 A	6.3.1.23	Amend the final paragraph of 6.3.1.23: “...there may be other areas of woodland worthy of designation, <u>expansion</u> and protection”
RAM115	6.3.1.24	Add at end of paragraph: <u>Established hedges have substantially more historic and environmental value than new hedges, which take time to mature and do not reflect historic enclosure patterns. Therefore existing hedges etc should be retained wherever possible. This is particularly important where they form part of the greater horseshoe bat corridors identified in Policy SS8. Maintenance of hedgerows may be essential to maintain the integrity of the South Hams SAC and must be considered at an early stage of the planning process, in accordance with Policies SS8 “Natural environment” and NC1 “Biodiversity and geodiversity”.</u>
RAM116	6.3.1.25	Add at end of paragraph: <u>Whilst orchards are often not protected by TPOs, and permission is not needed to prune trees grown for the production of fruit, orchards can nevertheless serve a valuable green infrastructure and local heritage role as well as being an excellent form of sustainable food production. Traditional orchards are a priority habitat under Section 41 of the Natural England and Rural Communities Act 2006. The Authority has a duty to conserve and enhance priority habitats when undertaking their functions. On this basis, proposals affecting orchards will be considered on the basis of Policies SS9, C4 and SC4.</u>
RAM117	6.3.1.32	Delete last sentence and replace with: <u>This is considered to be compatible with the ULPA designation in principle. However, it is possible that a new railway halt may have some impact on part of the ULPA. In the event of any conflict, the operational and safety needs of network rail will need to be given appropriate weight. The Council will seek to minimise any impact on the ULPA, whilst recognising that Network Rail’s operational and safety standards must be met.</u>
RAM118	C5	ULPA numbers 51-57 are renumbered as a result of printing error (No change to sites designated or Policy wording).

RAM119	Policy NC1	<p><b>Amend Policy NC1 Biodiversity and geodiversity as follows:</b></p> <p><b><u>Development in all areas</u></b></p> <p>The Local Plan seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of the terrestrial and marine environments and fauna and flora, commensurate to their importance. The promotion, improvement and appropriate management of Torbay's special environmental and geological qualities, and corridors between them, will be supported and will be a key element in promoting sustainable tourism and fostering pride in the area's unique environment.</p> <p>Development should not result in the loss or deterioration of irreplaceable habitats <b>or wildlife corridors</b>. Where development in sensitive locations cannot be located elsewhere, the biodiversity and geodiversity of areas will be conserved and enhanced through planning conditions or obligations. Development proposals should minimise fragmentation, and maximise opportunities for the restoration and enhancement of natural habitats, including trees and ancient woodlands. The integrity of wildlife corridors and important features shown in the Torbay Green Infrastructure Delivery Plan should be <del>preserved</del> <b>conserved</b> and enhanced.</p> <p>All developments should positively incorporate and promote biodiversity features, proportionate to their scale. Where there is an identified residual impact on biodiversity, proposals will be expected to deliver a net gain in biodiversity through the creation <b>or provision</b> and management of new <b>or existing</b> habitats, in accordance with the Torbay Biodiversity and Geodiversity Action Plan and the Torbay Green Infrastructure Delivery Plan. If avoidance and mitigation are not sufficient, residual impacts must be off-set in a manner deemed acceptable by the Council.</p> <p><b><u>Internationally important sites and species</u></b></p> <p>Internationally <del>or nationally</del> important sites and species will be protected. <b><u>Avoidance of likely significant effects should be the first option.</u></b> Development likely to affect an international site will be subject to assessment under the Habitat Regulations and will not be permitted unless adverse effects can be fully mitigated.</p> <p><b><u>In addition, development likely to have a significant effect on the integrity of the South Hams SAC will be required to provide biodiversity conservation measures that contribute to the overall enhancement of greater horseshoe bat habitats.</u></b></p> <p><b><u>Development around the edge of the built up area that is within the Berry Head SAC Sustenance Zone or likely to affect strategic flyways of greater horseshoe bats will as appropriate be required protect existing hedgerows (including remnant hedges and veteran trees) that surveys show are being used as bat flyways. Such development will also enhance the existing flyways by providing features, such as linear corridors of hedgerows, to maintain and improve the ecological coherence of the landscape necessary to maintain the Torbay population of greater horseshoe bats in 'favourable conservation status'. This will include maintaining lighting levels at 0.5 lux.</u></b></p> <p>Developer contributions will be sought from <b><u>development within the Brixham Peninsula (i.e. SDB1 Policy Area) towards</u></b></p>
--------	------------	--

		<p>measures needed to manage increased recreational pressure on the South Hams SAC resulting from increased housing numbers or <u>visitor pressure</u>.</p> <p><b><u>Nationally important sites and species</u></b></p> <p><b><u>Development on or likely to have an adverse effect on sites of national importance, such as Sites of Special Scientific Interest, will not normally be permitted. Such proposals will only be permitted in exceptional circumstances where the following can be met:</u></b></p> <ul style="list-style-type: none"> <li><b><u>i) The benefits from development clearly outweigh the impacts on the site, and broader impacts on the national network of SSSIs or other nature conservation interests; and</u></b></li> <li><b><u>ii) Nature conservation impacts can be fully mitigated/compensated.</u></b></li> </ul> <p><b><u>Consideration should be had of the cumulative impacts of developments.</u></b> Development likely to <b><u>cause</u></b> harm to such sites or species <b><u>that cannot be mitigated as above</u></b> will therefore only be permitted where there is an overriding public interest considered to outweigh the impact(s) on nature conservation, where a thorough assessment of impacts (both individually and in combination with other developments) has been undertaken, and where consideration has been given to reasonable alternative sites for development.</p> <p><b><u>Development that risks harm to cirl bunting habitats and territories will only be permitted where the benefits of development clearly outweigh the impacts, including in combination effects, and the impacts can be mitigated in full. Developers will be expected to provide mitigation on site, where practicable.</u></b></p> <p><del>In the circumstances where development is acceptable, schemes should minimise damage to nature conservation interests and provide appropriate mitigation, compensation and/or enhancement to achieve a net gain for biodiversity. If significant harm cannot be avoided, planning permission will be refused.</del></p> <p><b><u>Locally Important sites and species</u></b></p> <p>Development on locally important sites will only be permitted where there are no reasonable alternative sites, where the reasons for development clearly outweigh damage to nature conservation interests, where every effort has been made to minimise any such damage, and where appropriate mitigation and compensation measures can be put in place.</p> <p><b>Minor Policies Map boundary changes to County Wildlife Sites at Daddyhole Plain, Torquay, and Clennon Woods, Paignton (see Annex 1). New Regionally Important Geological Site (RIGS) at Hollicombe Head-Corbyn’s Head, Torquay (see Appendix E).</b></p>
RAM120	6.3.2.1	<p>Add to start of paragraph:</p> <p><u>The NPPF requires local plans to identify and map sites of international, national and local importance; and to avoid harm where possible, followed by mitigation of impacts, and then compensation for harm as a last resort. Where harm involves protected species of European significance, it must be noted that compensation can only be considered where it can be</u></p>

