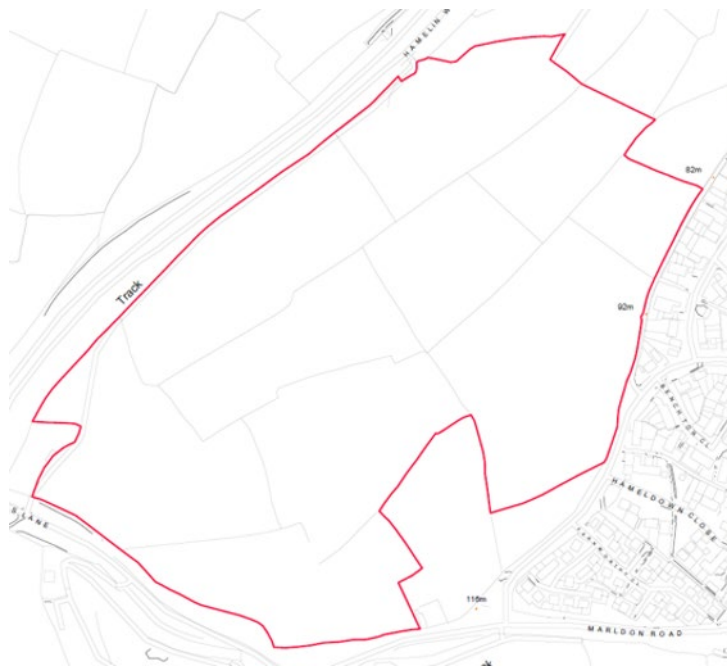


INTRODUCTION – WADDETON PARK LTD AND TORQUAY GATEWAY

Our client, Waddeton Park Ltd, is a very well-established and successful local housing land promoter and investor with considerable interests across the South West and has helped to deliver new homes, affordable housing and other uses in the area.

Waddeton Park Ltd has interests in land that forms a large part of the Torquay Gateway allocation, within the Edginswell Future Growth Area – the land is located to the north east of Moles Lane. An indicative site location plan is included with these representations and an extract is copied below.



This land is already allocated in the adopted Torbay Local Plan 2012-2030 for a residential-led development (Policies SS2.1 – Future Growth Areas and SDT3 – Torquay Gateway) and this allocation has been carried forward into the Regulation 19 consultation version of the Torbay Local Plan Update, as area H2T.1.

Given the nature of our client's interest, in the largest residential allocation in both the adopted and draft versions of the Torbay Local Plan, Waddeton Park Ltd is an important local stakeholder.

Our client supports the rolling forward of the Torquay Gateway allocation into the Torbay Local Plan Update as **Strategic Policy SDT3 – Torquay Gateway** and has already started very useful and positive engagement with Torbay Council's Divisional Director, the Development Management Service Manager and principal planning officers regarding working with Torbay Council to help deliver this strategic allocation. This engagement has included an in-person meeting with the above on 30th June 2026. Our client has an excellent, proven track record of securing planning permissions and delivering

high-quality developments and is committed to doing so here – a consultant team has been instructed and feasibility work is underway to start to inform a masterplan for this part of the Future Growth Area.

Having said that, all parties agree that there are significant complexities associated with delivering development on this site, which are evidenced by the fact that no development has come forward in the ten years since the site was allocated.

It is against this background that Bell Cornwell is making comments on Waddeton Park Ltd's behalf on the Regulation 19 consultation draft. Whilst the continued allocation of the land is supported, our client cannot support the policies for Torquay Gateway and the Edginswell Future Growth Area as drafted currently because the development would not be viable.

SCOPE OF REPRESENTATIONS

At the Regulation 19 consultation stage, comments are sought on whether the Local Plan is legally compliant and sound. Torbay Council is seeking views on whether the draft Torbay Local Plan Update is based on the right evidence, is in line with national planning policy and legislation and is ready to be examined by a Planning Inspector appointed by the government.

The draft Torbay Local Plan Update is being considered under the examination legacy system i.e. is being considered on its conformity with the NPPF 2024 (the Regulation 18 consultation took place from November 2025 to January 2026).

The NPPF 2024 includes a chapter on plan-making. Paragraph 16b is explicit that plans should *‘be prepared in a way that is aspirational but deliverable.’*

Paragraph 32 goes on to state that:

“The preparation and review of all policies should be underpinned by relevant and up to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.”

The NPPF 2024 sets out the four tests of soundness at paragraph 36:

“36. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:

*a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

*c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*

*d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”*

Our position is that the Regulation 19 consultation draft of the Torbay Local Plan Update is not ‘sound’ and is not ready to be examined because it is not justified or effective. The draft policies relating to the Torquay Gateway area, referenced below, are not an appropriate strategy based on up-to-date evidence and the site allocation is not capable of being delivered in the form set out in the draft policy wording – for all the reasons set out below.

