

Torbay Local Plan 2025-45 Reg 18 Draft

Consultation Response

General

The Plan is a comprehensive well-presented document that builds on the previous draft versions with many elements of policy supported by Teignbridge. Key components, such as Shared Vision and Spatial Strategy offer a very clear approach towards shaping places and making the most of local identity with the waterfront and harbourside related plans both ambitious and far-reaching.

For housing provision, however, the Plan fails significantly to meet its Objectively Assessed Need (OAN) in full of 950, delivering only 400 homes, on average, per year. The physical constraints of Torbay are acknowledged, however, in the absence of the Housing Topic Paper, which will offer more detail, it is difficult to agree with the Plan's conclusions that it is only possible to deliver 400 homes a year (on average). This equates to approximately 41% of the OAN.

Taken as a whole, the plan maybe considered slightly top-heavy with the number of strategic policies, and these contain items such as healthier food and community action aspects, although worthwhile are more contextual than planning policy based and add a fair amount to the size of the written statement. Therefore, more sub-editing would be worthwhile which can be easily addressed for the Reg 19 draft of the plan in due course.

In procedural terms the plan preparation timescale is extremely tight with summer 2026 set for consultation on the Reg 19 Plan, then submission to Secretary of State by 31 December 2026 to meet transitional arrangements set out in the NPPF. There may need to be an alternative back-up position to be followed if progress is delayed in the coming months.

Chapter 1 – Our shared vision

Infrastructure sub-section (page 28) The following statement in para 1.61 is unclear, it does not take account of additional development sites identified in the emerging draft plan for Torbay:

'The level of growth planned for in the Torbay Local Plan 2012-30 is unlikely to be exceeded until well into the 2030s, and therefore it is not thought that there are likely to be other infrastructure "show stoppers" in terms of water or power availability.'

Duty to Cooperate sub-section (page 29) The following statement in para 1.65 is an extraordinary leap of faith in placing so much emphasis on adjoining LPAs to meet unmet housing need:

‘Although Torbay is a largely self-contained housing market area (HMA) and Functional Economic market Area (FEMA), its population growth is entirely driven by inwards migration. This is largely from people moving from elsewhere in the UK. Whilst the closest neighbours are Teignbridge and South Hams, the council considers that unmet housing need, (as calculated by the Standard Method and demographic projections) is a sub-regional matter that needs to be resolved in cooperation with wider Devon Authorities.’

The Plan shifts the responsibility of delivering housing to the sub-region, however, there has been extremely limited dialogue with other local authorities within the sub-region in reaching this conclusion. Our Council although being aware of the matter has not been part of any detailed discussions with Torbay Council or wider sub-regional authorities where the housing undersupply has been justified, furthermore, there have been no assurances given by Teignbridge that we can accommodate such unmet need.

It will be vital to commence discussions with local authorities within the sub-region, including Teignbridge to progress this matter. Part of this should include further detail as to why Torbay cannot meet its housing need or achieve a greater quantum of homes (in the absence of the Housing Topic Paper) and why potential sites have been ruled out. It will be important that the Torbay Plan sets out the level of unmet need and how this will be distributed across the sub-region.

In addition, the assessment that ‘population growth is entirely driven by inwards migration’ surely represents an over-simplification of population trends for Torbay. It is clear from ONS based data for the period 2011 to 2021, that such growth reflects a combination of demographic changes rather than purely migration-driven, implying that indigenous factors still contribute, alongside migration to the overall population increase. Nevertheless, it is acknowledged that inward migration has been particularly marked in recent years, as detailed in Public Health population overviews prepared by the council.

Chapter 2 – Strategy (pages 31-63)

Very clear approach towards shaping places and making the most of local identity, logical steps well explained, unique physical environment of Torbay detailed, including Torbay Premier Marine & Natural Experience concept.

Making strong linkage between local plan and Torbay Community & Corporate Plan is well addressed on pages 32-34, but some of the points listed are outside the planning policy sphere, such as ‘support and encourage community action’ under People Priority, amongst others.