		<u>shown that the development proposal is in the national interest.</u>
RAM121	6.3.2.2	<p><del>The habitats of the SAC are susceptible to degradation through scrub invasion, erosion by walkers and eutrophication through dog fouling. The Council/TCCT have an existing responsibility to manage land in its ownership under the 2006 Natural Environment and Rural Communities Act. The Berry Head Conservation Management Plan 2007–2017 recognises that declines in calcareous grassland appear to indicate that current visitor numbers are in excess of the carrying capacity. The increase in housing numbers, and therefore residents, identified within this plan has the potential to increase recreational pressure on the SAC. Developer contributions to fund the mitigation measures needed to manage the increased recreational pressure on the SAC resulting from increased housing numbers will be sought.</del></p> <p><u>A report by Footprint Ecology (2014) “Recreational Impacts on Berry Head – Additional HRA Work for the Torbay Local Plan” identified that there is evidence to suggest that additional impacts on the Berry Head to Sharkham Point component of the SAC, arising from the level of growth proposed by the Local Plan, are a realistic possibility. The data available suggests that there is a zone of influence of approximately 5km driving distance (roughly equal to Policy area SDB1, Brixham Peninsula). The report concluded that the possibility of significant effects cannot be ruled out and mitigation measures will be necessary. The potential mitigation measures identified include:</u></p> <p><u>(i) habitat management required to increase the resilience of the site over and above that already required to maintain the interest features of the site; and</u></p> <p><u>(ii) increased visitor engagement work.</u></p> <p><u>Further work will be undertaken by the Council, and associated stakeholders, to further develop and provide estimated costs for the potential mitigation measures identified by the Footprint Ecology report to mitigate increased recreational pressure on the South Hams SAC within the SDB1 policy area. The Council will produce a Supplementary Planning Document to set out the evidence base, proposed zone of influence, mitigation costs and approach for securing developer contributions.</u></p> <p><u>Pursuant to this, each development proposal within the Brixham Peninsula (i.e SDB1) will be assessed, at a level proportionate to the scale and nature of the proposal, to determine whether there is potential to cause additional recreational impact. Where potential impacts are identified, appropriate mitigation, will be required to ensure that there will be no advisers impact on the South Hams SAC. Mitigation is likely to include habitat management and visitor engagement work.</u></p>
RAM122	6.3.2.3	<p><u>Add after Line 8: Land required for compensatory measures for European sites will be given the same protection as the sites themselves. In relation to greater horseshoe bats, Policy SS8 is consistent with Regulation 39 of the Habitat and Species Regulations (2010) and with Natural England’s High Level Conservation Objectives for the South Hams SAC. It aims to maintain the GHB population at favourable conservation status (which is a requirement of the South Hams SAC conservation objectives), and favourable conservation status is defined in the Habitats Directive. The criteria in paragraph 3 of Policy NC1 are intended to address and mitigate the in-combination effects of development. Natural England has produced the South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance and Map. This guidance should be followed where a proposed development is located within a greater horseshoe bat sustenance zone or strategic flyway as identified within the</u></p>

		<p>Guidance. <u>This includes the requirement for full bat surveys to be carried out between April and October.</u></p> <p><u>Replacement Additional</u> guidance has now been prepared by Kestrel Wildlife Ltd, entitled 'Strategic Mitigation Strategy for the South Hams Greater Horseshoe Bat SAC', on behalf of the five South Hams SAC local planning authorities. Certain developments (such as building mounted wind turbines) which normally proceed as permitted development may require the LPA and English Nature to ascertain if the integrity of the SAC may be adversely affected.</p> <p><u>Further additional evidence for the Local Plan has been prepared by Kestrel Wildlife Limited, specifically to advise on the implementation of the Local Plan HRA Site Appraisal Report. This provides guidance on likely favourable buffers, and account should be had to this guidance in the implementation of Policy NC1, in particular the need to ensure the following:</u></p> <ul style="list-style-type: none"> <li>• <u>The maintenance of GHB habitat connectivity across the landscape;</u></li> <li>• <u>The provision of adequate foraging habitat;</u></li> <li>• <u>The provision, where appropriate, of adequate permeability through built development following existing and new flight paths; and</u></li> <li>• <u>The provision of new bespoke roosts where they will provide 'stepping stones' across the landscape.</u></li> </ul> <p><u>The Council and its partner agencies such as the Torbay Coast and Countryside Trust will monitor and review likely in combination effects of multiple developments, to ensure that the favourable conservation status of greater horseshoe bats and the integrity of habitats are not harmed, particularly in relation to the South Hams SAC. Where appropriate, developer Obligations or CIL, and other design solutions will be secured towards the management and mitigating of these effects.</u></p>
RAM123	6.3.2.4	<p>Add second sentence: Lines of vegetation, such as hedgerows, help bats navigate the landscape and should be protected. Negative light impacts should also be avoided. <u>As noted above, the Local Plan seeks to maintain and enhance a bat friendly corridor around the rural edge to link roosts and foraging areas within the South Hams SAC.</u></p>
RAM124	6.3.2.5	<p>Insert new sentence after existing third sentence:</p> <p><u>However targeted protection and management has achieved increases in the numbers of cirl buntings. Guidance on cirl buntings has been produced by Devon County Council in collaboration with RSPB (November 2014). Development should safeguard cirl bunting habitats, either directly or by contributing to offsetting by provision of receptor habitats. Torbay also has populations.....</u></p> <p>Add new paragraph at end of 6.3.2.5: <u>The Torbay Biodiversity Action Plan 2006-2016, "The Nature of Torbay" sets out key objectives and actions for protecting and enhancing priority habitats and species. Regard should be had to these when considering biodiversity offsetting. Supplementary Planning Guidance will be produced to set out how biodiversity offsetting will operate, and where appropriate how planning contributions towards biodiversity will be used.</u></p>
RAM125	6.3.2.7	<p>Add to end of paragraph:</p>



