

2 July 2026

Emerging Torbay Local Plan 2025-45.

Dear Matthew Pennycook MP

I refer to your letter of 11 June 2026 notifying me that you are intervening in the Torbay Local Plan preparation, under Section 27 of the Planning and Compulsory Purchase Act 2004. Further to this, my officers have provided your team with the relevant available evidence base documents to support the Local Plan, by your deadline of 2 July 2026.

The Council is working hard to bring forward an up-to-date Local Plan and has indicated that it will submit a Regulation 22 Local Plan by December 2026. To this end, we are progressing a Regulation 19 Publication Local Plan in August 2026, which will be considered by full Council on 23 July. A keystone of the emerging Local Plan is that it proactively supports fast-tracking urban brownfield sites, mirroring the Government's own commitment. The Council is actively intervening in the market to boost the supply of affordable housing through its Accommodation Repurposing programme, supported by prudential borrowing by the Council.

I note that you have expressed concerns that the Regulation 18 Local Plan only achieves around 42% of the Standard Method Local Housing Need figure. As the Planning Practice Guidance, and the Courts have made clear, assessments of need are unconstrained assessments of need and do not take any account of an area's capacity to meet that need.

Potential options and sites to boost growth have been assessed on a cross-party basis by the Local Plan Working Party. The Council's view is that 8,000 dwellings is the maximum level of development that could be achieved within the Torbay's physical, environmental and infrastructure capacity within the plan period. Torbay is a heavily constrained coastal urban authority, and there are strong legal and planning reasons why the LHN figure cannot be met.

We understand that this position will need to be robustly justified at Examination. The currently available evidence has been provided to your team electronically and will be published on our website for the Regulation 19 consultation. This includes an update to the 2021 HELAA. Please bear in mind that the Council's proposed submission date is still six months away, and the Council has yet to carry out a Regulation 19 consultation and to consider representations we will receive. I have previously required officers to return the Local Plan to Full Council prior to Regulation 22 Submission to enable a robust review of the submission plan on conclusion of the consultation process and ahead of examination. However, we are committed to submitting a Plan by December 2026.

In summary, Torbay's constraints include:

- Torbay is a small area (around 63 sq. km). Around 58% of Torbay is urban, 13% cliffs and beaches, 29% agricultural. Most of the 29% agricultural land (circa 1826ha) is Best and Most Versatile (BMV) Agricultural Land. Most undeveloped land is not flat. Slopes of more than 1:8 to 1:6 are not viable for housing. The flat agricultural land is in the Brixham Peninsula and subject to numerous environmental designations, (National Landscape, Greater Horseshoe Bat Sustenance Zone, grade 2 BMV).
- There are interlinked water-cycle, flooding, coastal change management and sewerage issues. Nearly the whole of Torbay is a Critical Drainage Area. The north of Torbay around Maidencombe lacks mains drainage but has runoff and drainage issues affecting Maidencombe Village. The Water Cycle Study (AECOM 2026) indicates that there is potable water capacity for Torbay to support 8,000 additional dwellings over the next 20 years. However, even this rate of growth requires water efficiency and reduced water consumption. As a tourism destination, visitors add additional population and water demand, peaking in the summer months when water-stress is likely to be highest. The latest figures (2024) indicate 3.6 million visitor nights and 2.7million day trips.
- Achieving 8,000 homes will require improvements to wastewater management. Although the Waste Water Treatment Works (WWTW) at Brokenbury Quarry is relatively modern, it has very limited room to expand and is served by an aged system of combined sewers. With no additional flood resilience measures, climate change and urban creep are likely to lead to increased sewer flooding from foul flows even on a 300 dpa scenario. There are geological and heritage limitations on Sustainable Drainage. Because run-off and combined sewer overflows also affect the Marine SAC, this is also an HRA matter. These matters are currently being discussed with stakeholders including the Environment Agency, Natural England and South West Water.
- Tor Bay's waters are part of the Lyme Bay and Torbay Marine SAC (designated for marine reefs and semi submerged sea caves), and Marine Conservation Zone (MCZ: designated for important habitats and species including seagrass and rare seahorses).
- The southwest part of Torbay has multiple environmental designations including the Berry Head to Sharkham Point, Brixham component of the South Hams Special Area of Conservation (SAC: designated for greater horseshoe bats, calcareous grasslands). There are wider Greater Horseshoe Bat sustenance and recreational impact zones covering much of Torbay, and particularly the southern part of the Unitary Authority area. There are additional pressures on juvenile and lactating Greater Horseshoe Bats.
- Torbay contains important habitat for other fauna and flora including Cirl Buntings (a UK priority species of principal importance under Section 41 of Natural Environment and Rural Communities (NERC) Act 2006. The whole of Torbay is within the Cirl Bunting Territory Consultation Zone.
- The South Devon National Landscape (Area of Outstanding Natural Beauty) around Brixham covers around 11% of Torbay's landmass.

- There is a rich and distinctive historic environment. There are 15 Scheduled Monuments, 865 listed buildings (5 grade I, 28 grade II*), 6 Registered Parks and Gardens and 21 Conservation Areas.
- Torbay has Bay wide coverage by three Neighbourhood Plans. These designate 168 Local Green Spaces (99 in Torquay, 53 in Paignton, 16 in Brixham), which have the equivalent status as greenbelt (but are excluded from the designation as "greybelt").
- The Waste Management (Household Waste Recycling Facility (HWRC) and Waste Transfer Station (WTS) are at capacity for the existing population and located on a site which has no opportunity for expansion. The Council has identified land for a new facility, which is proposed in the emerging Local Plan. However, funding is challenging given the Council's current anticipated borrowing obligations to deliver its planned affordable housing programme.
- UNESCO English Riviera Global Geopark, covering the entire area and Bay. This designation does not bring additional protective legislation but places additional reliance on existing designations to protect the designated sites. These include Sites of Special Scientific Interest (SSSI), Scheduled Monuments, National Nature Reserves, Regionally Important Geological Sites (RIGS), County Wildlife Sites, Local Nature Reserves, and Minerals Safeguarding Area.

Alongside the above, there is challenging viability and slow take-up of existing allocated sites and consented schemes. The Council has sought to address this by reducing the time limit on reserved matters applications to 2 from 3 years, but there remains a low take up of recently consented large sites, which has seen a slowdown in new homes being delivered. As these sites cover all housing types and include dwellings which should be the most viable (e.g., large executive style homes on a greenfield site in the National Landscape), the Council attributes this to weak demand from the open market sector, alongside the infrastructure and topography challenges noted above. Whilst this does not affect the longer term "stock" of sites assuming a market recovery, it does severely limit the short-term deliverability of sites as defined in the NPPF.

It is for this reason as set out above the Council is actively intervening in the market to boost the supply of affordable housing on brownfield sites through its Accommodation Repurposing programme, supported by prudential borrowing by the Council. This programme is delivering a step change in delivery of affordable homes, and the emerging Local Plan is relied on by the Council to allocate more land so this delivery can continue over the plan period.

I trust that this provides you and your officials with the information you require, and I hope you can see that we are committed to, and on track to produce a sound Local Plan for examination within the agreed timeframe. We will continue working hard on the various Governance steps to achieve this and would welcome ongoing constructive engagement with MHCLG to support delivery of the Plan. Please contact myself or my Planning Policy team if you would like to discuss any of these aspects further.

Yours sincerely

Councillor David Thomas

Leader of Torbay Council

Other letters in this correspondence



Letter from Matthew Pennycook MP 22 January 2026



Letter from Matthew Pennycook MP 11 June 2026



Letter from Arthur Young 23 July 2026

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