

Meeting: Council Meeting

Date: 10 December 2015

Wards Affected: All

Report Title: Formal Adoption of the Torbay Local Plan

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

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1. Proposal and Introduction

- 1.1 This Report describes the outcomes of the Examination conducted by the Government's Planning Inspectorate (PINS) into the soundness of the Torbay Local Plan, and sets out recommendations to the Council regarding the formal Adoption of the Plan and related actions. The Local Plan has been found sound subject to Modifications.
- 1.2 A new statutory Local Plan has been prepared for Torbay. This document, the 'Torbay Local Plan (A landscape for success: The Plan for Torbay - 2012 to 2030 and beyond)' is the Council's key development plan document and will form the legal basis for decisions on spatial planning matters within the Bay over the next fifteen years or so. The Plan sets out a balanced strategy for change in Torbay, which embraces growth but puts protection and enhancement of Torbay's unique environment at its heart.
- 1.3 Following earlier draft stages of Plan preparation, the new Torbay Local Plan was formally submitted to the Secretary of State for Independent Examination in July 2014, heralding the start of the Examination. Hearing Sessions were conducted in November 2014 by the Inspector appointed by PINS, following which the Council received his Initial and Further Findings. As a consequence, a series of Proposed Main and Proposed Additional (Minor) Modifications to the Plan were published for consultation. Following consideration of responses, these Modifications were later substituted by the publication of a set of Proposed Replacement Main and Proposed Replacement Additional (Minor) Modifications, together with a small number of Further Additional Modifications. All representations received and the Council's responses were published and passed to the Inspector for his consideration.
- 1.4 The Council has now received the Inspector's Report of the Examination into the soundness of the Torbay Local Plan, dated 12 October 2015. This has been published in accordance with the Local Planning Regulations.

- 1.5 In compliance with the relevant guidance, the Inspector has been required to indicate that the Plan as originally submitted had a number of initial deficiencies relating to soundness. However, the Inspector has concluded that the Local Plan can be found sound subject to Proposed Replacement Main Modifications, the great majority of which were requested by the Council. These are binding on the Local Planning Authority. Without these Main Modifications, the Plan as submitted would not be considered sound by the Inspector and could not be adopted. The Plan will be supplemented by the Proposed Replacement Additional (Minor) Modifications and Further Additional Modifications described in more detail in Section 1 of Appendix 1 below.
- 1.6 Receipt of the Inspector's Report marks the end of the Examination process and allows the Council to proceed to the formal Adoption of the Local Plan, as modified. The Local Plan has been found satisfactory in all three specified areas, namely compliance with the duty to cooperate, soundness (positively prepared, justified, effective and consistent with national policy) and compliant with legal requirements. It should be recognised that this is a major achievement for Members and officers of the Council and provides the Authority with a very effective and positive basis for future planning in the Bay. This officer report recommends that the Council agrees to the formal Adoption of the Torbay Local Plan, with Modifications, and to a series of consequential actions.

2. Reason for Proposal

- 2.1 Receipt of the Report from the Inspector confirming the soundness of the Local Plan provides the Council with the opportunity to draw to a conclusion a lengthy and complex statutory Plan-making project. The timely Adoption of the Local Plan will ensure that change, growth and conservation of resources in Torbay continue to take place on a 'Plan-led' basis.
- 2.2 The policies and proposals of the Plan have been the subject of extensive public consultation and engagement, which has provided the community with opportunities to influence outcomes to the benefit of local neighbourhoods. Preparation of the Local Plan in parallel with Neighbourhood Plans for each of the three towns will enable both types of Plan to be compatible, empowering communities to influence decisions at a local level.
- 2.3 The Adoption of the new Local Plan is required to formalise the provision of a robust and positive planning framework to secure the best outcomes from investment and development in Torbay. These are defined in the Plan as follows:
- Secure economic recovery and success;
 - Achieve a better connected, accessible Torbay and critical infrastructure;
 - Protect and enhance a superb natural and built environment;
 - Create more sustainable communities and better places.
 - Respond to climate change
- 2.4 The emerging new Local Plan has been part of the Council's Policy Framework; Adoption by Members would formalise its status within the Framework.

3. Recommendations / Proposed Decision

- 3.1 That the new Torbay Local Plan set out in the submitted report be formally Adopted as the statutory development plan for Torbay for the period 2012-2030, with effect from 10 December 2015;

- 3.2 That Members note that the Plan as Adopted comprises the Proposed Submission Torbay Local Plan (February 2014), as amended by (a) the Proposed Replacement Main Modifications set out in Appendices 2 and 3 below, (b) the Proposed Replacement Additional (Minor) Modifications set out in Appendices 4, 5 and 6, and (c) the Further Additional Modifications set out in Appendix 7;
- 3.3 That as a consequence, the current Adopted Torbay Local Plan (1995-2011) be superseded by the newly Adopted Torbay Local Plan (2012-2030) with immediate effect following Adoption;
- 3.4 That following Adoption, the Local Plan Adoption Statement and related documentation be made available in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations, and that interested parties be notified accordingly;
- 3.5 That Members agree to the retention of the existing planning guidance and Adopted Supplementary Planning Documents listed in Section 8 of Appendix 1 below as supplementary planning guidance for development management purposes, pending their review, consolidation or replacement; and
- 3.6 That in consultation with the Executive Lead and Assistant Director as appropriate, officers be authorised to progress the following 'post-Adoption actions':
 - a. The consequential compilation, editing (including typographical, grammatical and document layout matters) printing and publication of the final modified versions of the Adopted Local Plan and Policies Map booklet (including the interactive online version), Sustainability Appraisal and Habitats Regulations Assessment;
 - b. The establishment of a South Devon Delivery Review Panel (or similar) to facilitate the implementation and delivery of the Local Plan's development strategy, including requisite liaison and partnership with adjoining local authorities as part of the Council's duty to cooperate;
 - c. The continued involvement in preparation of Neighbourhood Plans through appropriate mentoring and provision of professional advice, in order to secure, as a matter of urgency, the delivery of compliant Neighbourhood Plans for Submission to the Council by the end of March 2016;
 - d. The development and implementation of appropriate monitoring mechanisms to ensure that key determinants of the Local Plan development strategy are monitored on a consistent and regular basis (usually annually), in particular the delivery of new homes and jobs;
 - e. A review of existing Supplementary Planning Documents [SPDs] (see 3.5 above, and Section 8 of Appendix 1 to this Report) other than recently Adopted Masterplans, and publication of up-to-date supplementary planning guidance;
 - f. The review of the existing Local Development Scheme (2014) in order to produce a revised programme of development plan work, to include preparation of the Authority's Monitoring Report, identified revised and new Supplementary Planning Documents, and potential Local Development Documents, including any necessary Site Allocation Development Plan Documents; and

