



GOVERNMENT OFFICE
FOR THE SOUTH WEST

Mr S Turner
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

THOSS SHEARER
Deputy Regional Director
Regional Strategies, Housing and Planning
Planning & Housing Delivery
2 Rivergate
Temple Quay
BRISTOL
BS1 6EH

Website: www.gosw.gov.uk

Direct Dial: 0175 263 1709

Fax 0117 900 1914

E-mail: thoss.shearer@gosw.gsi.gov.uk

Our reference: SW/THM/
Your reference:

September 2007

Dear Mr Turner

I am writing with reference to your application of March 2007 applying for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the Torbay Local Plan (1995-2011).

The Secretary of State's Direction is attached. Those policies not listed in the Direction will expire on 27th September 2007.

The Secretary of State's assessment of whether saved policies should be extended is based upon the criteria set out in Planning Policy Statement 12 and the Department for Communities and Local Government Protocol on saving policies. The Secretary of State's decisions concern some policies where there have been representations from a third party expressing views that differ from those of your authority. Also, her decisions in respect of some policies have the effect of saving policies that your authority requested should not be extended. For clarity, where either or both of these two circumstances apply the Secretary of State's reasons are set out in the table at the end of this letter.

The extension of saved policies listed in this Direction does not indicate that the Secretary of State would endorse these policies if presented to her as new policy. It is intended to ensure continuity in

the plan-led system and a stable planning framework locally, and in particular, a continual supply of land for development.

Local planning authorities should not suppose that a regulatory local plan style approach will be supported in forthcoming Development Plan Documents. LPAs should adopt a positive spatial strategy led approach to DPD preparation and not seek to reintroduce the numerous policies of many local plans.

The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPAs should make good progress with local development frameworks according to the timetables in their local development schemes. Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs. Maximum use should be made of national and regional policy especially given the advanced position of many regional spatial strategies and the development plan status of the Regional Spatial Strategy/Spatial Development Strategy.

Following 27 September 2007 the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 *Housing* and Strategic Housing Land Availability Assessments in relevant decisions.

Policy Ref	Reason	Extended	Not Extended
L7	Contrary to PPS7 paras 28&29		X
EP11	Contrary to PPS 25 in terms of sequential approach and Sustainable Urban Drainage Systems (SUDS)		X
W1	Contradicts PPS10 by referring to BPEO		X

Please note that if you have any queries concerning the contents of this letter they should be directed to Tara Dickenson 01752 635186 tara.dickenson@gosw.gsi.gov.uk

Yours sincerely

Thoss Shearer
Deputy Regional Director
Regional Strategies, Housing and Planning



GOVERNMENT OFFICE
FOR THE SOUTH WEST

Mr S Turner
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

THOSS SHEARER
Deputy Regional Director
Regional Strategies, Housing and Planning
Planning & Housing Delivery
2 Rivergate
Temple Quay
BRISTOL
BS1 6EH

Website: www.gosw.gov.uk

Direct Dial: 0175 263 1709

Fax 0117 900 1914

E-mail: thoss.shearer@gosw.gsi.gov.uk

Our reference: SW/THM/
Your reference:

September 2007

Dear

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE
PLANNING AND COMPULSORY PURCHASE ACT 2004
POLICIES CONTAINED IN TORBAY LOCAL PLAN (1995-2011)**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the
Secretary of State

Thoss Shearer
Deputy Regional Director
Regional Strategies, Housing and Planning
Government Office South West



GOVERNMENT OFFICE
FOR THE SOUTH WEST

SCHEDULE

POLICIES CONTAINED IN THE TORBAY LOCAL PLAN (1995-2011)

Policy No.	Name
HS	Housing strategy
H1	New housing on identified sites
H1.22A	Former Dolphin Holiday Camp, Brixham
H1A	The management of housing provision through phasing
H2	New housing on unidentified sites
H3	Residential accommodation in town centres
H4	Conversion and sub-division into flats
H5	Affordable housing on identified sites
H6	Affordable housing on unidentified sites
H7	Houses in multiple occupation (HMOs)
H8	Change of use from housing to other uses
H9	Layout, and design and community aspects
H10	Housing densities
H11	Open space requirements for new housing
H12	New agricultural dwellings in the countryside
H13	Residential caravans in the countryside
H14	Caravan sites for travelling people
H15	House extensions
ES	Employment and local economy strategy
E1	New employment on identified sites
E1.1A	Kerswell Gardens, Torquay
E1.2B	Riviera Way South, Torquay
E1.16C	Yalberton Road, Paignton
E1.19D	Long Road South, Paignton
E2	Town centre office sites
E3	Business Investment Areas
E4	Small Business Areas
E5	Employment provision on unidentified sites
Policy No.	Name

