

## 1. INTRODUCTION

### Why do we need a new Local Plan?

**1.1** It is the responsibility of Torbay Council as the Local Planning Authority, under the Town and Country Planning Act 1990, to prepare a single local plan for the whole of Torbay. This new Plan, the Torbay Local Plan (1995-2011), has been prepared for a number of reasons:

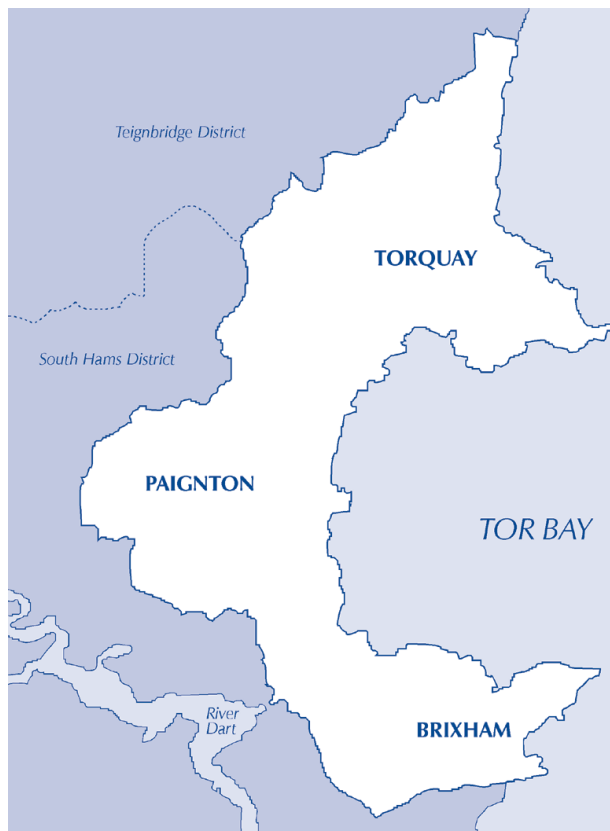
- The Plan periods for the two existing adopted Local Plans (Paignton Central Area Local Plan (adopted March 1985) and Torbay Local Plan (adopted July 1991) expired in 1991 and 1996 respectively.
- The results of the 1991 Census have updated the demographic base to the Local Plan’s policies and proposals, informed more recently by the 2001 Census and ONS (Office for National Statistics) Mid-Year Estimate for 2002.
- The Devon Structure Plan First Review was adopted in 1999, setting revised levels of provision for housing and employment land.
- The planning agenda has moved on; since the first Torbay Local Plan was adopted in 1991, there has been a strategic shift in attitudes. The Rio Earth Summit in 1992, Kyoto Climate Change Summit in 1997 and a series of Government white papers, policy statements and planning policy guidance notes (PPGs) have reinforced the principle of sustainable development. They have set a new policy framework in subjects such as brownfield development, affordable housing, retail development, town centres, integrated transport, archaeology, sport and recreation, coastal planning, tourism, pollution control and nature conservation.
- The Government is currently seeking to modernise planning to achieve sustainable development in a speedy, efficient and accountable way. The proposed changes to the planning system will give this fundamental underlying principle a statutory purpose for the first time. The four aims of sustainable development incorporated in the policy framework which will underpin the new planning system are described in paragraphs 2.9 and 2.26 - 2.48 of Chapter 2 Local Plan Strategy.
- As a consequence of the Local Government Act 2000, local authorities have a duty to prepare a Community Strategy (or Plan) to promote the economic, social and environmental well being of

their areas. The Local Plan should provide the ‘spatial expression’ of the new Community Plan for Torbay, both in informing its preparation and in the delivery of its policies.

- There is an urgent need for economic and social regeneration in Torbay and the necessary action, including securing funding from Europe and the British Government, needs to be carried out within a Local Plan framework.
- As a result of the Local Government Act of 1992, Torbay became a unitary authority in 1998 with new responsibilities for services such as education, social services, highways, libraries, waste disposal and minerals. The Local Plan needs to provide the framework for these responsibilities, having regard to the corporate objectives of the Council.

**1.2** The Adopted Torbay Local Plan (1995-2011) addresses all these considerations and the area which it covers is illustrated in Plan 1. The Council adopted the Plan following a series of key Plan preparation stages.

### Plan 1: Area covered by the Torbay Local Plan



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**1.3** The Deposit Version of the Local Plan was published in July 1999. Following consideration of representations received during the formal consultation period, the Council published the Revised Deposit Version in October 2000. Subsequently, the Local Authority prepared changes to the Plan following consideration of representations received on the Revised Deposit. These Proposed Further Changes (PFCs) were agreed by the Council in July and September 2001 and placed before the Local Plan Inquiry Inspector for his consideration.