		<u>The Local Plan requires development to minimise the impact on sewer outfalls, particularly at Hopes Nose, Torquay. In particular the provision of sustainable urban drainage and water sensitive urban design is promoted by Policies ER1 Flood risk, ER2 Water management and W5 Waste water disposal.</u>
RAM126	6.3.2.10	Add to end of paragraph:  <u>The Council supports the RSPB's aspiration for an average provision of 1 new bird or bat box per new dwelling. Supplementary guidance will be produced on maximizing opportunities for wildlife features in design and landscaping.</u>
		N.B. Former HE1 moved to SS8.1 See RAM38.
RAM127	6.3.3.17	Add text at start of 6.3.3.17: <u>Torbay has 864 listed buildings, so it is likely that a significant number of proposals will arise in the Plan period affecting them. Many are also within conservation areas. Guidance on these and other matters such as Historic Parks and Gardens is set out in Policy HE1 (moved to SS(new number)).</u>
RAM128	6.4.1.1	<u>After documents in line 3 add: Policy SS11 and SS12 set out that where there is a danger of a shortfall in provision, additional sites will be brought forward through site allocation development plan documents.</u>
RAM129	H2	Amend Policy H2 to reflect change to National Planning Practice Guidance:  The provision of affordable housing will be sought on greenfield sites of <del>3</del> <b>11</b> dwellings or more, <b><u>unless they are within the AONB or are rural exceptions sites, when a 6 dwelling threshold will apply. Affordable housing will be sought on</u></b> brownfield sites of 15 dwellings or more, to meet the housing needs of local people. Affordable housing will be sought on the following sliding scale, up to thirty percent (30%) of dwellings on qualifying sites:  Development of Brownfield sites – unchanged  Development on Greenfield sites: 3-5 dwellings: delete 40% usually through commuted payment and replace with <b><u>Zero</u></b> 6- <del>40</del> <b>10</b> dwellings: delete 45% usually through commuted payment and replace with: <b><u>Zero unless site is within the AONB or a rural exceptions site, then 15% through commuted payment on sites of 6-10 dwellings. This will be payable on the completion of units within the development.</u></b>  11-14 dwellings/ 20% /Usually through on site provision. Commuted payments will only be accepted where this would achieve more effective provision of affordable housing, or bring significant regeneration benefits.
RAM130	6.4.1.7	Amend paragraph as follows: Torbay has relatively few large sites that can be developed and a large proportion of its housing supply has historically arisen from small sites. Accordingly, the Council will seek an element of affordable housing on <u>greenfield sites of 3-11 or more dwellings, unless they are within the AONB or approved as a rural exception site, when a 6 dwelling threshold will apply. For brownfield sites of a 15 dwellings threshold will apply.</u>

RAM131	6.4.1.9	Add after first sentence: <u>Developments should be “tenure neutral” as far as practicable, so that affordable housing is not distinguishable from market housing by layout, design or materials.</u>
RAM132	6.4.1.15	Add to end of paragraph: <u>In considering viability matters, regard will be had to best practice, particularly as set out in National Planning Practice Guidance (NPPG)</u>
RAM133	H3	(iii)The scale of provision, is limited to meeting the identified local need; <u>and</u>
RAM134	6.4.1.19	Add new paragraph after 6.4.1.19 referring to evidence of demand for self build housing:  <u>In line with NPPF requirements, Torbay Council has made attempts to assess the demand for self-build housing within Torbay. An assessment from the Buildstore, the UK’s leading supplier to the self build market, indicated a ‘reasonable interest’ in self build within the Torbay area with significant numbers of their customers searching for self-build plots within a 25 mile radius of Torbay and also a significant number of members currently living within the Torbay area. In the first half of 2013 there were 121 active searches for self build opportunities within a 25 mile radius of Torbay. In addition, the Council has had discussions with a Community Interest Company called the Land Society, based in Torbay, who have carried out work to assess the demand for community self build housing in the area. Due to sufficient demand (e.g. 36 willing households are on the database for Brixham alone,) they are currently investigating the potential for schemes both within and outside Torbay.</u>
RAM135	6.4.1.24	At end of paragraph, add: <u>This will address matters such as how long plots need to be marketed before they may “cascade” as other forms of housing – 12 months will be used as a starting point. In addition, where self build plots are secured on rural exceptions sites or as affordable housing, planning conditions will be used to restrict occupancy to people with a local connection. The operation of this will also be addressed in further guidance.</u>
RAM136	H4	Reinstate missing text after first line of Policy:  The conversion of HMOs to self-contained dwellings will be encouraged and supported.  <b><u>Applications for new buildings or sub-division of existing buildings into non-self-contained residential accommodation (HMOs) will only be permitted where the following criteria are met:</u></b>
RAM137	6.4.1.31	Add to end of penultimate line: ...meet the tests of Policy H4 <u>(See also SS10)</u>
RAM138	H6	Amend point 1 as follows: All new dwellings should be capable of adaptation for disabled people, where practical. Housing developments of 50+ dwellings should provide a minimum of 5% new homes to meet Building Regulations Approved Document Part M4(2) <u>(accessible and adaptable dwellings) lifetime sustainable homes standards</u> . Disabled adaptations or annexes for relatives will be supported unless they significantly and demonstrably conflict with other Local Plan policies.