Spatial Strategy (sixth para)

'The Plan supports the creation of at least 80,000 sq. m of Class E(g)/B2/B8 net employment space over the Plan period, equal to at least 20 ha. with an emphasis on bringing employment space forward as early as possible in the Plan period. All developments capable of delivering 100 or more dwellings should provide at least 25% of the area as employment space.'

Strong aspiration for gaining a mix of uses and reducing car travel potentially but may not be acceptable for plan viability purposes along with other policy considerations, including Biodiversity Net Gain, drainage provision and on-site play space. A risk of the plan over-allocating employment space by including the 25% requirement for employment on some of the residential development sites, maybe better used to deliver additional homes instead.

Explanation of Spatial Strategy and Area Policies (page 36, para 2.2 & 2.3)

'The Plan relies very heavily on regeneration of brownfield sites and other urban areas to maximise its development opportunities and deliver on town centre regeneration programmes, drawing investment into our towns and breathing life into our town centres. The Local Plan contains a brownfield Presumption in Favour of Sustainable Development and is highly supportive of urban brownfield development, especially in town centres.' (para 2.2)

Good principles to work from but in essence is this any different to the current Torbay Local Plan approach which has not really delivered enough new housing over the last decade and how much certainty can be given to others, including the Planning Inspectorate, that sites will be developed in a timely way.

Mismatch with government local housing needs target of 950 dwellings a year. Instead, plan identifies 400 dwellings a year in para 2.3 (page 36) with a population of about 140k. Total rate seems far too small for size of population. In comparison, Teignbridge has a resident population of 131k and new local plan will provide for 720 homes a year. There are several other examples of higher levels of housing provision in similarly constrained coastal bounded Local Planning Authorities in the far southwest.

Neighbourhood Plan Area Policies

Summary graphic of main policy elements is helpful to reader in Figure 6 on page 39.

Strategic Policy SDT1: Torquay (page 39/40)

'Torquay will deliver a minimum of 37,000 square metres (net) of Class E(g), B1 or B2 employment floorspace and at least 3,600 new homes over the Plan period, equal to an average of around 180 dwellings a year over the Plan period 2022-42.'

It would be helpful to identify how much new development is allocated in the Plan and how much is rolled over from adopted plan, in places such as Strategic Policies H1-3 in Chapter 3 this distinction is rather blurred.

In relation to the following item: 'A strategic green gap between Torquay and Kingskerswell will be maintained' it must be emphasized that such a green gap policy cannot be applied to those areas beyond the plan area, particularly where the developed area of Torquay, east of Kingskerswell Cross, immediately adjoins the council/plan area boundary. These areas will be addressed in landscape terms by the requirements of Policy EN1: Setting of Settlements from the Teignbridge Local Plan 2020 - 2040 which represents an updated approach from the outstanding open breaks method followed by the adopted Teignbridge Local Plan. Although future residential development in this area could be considered, as Policy EN1 would ensure that the setting of both Kingskerswell village and Torquay were conserved and enhanced.

Strategic Policy SDT2: Torquay Gateway / Edginswell, (page 41/42)

Policy components are fine but would be worth testing if 400 homes total could be increased. It is a prime allocation site but also seems to have been a repeat from Torbay Local Plan 2012-30, hopefully, some new factors which make it more likely to be developed.

Definition of a transit site for gypsies & travellers in the third point of the policy is interesting but not occupying a location on a main through route in Devon which is a normal requirement for such sites.

Paignton – the plan indicates a relatively higher level of new residential development here, compared to other parts of Torbay, including the cluster of future growth areas to the north and west of Paignton. (pages 44/45) West of Paignton is the largest area for expansion within Torbay – Collaton St Mary – SDP4 (page 48/49), all of which is supported.

Brixham - Strategic Policy SDB2: Revitalising Brixham's Town Centre, Harbour and Waterfront - A destination for living, maritime activity and tourism (page 56-57)
The reference to residential above commercial could be improved, to state that proposals for residential above commercial will be encouraged and supported.