E6	Retention of employment land
E7	The Fishing industry and the Port Waterfront of Brixham
E8	Northern Arm Breakwater
E9	Layout, design and sustainability
E10	Home working
TUS	Tourism strategy
TU1	Harbourside and waterfront regeneration
TU2	Proposals for new tourist facilities
TU3	New tourist facilities elsewhere
TU4	Water-based tourist facilities
TU5	New holiday accommodation
TU6	Principal Holiday Accommodation Areas
TU7	Change of use or redevelopment of holiday accommodation outside Principal Holiday Accommodation Areas
TU8	Winter letting of holiday accommodation
TU9	Refurbishment and development of new holiday centres and parks
TU10	Change of use or redevelopment of holiday centres and parks improvement of existing holiday accommodation
SS	Shopping strategy
S1	Town Centres
S2	Town centre mixed use developments
S3	Primary shopping frontages
S4	Secondary shopping frontages
S5	New town centre shopping developments
S6	Retail development outside identified Town, District and Local Centres
S7	Amusement centres
S8	Hot take-away food
S9	District Centres
S10	Local Centres
S11	New Local Centres
S12	Corner shops
S13	Service station forecourt sales
S14	Drive-through take-aways and restaurants
S15	Open markets and car boot sales
CFS	Sustainable communities strategy
CF1	Provision of new and improved community facilities
CF2	Crime prevention
CF3	Hostels
CF4	New cemeteries in Torbay
CF5	Refurbishment and community use of Torquay United Football Club
CF6	Community infrastructure contributions
Policy No.	Name
CF7	Educational contributions

CF8	Primary school provision
CF9	Secondary school provision
CF10	New schools and improved school facilities
CF12	Language schools
CF13	Torbay hospital
CF14	Health centre, Great Parks
CF15	Accommodation for people in need of care
RS	Recreation and leisure strategy
R1	Major indoor leisure and recreation developments
R2	Outdoor recreation developments
R3	New playing fields
R4	New cricket grounds
R5	Protection of public open spaces and playing fields
R6	Urban play parks
R7	Areas of amenity open space
R8	Allotments
R9	Country Parks
R11	Footpaths
R12	New recreational footpaths
INS	Infrastructure strategy
IN1	Water, drainage and sewerage infrastructure
IN2	High voltage power lines
IN3	Telecommunications
IN4	Redundant telecommunications equipment
WS	Waste management and disposal strategy
W2	Civic amenity sites
W3	Protection of waste management sites and surroundings
W5	Waste water and sewage sludge treatment
W6	New development and the minimisation of waste
W7	Development and waste recycling facilities
MS	Mineral development strategy
M1	Recycling, storage and processing of minerals
M2	New mineral working
LS	Landscape strategy
L1	Areas of Outstanding Natural Beauty
L2	Areas of Great Landscape Value
L3	Coastal Preservation Areas
L4	Countryside Zone
Policy No.	Name
L5	Urban Landscape Protection Area
L6	Urban green spaces
L8	Protection of hedgerows, woodlands and other natural landscape features

L9	Planting and retention of trees
L10	Major development and landscaping
NCS	Nature conservation strategy
NC1	Protected sites - internationally important sites
NC2	Protected sites - nationally important sites
NC3	Protected sites - locally important sites
NC4	Wildlife Corridors
NC5	Protected species
EPS	Environmental protection strategy
EP1	Energy efficient design
EP2	Renewable energy
EP3	Control of pollution
EP4	Noise
EP5	Light pollution
EP6	Derelict and under-used land
EP7	Contaminated land
EP8	Land stability
EP9	Groundwater
EP10	Water supply
EP12	Coastal Protection Zone
BES	Built environment strategy
BE1	Design of new development
BE2	Landscaping and design
BE3	Shopfront design
BE4	Advertisements
BE5	Policy in Conservation Areas
BE6	Development affecting listed buildings
BE7	New uses for historic buildings
BE8	Historic Parks and Gardens
BE9	Archaeological assessment of development proposals
BE10	Recording of archaeological remains
BE11	Edginswell hamlet envelope
BE12	Conversion of buildings to new uses in rural areas
TS	Land use transportation strategy
T1	Development accessibility
T2	Transport hierarchy
T3	Cycling
Policy No.	Name
T4	Torquay Town Centre improvements
T5	Paignton Town Centre improvements
T6	Brixham Town Centre improvements
T7	Access for people with disabilities
T8	Lorry parking

T9	Bus network
T10	Transportation interchanges
T11	Park and Ride
T12	Lymington Road Coach Station
T13	Railway land
T14	New railway stations
T15	Improvement of Paignton Railway Station
T16	Redevelopment of Goodrington Railway Station
T17	Water transport
T18	Major Road Network
T19	District Distributor Road Network
T20	Road improvements
T21	Improved northern approach road
T22	Western Corridor
T23	Torquay Northern Distributor Road
T24	Traffic Management Zones
T25	Car parking in new development
T26	Access from development on to the highway
T27	<p>Servicing</p> <p>13 Townscape and Conservation Areas</p> <p>14 Listed Buildings</p> <p>15 Archaeology</p> <p>16 Geology</p> <p>17 Landscape design principles</p> <p>18 Planting guidance</p> <p>19 Wildlife</p>