	6.4.1.43	<p>Amend paragraph as follows:  Torbay Council's <u>Supporting People</u> and the <u>Torbay and South Devon Healthcare NHS Foundation Trust's</u> policy is to help people to live in their own homes for as long as possible. This is considered to be better for welfare and is cheaper than residential care. It is estimated that the Supporting People programme saves £270,000 a year in reducing the cost of residential care for the elderly. The policy of helping people to live in their own homes is likely to lead to a reduced overall local need for care homes. <u>However, the direct replacement and substitution of existing care homes which are not fit for purpose, to offer new facilities in Torbay with new models of care, in keeping with the aspirations of an Integrated Care Organisation, will be supported.</u> Regard should be had to the design policies in the Local Plan in relation to the sympathetic conversion of such buildings (existing care homes), particularly the removal or improvement of unsightly features and additions.</p>
RAM139	DE1	<p>Add to end of first paragraph: ...and the settlement pattern of the three towns, <b><u>whilst designing out opportunities for crime and disorder</u></b></p> <p><b>DESIGN CONSIDERATIONS FOR DEVELOPMENT: FUNCTION</b></p> <p>Add to end of criterion 4: <b><u>Design should also minimise opportunities for community conflict, anti-social behaviour and maximise safety for all.</u></b></p> <p>Add to the end of criterion 7: Integration of the development and surrounding green infrastructure, <b><u>including sustainable drainage and water sensitive urban design.</u></b></p> <p>Add to end of criterion 8: Achieve a net gain in biodiversity <b><u>including tree and hedgerow planting and habitat creation; and</u></b></p> <p>Add new criterion 10: <b><u>Promote tenure neutral design, materials and location of affordable housing.</u></b></p> <p><b>DESIGN CONSIDERATIONS FOR DEVELOPMENT: QUALITY OF OPEN SPACE</b></p> <p>Add new criterion 10: <b><u>Provide opportunities for active lifestyles including walking and cycling (“Active Design”).</u></b></p>
RAM140	6.4.2.4	<p>Add new text to end of paragraph: <u>Section 17 of the Crime and Disorder Act makes a legal duty for planning to consider crime prevention. Consideration should be given in the location, design, and management of development to preventing crime, disorder, community conflict and antisocial behavior. Such matters should be addressed in design and access statements. The Council will work with the Police Architectural Liaison Officer (ALO) to minimise crime, disorder antisocial behaviour and conflict. Design should seek to promote healthy and active lifestyles. Guidance and a developer checklist on “Active Design” are available from Sport England.</u></p>

RAM141	6.4.2.5	Add new text at end of first sentence as follows: To ensure that development proposals meet the requirements of this Policy, a Design and Access Statement should accompany planning applications <u>proportionate to the scale of the proposal</u> .																		
RAM142	Policy DE3	Amend criterion 7: Provision for <b>useable</b> amenity space, including gardens and outdoor amenity areas;																		
RAM143	6.4.2.10	Amend paragraph as follows: New dwellings should be self-contained as far as possible and of a reasonable size. All new homes, whether created by sub-division, redevelopment or new build should therefore provide a good standard of accommodation, having regard to safety, space, amenity, parking and design. <del>The NPPF indicates that local authorities can set their own design codes where they could deliver high quality outcomes, so long as these do not impose specific architectural styles or stifle innovation. Regard will be had to the following minimum internal space standards, when considering applications:</del> <u>Regard will be had to the Government's Nationally Described Space Standard when considering applications:</u>																		
RAM144	Table 6.1	<p>Replace existing table with new table as set out below:</p> <table border="1"> <thead> <tr> <th colspan="2"><del>Table 6.1 Dwelling Size and Floorspace Standards</del> <b>N.B These standards will need to be amended in line with proposed mandatory housing space standard when formalised.</b></th> </tr> <tr> <th>Dwelling size</th> <th>Minimum internal floorspace standard</th> </tr> </thead> <tbody> <tr> <td>1 bed space shared housing</td> <td>30 to 35 sq m</td> </tr> <tr> <td>2 bed space shared housing</td> <td>45 to 50 sq m</td> </tr> <tr> <td>1 bedroom apartment</td> <td>51 sq m</td> </tr> <tr> <td>2 bedroom apartment</td> <td>66 sq m</td> </tr> <tr> <td>2 bedroom house</td> <td>77 sq m</td> </tr> <tr> <td>3 bedroom house</td> <td>93 sq m</td> </tr> <tr> <td>4+ bedroom house</td> <td>106 sq m</td> </tr> </tbody> </table>	<del>Table 6.1 Dwelling Size and Floorspace Standards</del> <b>N.B These standards will need to be amended in line with proposed mandatory housing space standard when formalised.</b>		Dwelling size	Minimum internal floorspace standard	1 bed space shared housing	30 to 35 sq m	2 bed space shared housing	45 to 50 sq m	1 bedroom apartment	51 sq m	2 bedroom apartment	66 sq m	2 bedroom house	77 sq m	3 bedroom house	93 sq m	4+ bedroom house	106 sq m
<del>Table 6.1 Dwelling Size and Floorspace Standards</del> <b>N.B These standards will need to be amended in line with proposed mandatory housing space standard when formalised.</b>																				
Dwelling size	Minimum internal floorspace standard																			
1 bed space shared housing	30 to 35 sq m																			
2 bed space shared housing	45 to 50 sq m																			
1 bedroom apartment	51 sq m																			
2 bedroom apartment	66 sq m																			
2 bedroom house	77 sq m																			
3 bedroom house	93 sq m																			
4+ bedroom house	106 sq m																			

Based on a combination of English Partnership's "Places Homes People" Policy Guidance (2007)/Parker Morris+10% Standards and The National Affordable Housing Programme's Housing Quality Indicators Form (updated 2008)

**Table 6.1 Dwelling Space Standards.**

This table reflects the Nationally Described Space Standard.