**1.4** The Public Local Inquiry into objections to the Plan took place between 20 November 2001 and 25 September 2002. During the Inquiry, additional changes were made as part of the process of negotiation carried out with objectors to resolve outstanding objections. These changes are referred to as Proposed Changes at Inquiry (PCIs). On 9 April 2003, the Inspector's Report into objections to the Local Plan was published.

**1.5** The Council addressed the Inspector's recommendations on 4 September 2003 and approved a series of modifications to the Plan. The Proposed Modifications document was published and placed on deposit for public consultation on 6 October 2003. Following consideration of representations received on the Proposed Modifications, the Council resolved on 4 March 2003 to publish a Notice of intention to adopt the Local Plan without further modifications. The Council's Statement of reasons and decisions relating to objections to Proposed Modifications was deposited with the Notice.

**1.6** On 5 April 2004, Torbay Council adopted the Torbay Local Plan (1995-2011) with modifications. The Plan came into operation on its adoption and as a result superseded both the Adopted Paignton Central Area Local Plan (1985) and Adopted Torbay Local Plan (1991).

### What issues are addressed by the Local Plan?

**1.7** The matters that the Local Plan deals with affect the whole community of Torbay, not only developers and people submitting planning applications. The Plan is concerned with a range of issues:

- **Housing** - provision of new homes to meet the needs of all sections of the community, including for affordable housing, and maximising the potential of previously developed land to accommodate new housing.
- **Employment** - addressing the relatively high level of unemployment and the need to stimulate the economy and secure regeneration, in order to provide opportunities for more jobs for school leavers, the unemployed and the under-employed through the development of new businesses and other employment opportunities.
- **Tourism** - how can we adapt to changing demands in the dominant industry in Torbay without causing adverse environmental or other impact?
- **Shopping and Town Centres** - what sort of facilities are required and where should they be? How can we make our town centres more attractive both for shopping and as focal points for the community?
- **The Community** - ensuring that the necessary social infrastructure, such as community facilities, schools and health services, are in place; and helping to foster sustainable communities.
- **Recreation and Leisure** - improving facilities for young and old, and making sure that there are adequate opportunities for indoor, outdoor and 'quiet' recreation.
- **Infrastructure** - it is necessary to ensure that the provision of infrastructure, such as water supply, drainage, waste water disposal, energy and telecommunications, keep pace with the Plan's development proposals.
- **Waste and Minerals** - how we plan for the treatment and disposal of our waste is critical to the quality of the marine and terrestrial environment.
- **The Environment** - finding ways of protecting and improving the environment of both town and countryside, including enhancing the quality of life and promoting nature conservation in a sustainable way; the coast is also a unique asset which must not be compromised by inappropriate development.
- **Transport and Accessibility** - ensuring that the movement of people throughout the area, including access to homes, jobs and facilities, is

maintained and where necessary improved, and to plan so that people do not need to travel as much in the first place. This may involve limited highway improvements, but the emphasis will be increasingly towards making public transport more attractive, easier and more competitive than the private car. Other forms of movement such as cycling and walking will also be encouraged.

**1.8** There is continual change in our society and it is necessary to co-ordinate and plan to meet the needs and cater for the demands that arise in the best way for the community as a whole, without causing undue hardship.

**1.9** Some of the issues are potentially conflicting, and it is through the Local Plan that the Council, as the Local Planning Authority, will seek to reconcile any conflicts and achieve the right balance to guide development in Torbay in the next few years.

**1.10** The purpose of the Local Plan is therefore to provide detailed policies and site specific proposals for Torbay for the period to 2011, within the framework of the more general provisions of national planning policy, Regional Planning Guidance and the Devon Structure Plan.

### What does the Local Plan do?

**1.11** The Local Plan has four main roles:-

- it sets out detailed policies and specific proposals for the development and use of land during the Plan period, forming the basis for a 'plan-led system';
- it guides day-to-day planning decisions through development control, with the intention of making decisions consistent and transparent;
- it provides a basis for co-ordinating development and other use of land, including land assembly and compulsory purchase; and
- it enables the community to consider important planning issues which will affect them.

### What is the status of the Local Plan?

**1.12** As an adopted Local Plan, the Plan has legal weight under Section 54A and 70(2) of the Town and Country Planning Act 1990 (as amended). This requires that where a development plan (in Torbay's case the Devon Structure Plan and Torbay Local Plan) is adopted, development proposals should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Planning and Compulsory Purchase Act (2004) states that the statutory development plan will continue to be the starting point in the consideration of planning applications for the development or use of land in the new planning system introduced by the Act.

**1.13** Other 'material considerations' may in principle be any considerations that relate to the use or development of land (see PPG1 'General Policy and Principles' (1997) paragraph 50). When the local planning authority receives a planning application for development that does not accord with the provisions of the development plan it is required to advertise it both by site notice and by notice in the local press.

