

Report to: **Strategic Planning Committee**



Date of Meeting: 1 November 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Proposed response to consultation on the evolving local plan for Torbay

Report summary:

This report provides a proposed response to local plan consultation that Torbay Council are currently undertaking. We specifically highlight this consultation as Torbay Council have previously advised that they consider that the full housing needs for their area cannot be appropriately accommodated in their administrative area and they would look to scope for other local authorities to potentially accommodate some of their need. A recommended response, from East Devon District Council, to the current the Torbay consultation, is to reiterate our previous concerns around the appropriateness of 'Torbay housing' being accommodated in East Devon.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That Strategic Planning Committee agree that this Council respond to the Torbay local plan consultation advising of our concerns around their current policy position in respect of housing provision in line with the text set out in this committee report,

Reason for recommendation:

To secure members endorsement of the proposed response by this council to the Torbay consultation.

Officer: Ed Freeman, Service Lead – Planning Strategy and Development Management, e-mail – efreeman@eastdevon.gov.uk, Tel 01395 517519

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change High Impact

Risk: Low Risk;

Links to background information See links in the body of the report.

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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1. Background

- 1.1 Torbay Council are producing a new local plan - Torbay Local Plan 2022-40: "A Landscape to Thrive" - and they have a current consultation document that they are seeking views on. Consultation ends on 21 November 2022 and is primarily geared around provision of housing and sites that Torbay Council currently consider would be appropriate for allocation for development.
- 1.2 Torbay Council report on their website, <https://yoursay.torbay.gov.uk/local-plan-update/widgets/54802/faqs#15483>, using the Government standard methodology that *"In Torbay the Government standard method figure in 2022 is 600 homes a year. An additional buffer has to be added for "five year supply" purposes, which in Torbay's case is 20%, taking the number to 720 dwellings a year."* They also advise, however, that they have taken the decision to challenge the standard methodology.
- 1.3 In their actual local plan consultation document Torbay Council (see documents at: <https://yoursay.torbay.gov.uk/19297/widgets/54801/documents/32325>) advise, under Policy SS1 - Growth Strategy and Responding to Climate Emergency, and amongst other matters that *"The Plan also seeks to deliver at least 5,400 new dwellings over the Plan period of 2022-2040 equal to an average of 300 dwellings a year over an 18 year Plan period."* There is, therefore, a housing shortfall between the 600 per year that the Government methodology generates plus a 20% buffer taking it to 720 and the 300 per year that Torbay are proposing in their consultation document.
- 1.4 In their consultation, other than advising that they have taken the decision to challenge the standard methodology, Torbay do not (or at least not in documents that we are aware of) refer further to the shortfall, what expectations they may have of any challenge to it and whether they may seek to see the accommodation of any element of 'Torbay housing' in other local authority areas.

2. Previous comment made by this Council on the Torbay local plan

- 2.1 Torbay Council have consulted on previous local plan documents and on the 22 February 2022 Strategic Planning Committee of this council (see:

<https://democracy.eastdevon.gov.uk/documents/s15299/5.%20328130%20-%20Response%20to%20Torbay%20Housing%20Options%20Version%2003%20ss%20amends.pdf>) agreed to a response to the then consultation. It should be noted that that consultation was undertaken in the context of the potential, from a Torbay perspective, of some Torbay housing needs being accommodated in other local authority areas. It should also be noted that Torbay Council have commented on previous East Devon plan making work on the issue of accommodating Torbay housing in East Devon (they have also raised similar comments to other planning authorities in Devon).

2.2 The previous comments to Torbay, in respect of their past planning making work (Strategic planning Committee – 2 February 2022), read:

“In making representation on the Torbay plan consultation East Devon District Council recognise the challenges that are faced by Torbay but would highlight that these are not unusual. East Devon also has substantial landscape, environmental and bio-diversity constraints as well as an extensive coastline and yet is seeking to meet its own housing needs even if this entails developing significant areas of green field land.

At this stage we remain unconvinced that all options for accommodating housing development in Torbay have been fully explored. As such we consider that further work should be undertaken by Torbay before finalising any conclusions around this matter. We would encourage further discussion with Torbay and other planning authorities and in particular would stress the importance of consistency of approach to any work undertaken in respect of assessment of development options.

With respect to specific points East Devon District Council consider that:

a) should Torbay Council accept the Government methodology for calculating housing need then they should firstly, and rigorously, examine every opportunity to accommodate this provision inside Torbay boundaries. From available evidence it is not clear that this exercise has been fully undertaken to date.

b) in exploring potential for housing development, Torbay Council should be more active in identifying suitable land for development and contact land owners to encourage them to bring forward suitable sites for development and if necessary explore options to seek to acquire land for development themselves in order to provide for housing needs.

c) should Torbay Council regard it as appropriate to seek to accommodate Torbay growth in other planning authority areas, then they should ensure a consistent approach to any site assessment work so that like for like comparisons are secured to inform possible site selections.

d) should Torbay Council regard it as appropriate to seek to accommodate Torbay growth in other local authority areas then account should be taken of wider than just environmental site constraints considerations. Specific account should be taken of the impacts of ‘Torbay people’ living in locations that might be remote from Torbay itself

and the adverse impacts, such as increased travel (with resultant carbon emission), that could result.

e) before seeking to accommodate Torbay growth outside of Torbay, the Government housing requirement methodology and specifically its application in Torbay should be rigorously re-examined.

f) Torbay Council, given that it is only the housing provisions policies that are deemed out of date (and the Council are of the view that they cannot accommodate their needs) reassess whether there is merit in reviewing their local plan as a whole at this point in time to enable more options for accommodating housing needs or if there could be benefits in a later review rather than the current narrowly focused housing options review.”

3. Proposed response to this new Torbay consultation

- 3.1 It is not proposed that we add any specific new material in response to the new consultation being undertaken by Torbay on their local plan. A fundamental problem in responding is considered to be the lack of any published evidence to support Torbay’s proposed housing numbers and therefore there is very little for us to comment on at this stage. It should be noted that much of the current consultation document sets out proposed development site specific details and we would not suggest it as appropriate to seek to comment on such matters. The consultation does not indicate that Torbay are expecting neighbouring authorities to help them to meet the housing needs identified for Torbay under the standard method but Members will be aware that they have previously highlighted this potential issue in responding to our own issues and option consultation last year.
- 3.2 In responding to Torbay and their consultation we suggest, therefore, that this Council submit comments that advise:

Thank you for providing the opportunity for East Devon District Council to comment on - Torbay Local Plan 2022-40: “A Landscape to Thrive” (your local plan consultation that concludes on 21 November 2022). I would advise that this council has no specific comments to make on the current consultation. There appears to be no evidence published to support the approach to housing numbers or how the proposed shortfall would be addressed and so we are unable to comment other than to reiterate points raised in the previous round of consultation that we set out below and would request you take fully into account in respect of your future work on plan making.

Then we would insert in the response to Torbay the text that is set out in italics in the previous section of this report (i.e. our previous response).

Financial implications:

There are no financial implications on which to comment.

Legal implications:

As set out in the previous report to Members strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. However should it be proposed, authorities are not obliged to accept needs from other areas where it can be demonstrated it would have an adverse impact when assessed against policies in the National Planning Policy Framework. There are no legal implications other than as set out in the report.