Number of bedrooms	Number of bed spaces	Minimum GIA (square metres)			Built in storage (sq metres)
		1 storey dwelling	2 storey dwelling	3 storey dwelling	
1b	1p	39 (37*)			1
	2p	50	58		1.5
2b	3p	61	70		2
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4
	8p	125	132	138	

		<p>*Where a studio has a shower room instead of a bathroom, the floor area may be reduced from 39 sq metres to 37 sq metres, as shown bracketed.</p> <p>The Gross Internal Area of a dwelling is defined as the total floorspace measured between the internal faces of perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. GIA should be measured and denoted in square metres.</p>	
RAM145	6.4.2.19	Add at end of paragraph: <u>However, in some instances landscape or ecology considerations may dictate lower densities.</u>	
RMM146	DE5	Add new criterion 6. <b><u>No net additional surface water should drain into shared sewers (See Policies ER1 and ER2).</u></b>	
RAM147	6.4.2.30	Amend paragraph as follows: Cumulative increases in water run-off should be minimised as far as possible, for example by draining storm water into soakaways. <del>and the use of porous surfaces, water butts etc.</del> <u>The impact of “urban creep” (i.e. building over gardens etc) is identified by “An Assessment of Future Sewer Capacity in Torbay” (AECOM 2014) as having a greater impact on sewer capacity than the effect of new greenfield development. Accordingly measures to minimise surface water running into shared sewers will be sought. This could include permeable surfaces, increased planting, water butts, as well as promoting water efficiency measures in the home. See also Policy ER2 Water management.</u>	
RAM148	6.4.3.5	Add at end of paragraph: <u>Guidance on active design is available from Sport England.</u>	
RAM149	6.4.3.7	Add to end of paragraph:  <u>Additional advice on Health Impact Assessments and the relationship between planning and health will be prepared by the Planning and Public Health Teams in the form of a Supplementary Planning Document.</u>	
RAM150	SC2	Amend criteria in last paragraph of Policy SC2 :  There will be a presumption against loss of existing recreational and leisure facilities, unless:  <del>(i) There is clear evidence that they are surplus to requirements, and alternative recreational / leisure uses have been sought as replacement or improved facilities in lieu of existing provision which are able to address any new deficiencies that arise, and</del> <del>(ii) A compelling case is made for wider social and economic benefits arising from such a proposal.</del>  <b><u>i) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to</u></b>	

		<u>requirements; or</u> <u>ii) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or</u> <u>iii) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.</u>
RAM151	6.4.3.10	Update and amend last line: The Council is in the process of refreshing this evidence base with the development of a new Sports Facilities Strategy and Playing Pitch Strategy, which is due to be completed in <del>early 2014</del> <u>2015</u> with a rolling programme of implementation
RAM152	6.4.3.17	Amend paragraph/last bullet point as follows:  Detailed proposals need to be developed in partnership with Children’s Services, schools, <u>South Devon College</u> , local communities and developers through masterplanning of Strategic Delivery Areas. Indicative projects include:  ....  <ul style="list-style-type: none"> <li>the provision of studio schools, for 14–19 year olds, to provide specialist skills / education, <u>for example South Devon College High School.</u></li> </ul>
RAM153	6.4.3.21	Add at end of paragraph: <u>For example developers will be encouraged to use employment and skills plans to better establish links between education and employment.</u>
RAM154	6.4.3.25	At end of paragraph add: <u>Whilst orchards may also be covered by Policy C4 above, they are an excellent form of sustainable, local and healthy food production. The enhancement of orchards will be supported, particularly where this would strengthen the growing of local varieties of fruits.</u>
RAM155	6.5.1.6.	Add to end of paragraph: <u>Note that these standards are voluntary but could provide an effective design methodology to support the ability of new development to meet Building Regulations and Local Plan/NPPF policy requirements. The Government is also committed to introducing a range of ‘Allowable Solutions’ to allow off-site carbon abatement, where necessary, as part of implementing the Zero Carbon standard during 2016.</u>
RAM156	ER1	Amend paragraph 2 from line 3 as follows:  ...Where development is necessary in areas at risk of flooding it should be laid out and designed to ensure buildings and their surroundings are appropriately resistant and resilient to all forms of flooding, would be safe and would not <u>increase the risk of flooding to</u> third parties. Mitigation measures such as Sustainable Drainage Systems (SuDS), <u>Water Sensitive Urban Design (WSUD) and water storage areas</u> will be required to restrict site discharge rates, <u>alleviate downstream flood risk, prevent increased discharge from Ilsham Combined Sewer Outfall (CSO) during flood events</u> and encourage biodiversity.