### What is the format of the Local Plan?

**1.14** The Local Plan is in two parts:-

- The **Written Statement** - which contains introductory text, policies and proposals for guiding and controlling development in Torbay, together with reasoned justification; the policies and proposals are printed in bold type face to distinguish them from the rest of the text. Appendix A provides a glossary of terms used in the Local Plan. Appendix B contains a schedule of policies and proposals indicating changes that have occurred since the Revised Deposit Version of the Local Plan, published in October 2000.
- The **Proposals Map** - which shows precisely which areas are affected by specific proposals or by area-based policies. It has been published as a 1:5000 scale map booklet, also containing individual maps for each of the three town centres at 1:2500 scale.

**1.15** The **Environmental Guide**, which does not contain formal Local Plan policies, comprises

Supplementary Planning Guidance and does not form part of the Plan. The Environmental Guide has nevertheless been prepared in conjunction with the Local Plan and, consistent with PPG1 'General Policy and Principles' (1997), has been the subject of consultation at the same time as the Local Plan, during each of the statutory stages. Its role is to complement the Plan by providing detailed guidance on design matters and a range of environmental issues to developers, architects and others involved in the detailed development design progress.

**1.16** For specific proposals, it is the Council's intention to prepare planning briefs in consultation with developers. In such cases, this intention is indicated in the relevant policy. Briefs will comprise Supplementary Planning Guidance (SPG) and will supplement the specific policy requirements outlined for planning applications relating to such proposals. Supplementary Planning Guidance was already been produced for The Provision of Affordable Housing in Torbay, adopted by the Council in September 2003. This provides guidance on the implementation of the affordable housing policies in the Local Plan.

**1.17** In addition, the Council has commissioned research into several key aspects of the Local Plan, and consultants have prepared a number of reports which are listed in Chapter 16 Achieving Local Plan Objectives.

### **What about the areas not covered by a proposal or policy area?**

**1.18** Many parts of Torbay are not affected by Local Plan proposals or policy areas. In these areas, the Council does not intend the general character to change significantly over the Plan period.

### **How does this Local Plan relate to other plans and strategies?**

**1.19** **Figure 1** illustrates the relationship of the Local Plan with other plans and strategies affecting Torbay. The Devon Structure Plan acts as the 'umbrella' for all local plans in Devon, in the context of Regional Planning Guidance for the South West (see paragraphs 2.10 to 2.18). The Adopted Devon Structure Plan First Review (1999) covering the period 1995 - 2011 sets out the strategic guidelines for Torbay.

**1.20** Since April 1998, Torbay Council took over from Devon County Council the task of preparing the annual Transport Policies and Programme. Following the White Paper on Integrated Transport, this has now

changed to preparing five year Local Transport Plans (LTPs), which overlap with local plans, but extend to a greater level of detail. The first Torbay LTP was submitted to the Secretary of State in July 2000, and is updated yearly in an annual progress report.

**1.21** The Countryside Agency designates Areas of Outstanding Natural Beauty (AONBs) and Heritage Coasts. Likewise, English Nature designates Sites of Special Scientific Interest (SSSIs) and the Local Plan cannot change these boundaries, which were designated under an Act of Parliament. Similarly, Special Areas of Conservation (SACs) are designated by the European Union. Other landscape designations (such as Areas of Great Landscape Value - AGLVs) are expected to be reviewed by the Local Plan from time to time.

**1.22** English Nature, Devon Wildlife Trust, the Council and other bodies also publish Biodiversity Action Plans (BAPs) that identify specific habitats and species. BAPs are linked to the concepts of sustainability coming from the 1992 Rio Earth Summit.

