

INGLEWOOD INQUIRY JANUARY 2021

STATEMENT TO INQUIRY BY BRIAN PAYNE

Introduction and qualifications

- I am Brian Payne, resident for 40 years of Broadsands, a “village” within the area covered by the Brixham Peninsula Neighbourhood Plan [BPNP].
- I am Chairman of both the Churston Galmpton and Broadsands Community Partnership, and the Brixham Community Partnership. The area covered by these Community Partnerships coincides exactly with that of the BPNP.
- I worked for 4 years as part of the volunteer team who created the BPNP approved at referendum on 2 May 2019. I co-authored and edited the Policy Document and authored, edited or oversaw the substantial Design Statements forming part of the plan
- I am part of a small NF Steering Group which has endeavoured to monitor and safeguard the stewardship post-adoption of the Plan by the LPA – a role proving very necessary in the light of experience to date.
- This inquiry will hear much evidence from “experts” on various technical and legal issues. There will, however, be no expert evidence from the principal parties either on the Neighbourhood Plan, or on the wishes, aspirations or vision of the communities potentially suffering this development. I probably represent the nearest approximation of an expert on both matters, thanks both to those local qualifications I have just listed, and to my former status as a Member of the Expert Witness Institute, specializing in forensic accountancy.

Until a few weeks ago I was due to appear for the rule 6 Party as an expert on the genesis, ambitions, aspirations and intentions underpinning BPNP’s policies directly ruling out this site from future development. However, in December the Rule 6 Party withdrew. In addition to the specifics of the withdrawal notified to PINS, The Rule 6 Party was, in my view, faced with a very uneven playing field in terms of lack of resource – funding and expertise – compared to the other parties. My view is influenced by my former status as an Associate of the Chartered Institute of Arbitrators [ACIA].

I do not perceive that Neighbourhood Forums in general are satisfactorily placed to defend their plans as an independent voice against heavily resourced landowners and developers. Also, in Torbay's case, there have been very poor communications with an under-resourced planning department suffering a leadership crisis with 3 heads of department in the last 15 months. Local authority financial constraints also mean, in my experience, that Torbay's executive and political leadership shrink from robustness through a deep fear of additional investment or adverse costs.

A robust, unambiguous, valid upstream plan

- A NF colleague [Mr Billings] is going to talk about the development and justification of key NP policies ruling out this development, and the detail of those policies will be spelled out in evidence presented by the LPA case officer.
- I will therefore focus on emphasizing the substantial weight, clarity and unambiguity of that plan, and its evolution from a relatively imprecise draft sitting a long way downstream of LPA deliberations, to a strong and clear policy and site allocation document, duly examined, now sitting a long way upstream of much of the deliberation taking days at this inquiry, and forming a strong and detailed arm of the Torbay Development Plan.
- The volunteer team driving the plan was not short of professional expertise. A core team of skilled former professionals and senior corporate executives, as well as councillors with planning experience, developed the Plan as far as their expertise would allow.
- In addition, approximately £70K of taxpayer funding was accessed, and extensive external professional input obtained – notably from Aecom [one of the world's largest consulting engineers] who evaluated every site in the plan, recognised ecology expert[s], and above all a Member of the Royal Town Planning Institute who serves as a NP examiner, who helped to frame policies clearly and precisely for LPA and developer use.
- Extensive advice and help was also obtained from the Chairman of the neighbouring Paignton Neighbourhood Plan area, Mr David Watts, a retired senior LPA planning figure with over 40 years' experience. Mr Watts served as a Neighbourhood Planning Champion under the Locality scheme, and advised us that the three Torbay plans were national "Front Runners" and amongst the largest and most complex in the country.