		<p><b><u>Proposals should have regard to the Council’s Local Flood Risk Strategy and comply with the requirements of any subsequent Action Plan. In this context, the Council will produce a Supplementary Planning Document setting out detailed guidance on the use and application of WSUDS and SUDS.</u></b></p> <p><b><u>Development that contributes directly to downstream flooding and increased discharge from Ilsham CSO during flood events will not be permitted until the appropriate flood protection measures referred to above are put in place. Development which is unable to provide surface water management measures (where not feasible on-site) will not be permitted until the appropriate measures are provided, either upstream or downstream depending on specific local drainage conditions. Developers will be required to contribute to these works as appropriate (see also Policy SS7 “Infrastructure, phasing and delivery of development”)</u></b></p> <p>SuDS should seek to maximise benefits for amenity, water quality, recreation and biodiversity and take account of the vulnerability and importance of existing ecological resources. A financial contribution may also be requested for capital improvement works to the existing drainage infrastructure.</p> <p>Amend paragraph 3 as follows:</p> <p>A Flood Risk Assessment (FRA) will be required for proposals with a site area of 1 hectare or greater within Flood Zone 1, including where they impact on catchments draining into Flood Zones 2 and 3, and for all new development within Flood Zones 2 and 3. <b><u>A flood risk assessment will also be required for development close to sea fronts within Flood Zone 1 where there may be a risk of flooding due to wave action.</u></b> Development of basement accommodation, <b><u>including changes of use or basement</u></b> parking will not be permitted where there is danger of inundation and consequent risk to life.</p> <p>...(remainder of Policy as per Proposed Submission Plan )</p>
RAM157	6.5.2.3	<p>Amend paragraph from line 3: More detailed information can be found in the Strategic Flood Risk Assessment (SFRA) <u>and emerging Torbay Local Flood Risk Management Strategy</u>. Most of the coastal...(text unchanged until end of paragraph).</p> <p>Add at end of paragraph: <u>It is important to note that coastal frontages may be at risk of flooding from wave action, event where they are mapped as Flood Zone 1. This must be recognized in planning for such areas.</u></p> <p>Insert new paragraph after 6.5.2.3:</p> <p><u>The Council’s approved Draft Local Flood Risk Management Strategy explains the key flood risks in Torbay, the measures that have already been taken to minimise these risks, and the measures and actions that will need to be taken in order to minimise these risks further. The ensuing Action Plan will be used to inform the medium term plan for flood defence funding in liaison with South West Water. It will allow flood risk management actions to be prioritised and for investment plans to be focused and coordinated. The first Action Plan is due to be produced in 2015.</u></p>
RAM158	6.5.2.6	<p>Amend first sentence: A sequential test should be undertaken, in accordance with the <del>Technical Guidance to NPPF and</del> <u>national Planning Practice Guidance</u>, to ensure...</p>



RAM159	6.5.2.12	Amend second sentence: The acceptability of such proposals will be determined with regard to the compatibility of land uses in <del>the Technical Guidance</del> to the National Planning Policy Framework <u>and National Planning Practice Guidance</u> , and the specific package of mitigation measures being proposed.
RAM160	6.5.2.13	Add new paragraph after last sentence: <u>The whole of Torbay is designated by the Environment Agency as a Critical Drainage Area (CDA). The catchments within Torbay are typically small, steep, and in the most part highly developed in nature. There is also a legacy of culverting (piping) of the watercourse channels which adds to the risk of flooding and as such all new development must deliver a reduction in current rainfall runoff rates. This requirement also applies to Brownfield sites that will have to match the same standards. All off site surface water discharges from new development should mimic Greenfield performance up to a maximum 1 in 10 year discharge. On site, all surface water should be safely managed in conditions up to the 1 in 100 event plus an allowance for climate change. To satisfy the above will require additional water sensitive urban design (WSUD) and water storage areas to be created within the site compared to the normal SUDS design thereby contributing to a reduction in flooding downstream. Policies ER2 Water management and W5 Waste water disposal also promote the use of SuDs and WSUD.</u>
RAM161	6.5.2.14	Add to end of paragraph:  <u>Further details are set out Torbay's Flood Risk Management Strategy. A SuDS Design Guide will be prepared as supplementary planning guidance setting out how sustainable water management can be incorporated into development and retrofitted into the urban area.</u>
RAM162	6.5.2.17	Add to end of paragraph:  <u>Details of the measures, proportionate to the scale and nature of the proposal, that will be used to address flood risk will be required when a planning application is submitted, Attention is drawn to paragraphs 103-104 and footnote 20 of the NPPF.</u>

RAM163	ER2	<p><b>Policy ER2 Water management</b></p> <p>2. Avoid harm to surface waters (including rivers, coastal waters), sensitive water reliant habitats and species protected under European legislation, and any adverse impacts on the quality and quantity of ground water. <u>Regard should be had to the cumulative effects of developments.</u></p> <p>4. Provide appropriate <del>sewerage</del> <u>sewage</u> disposal systems (<del>both</del> <u>with separate</u> foul and surface water disposal) and particularly through sustainable drainage measures, reduce water being discharged into sewers (<u>see also Policy W5 Waste Water Disposal below</u>).</p> <p>After Point 5, add the following new text:</p> <p><u>All development will be required to minimise the generation of increased runoff, having regard to the drainage hierarchy, whereby surface water will discharge to one of the following, listed in order of priority:</u></p> <ul style="list-style-type: none"> <li><u>a. an adequate infiltration system (e.g. swales, soakaways, infiltration basins, filter drains, rain gardens), or where that is not reasonably practicable;</u></li> <li><u>b. a main river or water course, or where that is not reasonably practicable;</u></li> <li><u>c. a surface water sewer or highway drain; or in the last resort where none of the above are reasonably practicable;</u></li> <li><u>d. To a combined (foul and surface water) sewer, where discharge is controlled to be at greenfield discharge rates.</u></li> </ul> <p><u>In Torquay, where development has not met criteria a, b, c or d listed above, it will be subject to an individual Habitats Regulation Appropriate Assessment.</u></p> <p>Development may need to be phased in accordance with the provision of adequate water-related infrastructure and a financial contribution, or works in kind, may be required in order for development to proceed. <u>This would include funding to ensure the provision of any necessary additional surface water management schemes.</u></p>
RAM164	6.5.2.18	<p>Add at end of paragraph:  <u>The Council will seek to use development to bring about improvements to bathing waters and marine habitats through the design of development and off site contributions where appropriate.</u></p>
RAM165	6.5.2.20	<p>Amend last sentence: The physical <u>and chemical</u> modification of water bodies will be resisted where this harms their function or results in damage to habitats.</p>
RAM166	6.5.2.21	<p>Add to end of paragraph:  <u>Further details are set out in Torbay's Local Flood Risk Management Strategy. Supplementary Planning Guidance will be prepared setting out how sustainable water management can be incorporated into development and retrofitted into the urban area. As set out above, the use of sustainable drainage systems such as swales, soakaways, tree planting, infiltration</u></p>