Chapter 3 – Housing and Regeneration policies (pages 66-84)

Case for using lower housing number will be challenging to substantiate given national policy position on future housing provision. In the absence of the Housing Topic Paper, it is difficult for the plan to justify delivery of just over 40% of need. (Para 3.1, page 66)

'The council has applied the Presumption in Favour of Sustainable Development (at paragraph 11(a-b) of the framework). It has sought to identify the best development

strategy it is able to within the environmental, infrastructural and viability constraints it faces. It accepts that the proposed shortfall against LHN will require robust justification, which will be set out in a supporting Topic Paper.'

Strategic Policy HS: Overall Housing Strategy and Presumption in favour of Urban Regeneration. (page 67-68) Given the low level of housing provision in the plan area, the following section of the policy, in sixth para, is much too constraining:

'Major greenfield development outside of the built-up area or Future Growth Areas will be resisted, unless brought forward through a Neighbourhood Plan or area allocation development plan document, or meets the requirements of the Affordable Housing Exceptions Sites Policy H8.'

The limitations on the strategy of seeking to focus on previously developed land within the built-up area, as a major priority, is clearly laid out in para 3.6, on page 69 and appear to comprise of fundamental points which will place a firm brake on the actual level of housing development coming forward:

'It is acknowledged that much of the urban area contains constraints such as flood risk and other infrastructure issues. In addition, a significant part of the built-up area, including the three town centres, are designated conservation areas. Nevertheless, the Plan's key focus is to develop in these locations due to their wider sustainability benefits.' (Echoes of Newton Abbot context....)

The proposed rate of windfalls at 120 dpa, identified in Windfall sites sub-section on pages 69-70 may not be realistic going forward although we recognise consistency with most recent trends of supply.

Contribution of 1,000 houses of hotels to homes and other brownfield regeneration identified in Table 2 on page 71 and fourth para of Strategic Policy HS are difficult sources to accurately estimate given uncertainties involved. There could also be some negative implications for the tourism offer.

Town Centre Regeneration Areas, identified in Table 3 and H1 may not be sufficiently robust in terms of potential deliverability of housing, the supporting technical work identified, para 3.18 is open-ended.

Timings of the identified brown field regeneration sites may need a significant amount of negotiation with landowners and preparatory work before development comes forward. In some ways the approach towards housing strategy/delivery is similar to that followed in current Torbay Local Plan and which has not really delivered enough housing numbers. (ie reliant on Neighbourhood Plans for new sites)

Policy SP H2: Future Growth Areas provides the main basis for new housing development in the plan area. Most of these areas form part of existing local plan allocations and the policy places a strong emphasis on detailed requirements being covered by updated Masterplans which may or may not happen.

Policy SP H3: Other Local Plan allocated sites (pages 78-83) Contain most new housing sites, but status is unclear, appears to be a mix of sites that have come from HELAA process, some have planning permission and therefore maybe should not be an allocation. List needs to be filtered more before inclusion in the next version of plan.

Policy H4: Minimum density (pages 84-85) has a reasonable intent but not enough specific criteria to be helpful to the plan user/developer.

Policy H5: Conversion of buildings into flats (pages 85-86) is well intended but item 2 is slightly oblique with reference to deprivation implication, unclear how measurable and item 3 which seeks to resist conversion of 'modest size family housing' into small apartments that seems lacking in specific condition/s for development proposals.

Policy H6: Loss of homes (pages 86-87) The policy should relate to existing sub-standard dwellings only. Criterion 1 could be argued in cases where existing dwellings are of a good standard of amenity, but the proposed combined new dwelling improves this further, which is not the intention of the policy.

Potential amended wording for criterion 1 along the lines of:

'The proposal would result in improved standard of accommodation and improved living conditions in situations where the existing standard and conditions are poor.'

Policy H13: Sites for travellers (pages 102-104)

It would be helpful to specify the number of transit pitches that will be delivered on both allocated sites (or alternatives) and expand explanation to include the number of transit pitches identified as required in the needs assessment.