SITE CAPACITY/QUANTUM OF DEVELOPMENT

Draft **Strategic Policies H2 – Future Growth Areas** and **SDT3 - Torquay Gateway – A Sustainable Growth Hub for Homes, Jobs and Nature** both set out that development at Torquay Gateway is expected to deliver around 550 homes.

By including this housing figure, neither policy is sound because they are not based on evidence. Our client has undertaken feasibility analysis that shows that the area of Torquay Gateway to the north-east of Moles Lane is not capable of delivering 550 homes – a figure of around 340 homes is much more realistic (based on a sensible density of 35dph).

Policy SDT3 in the Regulation 18 consultation draft of the Torbay Local Plan Update included a lower figure of 400 homes for the Torquay Gateway area and Policy H2 in the same document included a figure of 350 homes for the same area. The supporting text at paragraph 3.22 and within the table on page 77 of the Regulation 18 consultation draft explained that the number of homes set out in the adopted Local Plan had been reduced to reflect viability constraints and deliverability. No viability or feasibility evidence has been provided since to justify pushing the housing figure back up to 550 homes.

At our meeting with Torbay Council in July this year, it was made clear to us that no work had been undertaken by the Council to inform an update to the adopted masterplan for this site, which itself is very dated (the masterplan was adopted in 2015). The adopted masterplan is high-level and was not informed by detailed technical evidence to justify the quantum of development shown. Officers were clear at the meeting that Torbay Council will try to push the number of proposed dwellings for the Torquay Gateway allocation up from the 350 dwelling figure cited in the Regulation 18 consultation draft because there is a very strong need for housing in Torbay. Torbay Council has no evidence to demonstrate that 550 homes is deliverable on this site and cannot simply inflate the figure to an unachievable number just because it is struggling to find the housing numbers it needs. The Torquay Gateway site has been allocated since December 2015 for development including 550 homes but no party has been able to make this number work.

Our client has commissioned a professional consultant team to undertake feasibility analysis and this has informed a constraints plan and a developable areas plan, which have been produced by Clifton Emery Design - local masterplanning specialists. The following documents are appended to these representations:

WADDETON PARK LTD
REPRESENTATIONS ON THE REGULATION 19 CONSULTATION DRAFT OF THE TORBAY LOCAL PLAN
UPDATE (2025 – 2045) (SEPTEMBER 2026) BY BELL CORNWELL LLP

- Indicative Site Location Plan, ref. 251112 L01 01
- Constraints Plan, ref. 251112 L01 02
- Developable Areas Plan, ref. 251112 L01 02

The plans that have been produced show a site area of approximately 25 hectares to the north-east of Moles Lane. Both show the very challenging topographical constraints that this part of the Future Growth Area has. This results in a total developable area on the site of around 10 hectares. Applying an average density of 35dph results in a total figure of approximately 340 dwellings on the site (on the basis that the delivery of housing is prioritised – please refer to the ‘Type of Development’ section below).

This housing figure is far more realistic and achievable for this part of the Edginswell Future Growth Area and is based on the only evidence available, which is compelling. This all demonstrates that the housing figures cited in the Regulation 18 consultation version of the Torbay Local Plan Update (350-400) and the Council’s own concerns regarding viability constraints and deliverability (which resulted in the 550 homes figures being reduced) were founded. In the absence of any other evidence, the housing figure for the Torquay Gateway allocation should reflect the evidence that our client has provided and be reduced accordingly to avoid the setting of unrealistic expectations.

We recommend that draft **Strategic Policies H2** and **SDT3** are changed to state ‘around 450 homes’. This would allow for some flexibility in numbers when further feasibility work is undertaken on our client’s land interest and would also allow for some housing development to come forward elsewhere in the Edginswell Future Growth Area.

VIABILITY AND LEVEL OF AFFORDABLE HOUSING PROVISION

Draft **Strategic Policy SDT3: Torquay Gateway** includes a requirement for at least 30% of the new homes within the Torquay Gateway allocation to be delivered as affordable homes. This is not viable and this part of the policy fails the tests of soundness because it is not based on evidence and is not capable of being delivered. Reverting back to paragraph 16b of the NPPF 2024, plans should *‘be prepared in a way that is aspirational but deliverable.’*

Paragraph 72 of the NPPF 2024 is very clear that in identifying a sufficient supply and mix of sites, likely economic viability needs to be taken into account. It is critical that any masterplan for this important growth area is viable – there is absolutely no point in our client investing time and money into a scheme that simply will not work.

The largest and one of the few likely variable costs for projects of this nature is the provision of affordable housing. Our client has instructed quantity surveyors, Arcadis, to provide costs estimates, which have informed a provisional assessment of the financial viability of a residential development at Torquay Gateway. The assessment has been produced by Chesters Harcourt – a leading firm of chartered surveyors in the residential development sector – and confirms that a residential development will not be able to support any affordable housing – please refer to the Financial Viability Assessment included with these representations.

The findings of the viability assessment will be of no surprise to Torbay Council, given that the site has been allocated since December 2015 and no development has come forward. We are aware that previous developers have submitted viability cases for this site also. Our client cannot support an allocation for the Torquay Gateway site that includes a requirement for more affordable housing than we know can be delivered.