		<p><u>basins, filter drains, and rain gardens etc will be a first preference.</u></p> <p>Insert new paragraph:</p> <p><u>Natural England has expressed serious concerns about the effect of combined sewer overflows from Ilsham (also referred to as Hopes Nose), Torquay affecting the integrity of the marine reefs which are an important element of the Marine Candidate Special Area of Conservation (cSAC).</u></p> <p><u>In relation to Torquay, development will need to show that there is no likely significant effect (LSE) on the Marine cSAC, including the combined impact. In order to achieve this, proposals will need to show that:</u></p> <ul style="list-style-type: none"> <li>• <u>Drainage discharges into (a) adequate infiltration systems, (b) a main river or water course, or (c) surface water sewer or highway drain (i.e. not a combined sewer) , <b>and</b></u></li> <li>• <u>Can demonstrate that they avoid or cancel out the risk of increased runoff, and thereby an increased risk of spills at the Ilsham CSO.</u></li> </ul> <p><u>However, where proposals are reliant upon discharge to the combined sewer system, posing a risk of increased spills at the Ilsham CSO, it is likely that they will contribute to a likely significant effect (LSE) on the Marine cSAC and will therefore require Appropriate Assessment, especially in order to assess their ‘in combination’ effect with other such proposals.</u></p>
RAM167	W5	<p><b>Policy W5 Waste water disposal</b></p> <p>Amend Policy as follows:</p> <p>(First Paragraph unchanged)</p> <p>Development proposals will be required to demonstrate that the proposal can be delivered and operated without giving rise to unacceptable impacts on water treatment and disposal or deterioration in the service received by residents and businesses. In considering minor development proposals the Council will have regard to the <u>in combination cumulative</u> impact of such developments and their effect on local capacity or flows.</p> <p>Proposals for housing developments, particularly in allocations relating to Policies SDT1, SDP1, SDB1 and related Future Growth Areas, will not be permitted if South West Water, <b>Natural England or the Environment Agency</b> confirm that:</p> <ol style="list-style-type: none"> <li>1. Waste water treatment works <b>or other sewerage infrastructure</b> serving these developments have insufficient capacity to accommodate the additional development <b>without increasing the risk of overflows of untreated sewage into the environment;</b> or</li> <li>2. There would be an increase in the levels of pollutants <b>or spills (see definition below)</b> likely to have an adverse effect on the integrity of the Lyme Bay and Torbay Marine cSAC, due to insufficient capacity <b>within the combined sewer system and/or</b> treatment works; <b>or</b></li> <li>3. <b>The proposal would otherwise increase the risk of overflows of untreated sewage into the environment.</b></li> </ol> <p>Appropriate measures to reduce the impact of development on the sewerage system, such as natural or sustainable</p>

		<p>drainage and water conservation measures, will be required, proportionate to the scale and nature of development.</p> <p><b><u>In addition, development of previously developed land must be in accordance with the hierarchy set out in policy ER2 ensure that development schemes do not exacerbate sewer flooding and Combined Sewer Outfall (CSO) spills. This will apply in particular to development that discharges into Hope's Nose CSO</u></b></p> <p>A Health Impact Assessment will be required for new or extended WWT facilities.</p>
RAM168	6.5.3.25	<p>Bottom line: delete <del>shared sewer</del> and replace with <u>combined sewer</u></p>
RAM169	6.5.3.26	<p>Amend paragraph as follows:</p> <p>Much of Torbay has <del>shared</del> <u>combined</u> sewers, which places additional load on the network, especially as the effects of climate change become more apparent. <u>Spills are defined as potential impacts caused by flood events that lead to consequential discharges from the land via Combined Sewer Outfalls (CSO), particularly at Ilsham/Hopes Nose, as a result these lead to changes in physical and/or chemical conditions of the overlying water above the qualifying features of the SAC (e.g. reefs) such as alterations to temperature, turbidity, salinity and increases in nutrients and organic matter.</u></p> <p><u>The Council, in partnership with South West Water, commissioned "An Assessment of Future Sewer Capacity in Torbay" (AECOM 2014) to consider the deliverability of the Torbay Local Plan within Torbay's sewer capacity. This confirms that the Local Plan is deliverable within the strategic sewer network's capacity. However the Study requires water efficiency measures, and reduction in water run off from urban creep to be achieved. Consequently new development should have separate foul and storm water drainage systems. In addition Water Sensitive Urban Design (WSUDs) and Sustainable Urban Drainage (SuDs) is recommended to reduce the impact of climate change and urban creep (hardstandings etc). The Council will support measures to reduce the amount of storm water and grey water (e.g. from run-off, washing or cooking) going into the shared sewer. Policy ER2 deals with water management in more detail.</u></p>
RAM170	6.5.3.27	<p>Add new paragraph after 6.5.3.27:</p> <p><u>It is important that water quality of the Marine Candidate Special Area of Conservation is not harmed by pollutants or outfall in storm events. Natural England is the advisory body with responsibility for such matters. Because of concerns about the capacity of Torbay's wastewater infrastructure, possible overflows of untreated sewage into the water environment and impact on bathing water quality, all planning applications should be supported by details of how the proposed development will be drained and waste water dealt with. Such details, and details of mitigation measures will be required at application stage, and not left to consideration through conditional approval. Details should be proportionate to the scale of the proposal.</u></p>