Chapter 4 – Economy, Tourism and Retail (pages 105-156)

Torbay Economic Growth Strategy anchors the policy approach towards the Economy and Employment Land on pages 106-107. Emphasis on land use framework which support the maintenance and expansion of hi-tech industries, such as photonics, electronics, and medical technology is acknowledged.

Main content of employment provision, strategic allocations under E1 all seem well-evidenced and clearly expressed. Also, E2: Employment area renewal and modernisation is a well-balanced protective policy concerning existing employment estates, along with E4.

Waterfront & harbourside related plans are ambitious and far-reaching. Including policy approach of shifting the retail core towards these areas in Torquay, Paignton and Brixham. As per Strategic Policy TCS: Town centre renewal and retail strategy, pages 138-139. Close relationship with following schemes: an extension to Torquay Harbour, improvements to Paignton Harbour and construction of Brixham Northern Arm Breakwater, identified in Strategic Policy E3.

Policy TOS: Sustainable tourism and cultural investment strategy, (pages 122 – 124)
Comprehensive lead policy although possibly item 4 is too restrictive: *‘Resisting the provision of small apartments, hostels, houses in multiple occupation (HMOs) or other incompatible uses in tourism areas.’*

Policy TO5: New holiday parks and extensions to existing facilities, (pages 131 – 133)
It is difficult to see how holiday parks are, in principle, able to be extended in area. This proposal implies there are undeveloped areas suitable for development, which could instead include residential development and help contribute towards the OAN.

Policy TO7: Tourism investment and monitoring contributions, (page 134)
Majority of approach is fine but intention to seek contributions where there is a loss of tourism facilities in some instances may not be practical, helpful to see how contributions will be calculated.

‘Proposals involving the loss of tourism may result in a negative economic impact. In such instances a contribution may be sought to mitigate the loss of employment. This will be based on the net impact of proposals, and other public benefits such as improvements to the built or natural environment,’ (para 4.74)

Town Centre Regeneration Visions emphasis is recognised, as per Policy TC2:
Development in Town Centres, pages 143-144 together with other policies, only caveat is potential time-consuming factor in terms of preparation and implications for development programme flowing from plan.

Policy TC9: Town Centre Regeneration Contributions, pages 152-153. Interesting approach, if workable. Detailed impacts from new development proposals of 4% on town centres are considered ‘significant’ and require some form of contribution.

Chapter 5 – Thriving communities, (pages 156-170)

Policy SC4: Sustainable food production and land protection. (third para)
‘Development which would result in the detriment to or loss of the best and most versatile agricultural land (Grades 1, 2, or 3a) will only be permitted where there is an overriding need for the development and it is demonstrated by the applicant that it cannot be accommodated on lower grade land.’

Policy requires a site size threshold criterion. It appears to prioritise agricultural land (grades 1-3) above housing provision, potential flaw, given the lack of housing delivered by the plan.

Chapter 7 – Building for the future, (pages 184-192)

Strategic Policy INS: Sustainable infrastructure (first & sixth paras)

‘A range of physical, social and green infrastructure will be sought in order to help Torbay grow in a sustainable, healthy, safe, and prosperous way.

New infrastructure should be provided in the most environmentally friendly way possible, consistent with meeting communities’ needs, safety and amenity. Infrastructure should encourage healthier lifestyles and provide recreational opportunities by providing for walking, cycling and other recreational opportunities.’

Given the importance of providing infrastructure to support new development it would be valid to change ‘should’ to ‘will’ in the above criteria.

Chapter 8 – Climate Change (pages 193-224)

Strategic Policy CERS: Climate resilient, net zero carbon developments (First para)

‘Proportionate to the scale and type of development, all development proposals will be required to be designed to be resilient to climate change and minimise carbon dioxide and wider greenhouse gas emissions’.

It is suggested that all development should be resilient to climate change and minimise carbon emissions – the scale of information required to demonstrate this will be proportionate to the scale and type of development – therefore an amendment is suggested.

Strategic Policy CERS Item g

‘Minimise the use of materials and creation of waste and promote opportunities for a circular economy’

Importance of this requirement is recognised but may require further guidance to pin down the specifics for what is actually needed from developers, only partially explained under paras 8.18 and 8.19.