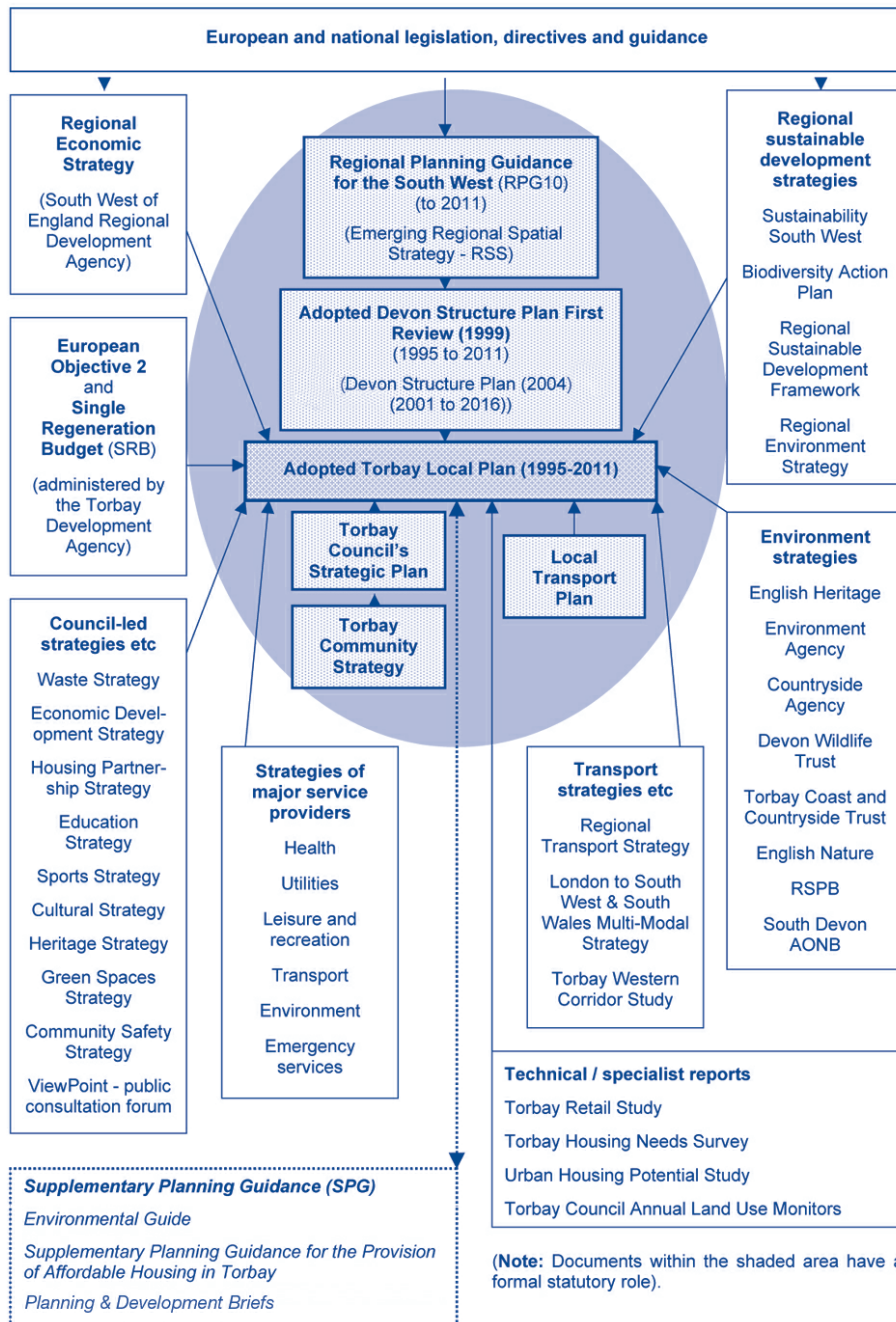
**1.23** The Local Plan is expected to reflect a wide range of strategic plans prepared by other organisations. These include plans on health and lifestyle by bodies such as the South Devon Healthcare NHS Trust and primary care groups; emergency services' plans including safer communities; the strategic plans of the statutory undertakers (gas, electricity, water, sewage disposal and communications) and those prepared by the Council for social services, education, libraries, etc. The Plan also reflects the Council's own key development programmes as set out in the Economic Development Strategy and Housing Partnership Strategy. As mentioned in point 6 of paragraph 1.1, the Plan should also correspond with the Community Plan and the corporate priorities of Torbay Council.

**1.24** Finally, the Local Plan recognises a number of established environmental constraints in relation to scheduled monuments, listed buildings, conservation areas, historic parks and gardens and nature conservation, which have already been designated.

### **What is the time period covered by the Local Plan?**

**1.25** The Local Plan covers the period 1995 to 2011. This coincides with the Adopted Devon Structure Plan First Review (1999) and current Regional Planning Guidance for the South West (RPG10 - September 2001).

Figure 1: Relationship of Local Plan with other key plans, strategies and organisations



### What happens next?

**1.26** The requirements of the government set out in PPG12 'Development Plans' (1999) are that local plans should be updated at least once every five years. Ordinarily, this would lead to the production of a First Review of the Adopted Local Plan which embraced an extended Plan period. However, under the new planning system introduced by the Planning and Compulsory Purchase Act 2004, local authorities will be required instead to make the transition to a Local

Development Framework. This will require local authorities to produce a Local Development Scheme (LDS) setting out the timetable and scope of the LDF, including details of the production of the various Local Development Documents which will be introduced by the new legislation. An issues report will be produced as a basis for preparation for the LDF, in order to identify the various needs and pressures arising from the demographic changes over the intervening period. It is anticipated that an LDF for Torbay will be prepared over the next few years.