RAM171	6.5.3.28	<p>Add at end of paragraph:</p> <p>This will help meet Water Directive Framework <del>objectives</del> <u>Obligations</u>. The Council will ensure that development does not undermine these.</p>
RAM172	6.5.4.9	Replace “ <del>sacle</del> ” with <u>scale</u>
RAM173	7.4.11	Amend fourth bullet point: Specific infrastructure <u>including green infrastructure</u> needed for major developments...
RAM174	7.4.12	Amend penultimate line: ....reducing s106 Planning Obligations <u>or other requirements</u> on viability grounds ...
RAM175	7.4.16	Add at end of first sentence: directly on growth levels <u>and the future of the NHB scheme</u> .
RAM176	7.4.23	Add to end of paragraph: Masterplanned areas may require an element of cross-subsidy of employment (B space) land by <u>higher value uses, either through equalisation agreements or S106 contributions</u> .
RAM177	7.5.14	<p>Revise 7.5.14 as follows:</p> <p><u>The NPPF requires every effort to be made objectively to identify and then meet housing, business and other development needs in an area, insofar as this does not conflict with other policies in the Framework. Policy SS12 sets out how the delivery of housing will be adjusted to ensure an ample supply against economic and other needs within the range in Policy SS1.</u></p> <p><u>A more major review of the Local Plan will be carried out on a five yearly basis, to assess need, and whether this can be met within Torbay. It will also need to consider the characteristics of the local housing market area as part of the on-going cooperation with neighbouring authorities. Consideration of these factors may entail an adjustment either upwards or downwards of growth trajectories as part of a refreshed Local Plan.</u></p> <p><del>The Council is aware that</del> Torbay is unusual in that population projections <del>may</del> <u>greatly</u> depending on migration rates <u>and assumptions about</u> economic success. The Housing Requirement Report (PBA 2013) sets out a detailed assessment of housing requirements at 2013. It will be monitored on an annual basis, but a major review will need to be carried out in 5 years. In particular this review will consider:</p> <p><b><u>Evidence of Housing Need and Demand</u></b></p> <p><b>Demographic trends:</b> (including ONS population projections, DCLG household projections, birth rates). Torbay’s population is largely driven by domestic inwards migration and there is evidence that this has fallen in recent years. <u>In addition, household sizes in Torbay have remained relatively constant between 1991-2011.</u></p> <p><b>Economic Performance:</b> (including job creation [from Busines Register and other surveys] , unemployment, GVA levels [from ONS data], employment floorspace created [from annual employment monitoring], degree of self containment). PBA’s fully assessed housing requirement is based on Torbay’s economy reversing recent trends and performing very successfully over the next 20 years. Whilst Local Plans should be positively prepared, they must also be realistic; and growth forecasts</p>

		<p>may need revising. The Plan seeks to minimise the need to travel (e.g. avoid excessive commuting levels that could arise if the balance between housing and employment get seriously out of step). <u>Therefore progress towards improving the quality and quantity of employment in Torbay will continue to be an important consideration when reviewing the Local Plan.</u></p> <p><b>Market and Social Signals:</b> (including land and house prices, rents and lower quartile affordability [via Land Registry, Annual Survey of Hours and Earnings, local agents], updated Strategic Housing Market Assessment (SHMA), housing related deprivation [via household surveys/Indices of Multiple Deprivation], <u>waiting list data, homelessness and concealed households</u>).</p> <p><b><u>Supply factors: Environmental Capacity (i.e. whether need can be met without harming sustainability matters raised in the NPPF)</u></b></p> <p><b>Land Availability:</b> Updated SHLAA and Housing Monitor</p> <p><b>Housing Monitor:</b> (including data on completions, commencements and stock of planning permissions) Relevant to both a 5 year rolling supply and longer term trajectory of <u>deliverable developable</u> sites.</p> <p><b>Progress towards providing key infrastructure:</b> Including, in particular, highway improvements/provision, <u>sustainable drainage</u> and sewerage capacity. Also progress towards Masterplanning of sustainable communities and progress/funding for necessary and desirable infrastructure.</p> <p><b>Evidence of landscape and biodiversity impacts:</b> (including mitigation and management <u>and assessment of off-site impacts such as bathing water quality</u>), through measures such as: <u>Biodiversity Action Plan habitats proposed, created or managed; LVIA for any allocations within or affecting the setting of the AONB; other landscape assessments; the 2010 South Hams Greater Horseshoe Bat Guidance and information from masterplans, applications etc regarding bat activity; Site Conditions Assessments for Sites of Special Scientific Interest and European sites; Site Improvement Plans for European sites and; Marine Protection Zone Management Plans.</u></p>
RAM178	Table 7.1	<p>Add to footnote: <u>and are subject to five yearly reviews of the Local Plan. Note that delivery rates are dependent upon changed to Policy SS1 etc: See schedule of Replacement Main Modifications.</u></p>
RAM179	Appendix A	<p>Add <b>Heritage Asset</b> and <b>Historic Environment</b> to Glossary of Terms:</p> <p><b><u>Heritage asset:</u></b> <u>A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).</u></p> <p><b><u>Historic environment:</u></b> <u>All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed.</u></p>

RAM179 A	Appendix A	<p><b>Dark Corridors:</b> Unlit areas of planting, hedgerow etc around the built up area which serve as bat flightpaths and other biodiversity roles. While these areas are likely to have a recreation role, they should be kept unlit and flightpaths maintained. (see Policies SS8 and NCV1)</p> <p><b>Self Build Housing:</b> The Planning Practice Guidance applies the term self build (or custom build) to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor. Self builders must own the property and occupy it as their principal residence for a minimum of three years after the work is completed. See also Policy H3 of the Local Plan</p>
RAM180	Appendix C	Add: <b>Third Devon Local Aggregate Assessment 2004-2013, First Draft (Devon County Council, May 2014)</b> to Appendix C (Infrastructure and Resource Management).
RAM181	Appendix E	<p>New Regionally Important Geological Site (RIGS): Hollicombe Head-Corbyn's Head, Torquay. <b>Policies Map Change (see Annex 1)</b></p> <p><b>See also minor Policies Map boundary changes to County Wildlife Sites at Daddyhole Plain, Torquay, and Clennon Woods Paignton (RAM119) – see Annex 1.</b></p>
RAM182	Appendix G car parking requirements	<p>Amend parking requirements table as follows:</p> <p><b>Residential</b> Column 3: <del>Estimated</del> <u>Minimum Requirement/guide</u> (N.B. Only applies to residential category).</p> <p><b>Other Parking considerations.</b> (New point). <u>A parking space will be regarded as a minimum of 2.4ha by 4.8m. Parking spaces for disabled persons should be a minimum of 4.8m by 3.6m (or where side to side 4.8m by 2.4m with a minimum of 1.2 m between them). Parking courts will also require maneuvering space of 6m to enter and exit a space. Where parking spaces are accessed directly from the highway a space shall be 3.2m by 6m (5.5m minimum) to ensure that the highway is not obstructed. The Council's Highways design Guide and Manual For Streets 2 provide more general guidance.</u></p>