Given the viability limitations that have been demonstrated, it is necessary for draft **Strategic Policy SDT3: Torquay Gateway** to be amended so that the affordable housing requirement (at least 30%) is deleted. SDT3 i) needs to be amended to:

“i) Around 550 450 new homes ~~of which at least 30% should be affordable~~. There is no expectation that affordable housing will be required in this particular location.”

This amendment is fundamental in order to manage Torbay Council’s members’ and the public’s expectations about the form of any development of the site. It is very important that this is enshrined in policy at the outset, as to have to rely upon a generic viability/departure type policy at application stage would create unnecessary delays and complications.

Strategic Policy H7: Affordable Housing should also be updated accordingly at paragraph 2, as follows:

*“All major residential developments (meaning developments including mixed use developments that contain 10 or more dwellings irrespective of use class or where the site has a combined gross floorspace of more than 1,000 square metres, or is located in the National Landscape) will be required to contribute towards the provision of affordable housing as set out in Table 9, **unless a site-specific allocation dictates otherwise. There is no expectation that affordable housing will be required for the Torquay Gateway allocation (Strategic Policy SDT3).**”*

Providing no S106 affordable housing would, in all likelihood (with the assumption that the government’s grant funding scheme still applies at the time), result in greater levels of affordable housing being delivered on site through the additionality route. If Torbay Council persist with the requirement for 30% affordable housing on-site through the Section 106 route, any housing scheme would definitely fail and the delivery of market housing would also be prejudiced.

TYPE OF DEVELOPMENT – PRIORITISING DELIVERY OF HOUSING OVER OTHER USES AND LACK OF NEED FOR A SCHOOL

Our client recognises that there is a very strong need for housing in Torbay and is exploring ways of maximising dwelling numbers on the land that they control within Torquay Gateway / the Edginswell Future Growth Area. As set out above, it is very unlikely to be possible to get anywhere close to the 550 homes figure on the land that our client controls due to the topography of the site and other constraints. To that end, our client is prioritising the delivery of housing over other uses, such as a primary school, employment and sites for travellers.

We note from our recent meeting with Torbay Council that the adopted masterplan for Torquay Gateway was not based on technical information or need evidence and so, whilst our client is using this version as a starting reference point, a revised draft masterplan is being worked up that will be informed by up-to-date viability, technical and need evidence and which will not, therefore, include all elements that were included in the now very dated 2015 version.

A school site, in particular, would require significant land take in the most developable part of the site, which would reduce significantly the number of homes that could be delivered on the site and the wider scheme's viability. It is evidenced in Torbay Council's own School Place Planning Statement (2026) that projections for school places are dropping - a copy of the document is attached to this letter. The Statement sets out that, for a number of reasons, the Council is forecasting high levels of surplus capacity in both primary and secondary education sectors across Torquay, Paignton and Brixham. The data shows that there has been a steady decline in the primary intake since 2019, mirroring the drop of birth rates in the area. Current projections show that by 2030 the level of surplus capacity could be **25%**, due to the significant decrease in admission numbers that is forecast:

Academic Year	PAN	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	TOTAL
2025-26 (actual)	720	543	556	637	640	647	685	723	4431
2026-27 (forecast)	690	504	552	548	633	640	641	685	4203
2027-28 (forecast)	660	499	512	544	545	633	634	641	4008
2028-29 (forecast)	660	485	507	505	541	545	627	634	3844
2029-30 (forecast)	660	485	492	500	502	541	539	627	3686
2030-31 (forecast)	660	489	492	486	497	502	535	540	3541

Ref. School Place Planning Statement (2026)

The Edginswell Future Growth Area is referenced in the Statement and it is noted that even the higher figure of 550 dwellings would not generate future pupil growth at a level to use all of the surplus capacity.

There is, very clearly, no need for a new primary school to form part of the allocation for Torquay Gateway and including a school would render any residential scheme unviable.

For the strong reasons set out above, the masterplan does not need to include a site for a school and, indeed, financial contributions towards school provision off site will not be required. Draft **Strategic Policy SDT3** should be revised to remove part vii:

~~vii) Subject to an ongoing assessment of need, a new primary school in conjunction with the delivery of new housing within the Edginswell Valley~~

Draft **Strategic Policy SC3 - Education infrastructure and inclusive learning strategy** part i should also be amended accordingly to state:

- i. ~~Improved primary school facilities serving the north and west of Torquay including facilities serving Torquay Gateway~~

CONCLUSION

Waddeton Park Ltd is committed to delivering a large part of the Torquay Gateway strategic allocation, with high-quality residential development that would make a very meaningful contribution to Torbay Council's housing land supply. To enable our client to take this site forward with confidence, the significant complexities associated with delivering development on this site must be acknowledged in the Local Plan Update and draft Strategic Policies SDT3, H2, H7 and SC3 must be amended as per our representations.