- It was Mr Watts who early in 2018 accessed experienced mediation help through Locality in order to persuade the LPA to recognize that the NP was indeed moving rapidly upstream and that they simply had to engage with the consultation, examination and referendum stages.
- In terms of consultative reach, the BPNP was obliged to keep meticulous records of its consultation and public interface activities for 8 years. In addition to 45 Public Meetings, several substantial surveys, workshops organized by the Prince's Foundation, and frequent articles and notices, it organized as part of its Regulation 14 Consultation ending in March 2017, 10 workshops, 6 consultation events and full Plan availability in 11 public locations. In addition to the many hundreds of people accessed through these activities, bespoke written responses were generated to 364 members of the public and 24 organisations.
- This compares to the two day public consultation event organized by the appellants in May 2017 which attracted 37 organisations ["key stakeholders"] and 128 members of the public.
- With a tendency for engaging parties in consultations to be objectors, support for the principle of developing the site at the appellant's event was 2%, while support for the Neighbourhood Plan, including its rejection of the appellant's site, in its Regulation 14 consultation was 64%, growing to 88.2% at the May 2019 referendum.
- The outcome of all this effort is a Plan which meets and exceeds its target of 660 dwellings, supplements this with reserve sites, is crystal clear in its prioritisation of brownfield sites over greenfield, and is eloquent about the natural assets and ecological sensitivity of the Brixham Peninsula.
- Together with the fact that the Peninsula has delivered 152% of its housing requirement over the last 3 years, these plan parameters and delivery achievements, expressed so concisely and clearly, completely nullify any grounds for asserting that the Inglewood development should proceed.
- That is before the shifting sands of NPPF revisions and PPG's are considered.

NPPF para 14 and 3 year land supply

- I am confident that the issue of para 14 of the NPPF will be fully explored in evidence from the LPA.
- Para 14 includes a condition that in order for a NP to remain in date, the LPA must demonstrate a 3 -year housing land supply. Much of the community is aware of this condition thanks to regular updates on the subject through the Community Partnerships and Ward Councillors. Understanding why a number beyond their control cancels out a fully compliant NP under 2 years old is simply beyond their comprehension. Especially when the running LPA scorecard for housing land supply hit 3.00 years in August 2020. A steep incline in the playing field is perceived by most.
- While the core NF team have an inkling why this number disappeared unannounced in a case conference dated 30 November last, I am confident that most Torbay Council members and the vast majority of the residents of the Brixham Peninsula are struggling in the dark.
- You will be hearing from a Ward Councillor just how challenging an understanding of what has gone on with the housing land supply figure has been – and indeed remains.
- My own key problem with that figure has been trying to understand why a housing land supply requirement linked to assumed increased employment for the last 5 years has not been updated at any point to reflect the fall in employment in the same period. Especially when windfall calculations have been assiduously revisited and reduced on an annual basis. More especially when the Inspector examining the Local Plan in 2015 specifically recommended that the employment link be assessed and numbers updated annually.
- Speaking of windfalls – many businesses are going to fall victim to the pandemic and fail or give up. Many others will move to home working. This will lead inevitably to a surge in in windfall applications to convert commercial premises to residential use – hospitality and retail above all in Torbay, as well as office and others such as the care sector. I estimate that Brixham Peninsula alone could see an extra 300 – 400 windfalls come forward over the next five years. This number would be significantly greater for the Paignton and Torquay Neighbourhood Plan areas. The significance of this windfall surge is that the shortfall in 3 year land supply across the whole of Torbay assuming a move from a 5% to a 20% loading under the Standard Method due to

assumed historical under-delivery is approximately 300 sites – a number that will likely be vastly outweighed by the windfall surge across Torbay. Further, such a surge would play to the aspiration of the neighbourhood Plans and Torbay to move to urban regeneration and preserve greenfield assets.

- Even if the answer lies in employment growth outside the LPA area, I am at a loss to understand why negotiations with neighbouring authorities have not been actioned as promised in the LPA’s “Action Plan” of August 2019.
- Also, while I understand the exigencies of the Standard Method of calculation referred to in other evidence, I am at a loss to understand why no special case for reduction is being made by the LPA when:
 - 67% of the Authority area of only 63 sq kilometers is already built out. [App A para 1]
 - With sea to one side, only a narrow strip of greenfield asset remains to the west. [App A para 2]
 - Torbay has experienced steady job losses since 2015, while Exeter has shown the opposite trend, with 1.6% jobs growth in the last pre-Covid figures available to Q3 of 2019. Further, Torbay’s economy, which is hospitality dependent, is going to be decimated long-term by Covid impact. [App A para 3]
 - All neighbouring authorities have a housing land supply comfortably in excess of 5 years, and appear to be in dialogue about the recognized Greater Exeter housing requirement. [App A para 4]
 - A housing oversupply exists in Torbay. [App A para 5]
 - Substantial and complex natural assets exist in the LPA area – 45 km of coastline, 42 sq km of sea, a major Special Area of Conservation, 2 Marine Conservation Zones, substantial areas of AONB, 12 SSSI, 5 Nature Reserves and 82 Wildlife sites. [App A para 2]