Policy CER4: Renewable and low carbon energy generation

The stance of CER4 is fine but does not go much beyond NPPF in relation to paras 165-167. It would be improved by including something more specific to Torbay about future renewable energy development.

Chapter 9 – Our Natural Places (pages 225-268)

Strategic Policy L1: Protecting our countryside and rural economy (sixth para)

‘Development in the countryside should not have an adverse effect on the integrity of the South Hams SAC or other important habitats. It should also have regard to Policy NC1 to assess the in-combination effects of multiple developments that could affect Greater Horseshoe Bats, calcareous grassland features and the integrity of the South

Hams SAC, and the scope for developer contributions to mitigate the impact of increased recreational pressure on the South Hams SAC.'

It is suggested to improve meaning of L1, the wording 'should' be replaced with 'will' in both sentences.

Policy L4: Valued landscapes (fourth para)

*'Locally valued landscape is not limited to the undeveloped coast and **may be identified through the Torbay Landscape Character Assessment.**'*

Extract above lacks clarity. The "explanation" text is helpful, setting out that valued landscapes include but are not limited to the South Devon National Landscape and its setting, undeveloped coast, land within or in the setting of a designated heritage asset, urban landscapes such as Local Green Spaces (LGS) and Urban Landscape Protection Areas (ULPAs). However, these are all protected through other plan policies and the policy appears to duplicate this and be unnecessary.

Strategic Policy NCS1: Biodiversity and Nature Recovery Network (first para)

'All development that contributes to the conservation and enhancement of the natural assets within the Bay will be supported'

The approach should be stricter and require the purpose of the development to be for the conservation and enhancement of the natural assets, rather than just contribute towards this, to gain support.

Policy NC1: Biodiversity and ecology

'Part 2: Protection of regionally and locally important wildlife sites and features:'

NC1 is overly restrictive, and would benefit from some flexibility, through protection being commensurate with the importance of the site – e.g. would development be refused if it caused minor adverse impact on an "OSWI"?

Policy NC2: Species of principal importance (second para)

It is not clear why specific reference is made to Cirl Buntings, given that the opening paragraph of the policy includes European Sites.

Chapter 11 – Designed with quality (pages 281-295)

Strategic Policy DES: Design and placemaking (first and third paras)

'Development should be well designed to make best use of land and maximise the density of development, whilst protecting living conditions and amenity, respecting and enhancing Torbay's special qualities, including the natural and built environment including areas and buildings of historic interest.

All development should design out opportunities for crime and disorder'

It would be worth changing wording of “should” to “will” which would provide greater certainty to the policy.

Policy DE1: Design quality and assessment (first and second paras)

‘All development should be well designed’

It would be more useful if this was an absolute requirement.

‘Major development should be informed by a townscape and/or landscape assessment, including historical context of the site, existing and previous land uses (including agricultural land quality where appropriate) as well as movement patterns through and/or around the site.’

More logical for “will” instead of “should” wording in first part of sentence with the level of information proportionate to the scale of the development.

Policy DE2: Building for a Healthy Life (second para)

‘Under the BHL12 ‘traffic light’ system, a development proposal will be supported by the council when it secures as many ‘green lights’ as possible.’ (Second para)

Extract above lacks clarity and policy should set the standard required.

Sustainability Appraisal

The SA (in relation to the spatial strategy) makes some assumptions that are not agreed with in terms of presumptions that greater harm will occur as the scale of development increases. It is not considered that this is necessarily always the case, as a sensitively designed larger development may have less impact than a poorly designed smaller one.

There does not appear to have been sufficient consideration of the policy safeguards in place that would mitigate possible harmful impacts. In relation to reducing poverty and income inequality, larger scale developments score worse as they may raise concern about over-intensive development. The relationship between concern over new development and poverty/income poverty is not understood.

Therefore, there are aspects of the SA of Reasonable Alternatives that appear to be prejudiced against a larger quantum of development.

23 January 2026

Teignbridge Strategy & Policy Team