- g. The continued development of the Spatial Planning evidence base, working with partners, to inform and ensure robust future reviews of the Torbay Local Plan, noting that the first major review could take place as soon as 2017.

APPENDICES

Appendix 1 Supporting Information and Impact Assessment

Appendix 2

Schedule of Proposed Replacement Main Modifications to the Local Plan – Text
(Derived from Torbay Local Plan Inspector’s Report, October 2015 - Appendix 1)
[Examination Library Document PH/24 - see Supporting Document A.1 below]

Appendix 3

Schedule of Proposed Replacement Main Modifications to the Local Plan – Housing policy tables
(Derived from Torbay Local Plan Inspector’s Report, October 2015 - Appendix 1A – Annex 2: Housing policy tables) [Examination Library Document PH/24 - see Supporting Document A.1 below]

Appendix 4

Schedule of Proposed Replacement Additional (Minor) Modifications to Local Plan - Text
[Derived from Examination Library Document TCRMOD/5 - see Supporting Document B.1 below]

Appendix 5

Schedule of Proposed Replacement Additional (Minor) Modifications to Local Plan – Maps
[Derived from Examination Library Document TCRMOD/6 - see Supporting Document B.2 below]

Appendix 6

Schedule of Proposed Replacement Main Modifications to Local Plan – Maps* [Derived from Examination Library Document TCRMOD/3 - see Supporting Document B.3 below]
*[*Note: Although these Map Changes were originally publicised as Main Modifications, they were subsequently considered by the Examination Inspector not to be Main Modifications. They are therefore included as Additional (Minor) Modifications]*

Appendix 7

Summary of recommended Further Additional Modifications to the Submission Plan – Text
[Derived from Examination Library Document TCRMOD/18 – see Supporting Document B.4 below]

BACKGROUND DOCUMENTS

A. Inspector’s Report and Main Modifications:

A.1 Report on the Examination into Torbay Local Plan (Keith Holland, Inspector, Planning Inspectorate - 12 October 2015) plus Appendices, including Proposed Replacement Main Modifications: <http://www.torbay.gov.uk/ph24./pdf>

A.2 Notice of Publication of Report on the Examination into Torbay Local Plan (October 2015): <http://www.torbay.gov.uk/ph23.doc>

B. Proposed Replacement Additional (Minor) Modifications:

B.1 Schedule of Proposed Replacement Additional (Minor) Modifications to Local Plan (18 June 2015): www.torbay.gov.uk/tcrmod5.pdf

B.2 Schedule of Proposed Replacement Additional (Minor) Modifications to Local Plan - Annex 1: Policies Map Changes) (18 June 2015):
www.torbay.gov.uk/tcrmod6.pdf

B.3 Schedule of Proposed Replacement Main Modifications to Local Plan – Annex 1: Policies Map Changes (18 June 2015): www.torbay.gov.uk/tcrmod3.pdf

B.4 Torbay Council Summary of Recommended Further Additional Modifications to the Submission Plan, in response to representations made on the Proposed Replacement Modifications (14 August 2015) www.torbay.gov.uk/tcrmod18.pdf

C. Proposed Submission Plan:

C.1 Torbay Local Plan - Proposed Submission Plan (February 2014)
[TorbayLocalPlanProposedSubmissionPlan.pdf](#)

C.2 Torbay Local Plan – Proposed Submission Plan: Key Diagram and Policies Map Booklet (February 2014) <http://torbay.addresscafe.com/app/exploreit/default.aspx>

D. Consultation Draft Plan:

D.1 Torbay Local Plan – Consultation Draft plus Appendices (September 2012)
[Local Plan Main Doc \(lower res\).pdf](#) (4.7MB) & [LocalPlanMainDocAppendicesV2.pdf](#) (8.6MB)

E. Local Development Scheme:

E.1 Torbay Local Development Scheme (January 2014)
[Local Development Scheme 2014](#) (595KB)

F. Previous Council Report

F.1 'Submission of the new Torbay Local Plan (A Landscape for Success) to the Secretary of State' - Report to Council meeting of 17 July 2014 (Minute 42, July 2014)
[Submission of the Torbay Local Plan to the Secretary of State](#)
[Submission of Local Plan Appendix 1](#)
[066 Submission of Local Plan 170714](#)

Note:

The documents in Sections A to E above, and all of the associated documentation produced during the evolution of the Local Plan, including the extensive evidence base underpinning the Plan, can be accessed via www.torbay.gov.uk/localplanexamination
Additional information on the Local Plan can be found on www.torbay.gov.uk/newlocalplan