Conclusion

I can state with confidence, in my position as CP’s Chairman, co-author of the NP and 40 -year resident that to allow this appeal would be a betrayal of community wishes – expressed as an 88.2% “yes” vote for the NP at referendum – and nothing short of both a betrayal of, and a death knell for, neighbourhood planning, localism and democratic process. I ask, Sir, that you refuse it.

Footnote

Sir, I'd like to turn briefly to the subject of a site visit by you.

It is most unfortunate that circumstances have prevented you from making an unaccompanied pre-inquiry visit such as that planned by your predecessor. This is a very disappointing development, even with the post-inquiry visit that you plan.

A great deal of evidence will be given on visual impact on which you will be temporarily unsighted.

Therefore, the Neighbourhood Forum has organized 5 minutes of drone footage of the site from most points of the compass, and with no accompanying narrative or text.

I believe this video will assist you and all participants to overcome pandemic restrictions.

APPENDIX A
TORBAY HOUSING NEEDS ASSESSMENT
2020 REVIEW
NEIGHBOURHOOD FORUMS POSITION STATEMENT - draft

Torbay's Local Plan is 5 years old in December this year.

This means that the Housing Needs Assessment done 5 years ago becomes out of date, and a new assessment must be done, with an "expectation" that what is known as the "Standard Method" will be used.

This method threatens to impose a house building volume target for Torbay which is without justification. It currently produces an annual requirement ahead of that set 5 years ago which was based on significant jobs growth. Employment in Torbay has not grown – it has declined, so the aim of a "sustainable" strategy has failed. This is before the longer- term impact on Torbay's employment of the Covid-19 crisis is known. This is particularly significant for an authority area which has very little room for manoeuvre in terms of housing development, and a significant stock of natural and heritage assets. Those assets have assumed immeasurably greater significance for a post pandemic future.

Does Torbay have to accept the imposition of an inappropriately high target? The answer is supplied by the Government

Is the use of the standard method for strategic policy making purposes mandatory?

No, if it is felt that circumstances warrant an alternative approach but authorities can expect this to be scrutinised more closely at examination. There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances.

Paragraph: 003 Reference ID: 2a-003-20190220

[Source – Guidance – Housing and Economic Needs Assessment - Published 20 March 2015
Last updated 22 July 2019]

Torbay's circumstances are certainly exceptional enough to warrant an alternative approach. The key exceptional factors are:

1. **Torbay is already significantly built out, with very scarce greenfield resource.**
The area of Torbay is 62.87 sq km. 32 sq km was built up by 2010 [Enderby Associates – Landscape Character assessment of Torbay May 2010]. This is unlikely to be less than 42 sq km currently. That is 67% urbanisation, separated from neighbouring authorities by a sliver of rapidly diminishing countryside to the north and west.
2. **Torbay has sea to the east and south, severely limiting its countryside margin, and a significant stock of important natural assets.** A glance at a map of the authority illustrates this constriction.



Within its Authority area, Torbay has 45 km of coastline, 42sq km of sea including two Marine Conservation Zones, a Special Area of Conservation, five National or Local Nature Reserves, 12 Sites of Special Scientific Interest, and 82 county or Local Wildlife Sites [Enderby Associates – see para 1]

3. Torbay is losing jobs, [Greater] Exeter is gaining jobs

Since the adoption of the Local Plan in 2015, employment [pre covid-19] in Torbay dropped from 55000 to 52000. Its hospitality employment base is certain to be adversely affected by pandemic related business failures.

The latest employment figures for Exeter show a different picture entirely

		Employment level (Q3 2019)	Growth (YoY)
1.	Stoke-on-Trent	121,400	2.2%
2.	Cambridge	135,700	2.2%
3.	Inner London	3,435,900	2.1%
4.	Oxford	135,700	2.0%
5.	Liverpool	325,700	1.8%
6.	Belfast	124,300	1.7%
7.	London	5,163,200	1.7%
8.	Sunderland	137,400	1.6%
9.	Exeter	102,900	1.6%
10.	Manchester	483,100	1.5%
11.	Edinburgh	375,800	1.4%

[Source – UK Powerhouse Jan 2020 Irwin Mitchell]

4. Neighbouring Authorities are closer to the growth area and offer a more sustainable solution.

Exeter’s growth story will not repeat elsewhere in South Devon and the City must look outside its constrained boundaries for housing solutions as well as innovative city- based developments. Neighbouring authorities offer both more sustainable

carbon reducing travel to work options and significantly greater housing land supply than Torbay.

There are several key statistics here:

Authority	Sq Km	Population Density per sq km	5 Year Housing Land Supply 2019 [yrs]
Torbay	63	2159	2.50
E Devon	814	177	5.50
South Hams	886	97	6.85
Teignbridge	424.	197	8.28
Mid-Devon	577	89	7.43

These numbers point to a need for Torbay to collaborate with neighbouring authorities and urgently make the cross-boundary linkages with the Greater Exeter Strategic Plan indicated in its August 2019 action plan.

5. Torbay has a market housing over-supply based on house values, and an affordable and social housing under-supply.

House prices in Torbay are substantially lower than those in England (excluding London), in the South West, and in Teignbridge, as a comparator authority, as illustrated



Figure 2. Data are from The Office for National Statistics (ONS). All housing types are included.

These data support the argument that Torbay already has an excess of housing in general, as evidenced by the low house prices.

The excess housing is also harming the social demographic of Torbay. The 2011 census showed that more than 4,000 more people commute away from Torbay (12,977) than commute toward it (8,591) for employment. A thriving community

cannot afford to provide housing for people without a stake in the community, especially when it cannot provide housing for the people in the community.

The argument that Torbay already has a more than adequate supply of housing, excepting social and affordable housing, is further supported by the number of dwellings for sale in Torbay. Rightmove lists over 1500 dwellings for sale at this time. Of these, almost 400 Torbay dwellings were added to Rightmove more than six months ago and of these, more than 100 were added more than 12 months ago. These data suggest a surfeit of housing and a lack of buyers.

Torbay leads the area in the number of unoccupied and long-term unoccupied homes. Last July, Torbay had 1,303 dwellings that were unoccupied for more than six months, according to Devon Live (31 July 2019). This number was almost double that for Plymouth, the second-worst area in Devon for unoccupied housing. They calculated that in Torbay 19.7 of every 1,000 homes were unoccupied – almost 2%.

The Torbay Housing Strategy also notes that poverty in our area has increased and that the need for housing in Torbay is primarily for social and affordable housing. Referring to the Indices of Multiple Deprivation from 2019 data with respect to Torbay: “. . . the measures related to housing show declining affordability of both rented and owner- occupied housing in relation to average incomes, an increase in overcrowding and an increase in homelessness.

The solution to the affordable and social housing under-supply is focused Council led, Council funded development, not looking for corners of extensive commercial developments which often shrink through “viability”.

Torbay’s Neighbourhood Forums represent more than “public to be consulted”. They are significantly invested in Torbay’s Development Plan as authors and stakeholders.

The three forums now make two requests:

- 1. We call on Torbay Council to commence the 5- year Local Plan Review with a decision to reject the “Standard Method” of Housing and Economic Needs Assessment, and to instruct an alternative approach more suited to Torbay’s exceptional circumstances.**
- 2. We call on both Torbay MP’s to make the case with government that a “one size fits all” standard method is wholly inappropriate for Torbay, as it will be for many other authorities.**

