



Adam Luscombe  
Team Leader, Strategy and Project Delivery  
Torbay Council  
Electric House (2nd Floor)  
Castle Circus  
Torquay, TQ1 3DR

c/o The Town Clerk  
Brixham Town Council  
Town Hall  
New Road  
Brixham, TQ5 8TA

16 October 2017

Dear Adam,

### **Brixham Peninsula Neighbourhood Plan - Regulation 15 Submission**

Following submission of our plan on 21 August 2017, we received correspondence from yourself and your colleagues at Torbay Council dated 14 September ([Appendix 1](#)) and 4 October ([Appendix 2](#)).

Having been so advised we consider that our plan, as submitted on 21 August 2017, complies fully with the Neighbourhood Planning Regulations.

However, we note that Torbay Council has asked for more information and we wish to assist Torbay Council with this additional information as far as possible.

To this end we have created a second version of our Consultation Statement dated October 2017 which is available on our website [www.brixhampeninsula.com/submission](http://www.brixhampeninsula.com/submission) alongside a copy of this letter. In relation to that document we further state as follows:

#### **1. Bodies consulted.**

Throughout the process of preparing the plan, the Forum has sought to bring the plan to the attention to as many persons and bodies who have an interest in the area as possible.

In relation to the Regulation 14 consultation, we confirm as requested this meant that the Forum wrote directly to the organisations listed in Appendix 3 of the Consultation Statement (second version) by sending them the letter set out in [Appendix 3](#) to this letter.

In addition, all bodies known to Torbay Council and whose details are stored on their contact database were contacted by Torbay Council forwarding on the same written invitation.

## **2. Landowners consulted.**

As clearly set out in the Consultation Statement (second version), all landowners who own land featuring in any of the Housing, Employment or Green Space site assessment documents were written to by the Forum and specifically invited to respond in the Regulation 14 consultation.

Having been so advised, the Forum considers that under the Neighbourhood Planning Regulations some landowners such as companies and firms constitute organisations and others constitute persons. Only landowners determined to be organisations will feature in the list of organisations contacted above, but we confirm all landowners were contacted.

The contact of landowners was undertaken directly by the Town Clerk of Brixham Town Council (save for one instance where a letter from the Town Clerk was delivered by hand by a member of the Forum to a person who was a landowner in Galmpton).

## **3. Bodies and persons responding.**

The Forum has maintained detailed records which allow all of the comments in Appendix 7 of the Consultation Statement (second version) to be attributed to the person or organisation making them. These records are also held by the independent body the Torbay Community Development Trust (which facilitates Community Partnerships for Torbay Council across the bay) which throughout has been assisting the Forum.

For ease of cross referencing, in the second version of the Consultation Statement at Appendix 7 where a person has responded they are assigned a unique reference number. This allows the reader to see where the same respondent has made comments on more than one topic listed.

Given the significant time that has elapsed since the original submission of our plan we would respectfully request Torbay Council progresses our plan to the Regulation 16 Stage as soon as possible.

We confirm that our Forum will also assist the Council undertake its Regulation 16 notification responsibility when asked to do so by passing on a copy of the Council's notification to all those persons who responded to our Regulation 14 consultation as individuals and who asked to be kept informed of the Neighbourhood Plan process and left their contact details with the Forum for that purpose.

Yours sincerely,  
Jackie

Cllr Jackie Stockman  
Chairman  
Brixham Peninsula Neighbourhood Forum

## Appendix 1

**From:** "Brooks, Tracy"  
**Date:** 14 September 2017  
**To:** "Stockman, Jackie"  
**Cc:** "Luscombe, Adam", "Pickhaver, David", "Gunther, Andrew"  
**Subject:** RE: Brixham Peninsula Neighbourhood Plan

Dear Jackie,

I refer to our discussion this afternoon relating to the BPNP submission and the content of the Submitted BP Neighbourhood Plan.

In carrying out its check of the documentation submitted, officers consider that, without prejudice to the view of the content of the Plan, the Regulation 15 requirements have been met, with the exception of the 'consultation statement' that, in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended) - 15 (2), should contain '**details of the persons and bodies who were consulted** about the proposed *neighbourhood development plan*';

Details are required in order to firstly meet Regulation 15 and secondly assist the LPA to fulfil its duties in publicising and '*bring the proposals to the attention of people...*' at the Regulation 16 stage.

In this context, it would be helpful to have the person/body and contact details particularly of those made representations. We recognise that this will include those persons on the Local Plan Consultation database (-whose details we already have).

An addendum to the submitted 'consultation statement' should suffice and the Authority would undertake to redact personal details (as it does with representations relating to planning applications) for the public version.

Kind Regards,

Tracy Brooks  
Senior Strategy and Project Officer

## **Appendix 2**

**From:** "Luscombe, Adam"

**Date:** 4 October 2017

**To:** "Stockman, Jackie"

**Subject: BPNF- Regulation 15 Submission**

Dear Jackie

I refer to the submission document of the proposed Brixham Peninsula Neighbourhood Plan.

As you are aware, the Council has taken independent legal advice on the requirements of Regulation 15 of the Neighbourhood Planning Regulations 2015. Specifically we sought advice on Regulation 15(2)(a), i.e. the meaning of "details" of the persons and bodies who were consulted. We have now received this advice and discussed it with Anne-Marie Bond, the Council's Monitoring Officer.

Our legal advice is that the term "details" has a broad meaning and gives the LPA a wide discretion in terms of what it can accept at consultation stage. On the basis of the advice, the LPA consider that 'details' does not necessarily need an address to comply with Regulation 15. A name, or alternatively, a reference should be enough to tie a comment to and to explain how a matter has been considered or addressed in the NP.

The Consultation Statement submitted with the Brixham Neighbourhood Plan proposal sets out consultation events at part 5. Part 6 provides broad categories of individuals and organisations consulted at Regulation 14 consultation stage. Chapter 7 summarises the responses from Torbay Council, Natural England, Historic England and the Environment Agency, with details contained the appendices for the latter three. Please can the Forum confirm, within Part 6, if affected landowners (particularly for greenspaces, housing, and employment sites) have been consulted?

Appendix 6 sets out Regulation 14 consultation representations, and the Forum's response. This merely identifies representors as "Resident", "organisation", "business owner", "landowner", "agent" etc.

In accordance with the legal advice above, please can you provide the Local Planning Authority with the name of the organisations and agents who made representations? We do not require individuals' names to be provided, but please can a reference number be given to the individuals listed in the appendix. This will allow representors to see how their comments have been considered. It will also help the administration of the independent examination and assist the examiner in his or her report, and allow for the comments to be traceable should the need arise.

I understand that Brixham Peninsula Neighbourhood Forum has undertaken, via David Watts, to pass on the LPA's letter publicising the submitted plan to those individuals, which is helpful. It would also be helpful if you would notify the organisations in Appendix 6, as we will not necessarily have their contact details.

If the above details are provided, the LPA will be able to proceed to Regulation 16 Stage publication.

I appreciate the frustration that the Forum feels about the delay in publicising the plan proposal, particularly given the many hours of volunteers' time that went into its preparation.

However, you will appreciate that the LPA needed to ensure that it is acting in accordance with legislation, in order to avoid the risk of legal challenge.

As you are aware, the LPA has objected to certain matters in the Brixham Peninsula Neighbourhood Plan, and the above does not obviate these objections. However neither do they preclude the LPA from taking the view that the plan proposal, when augmented by the details requested above, will contain the required documents to meet Regulation 15, and thereby proceed to Regulation 16.

Regards

Adam

**Adam Luscombe**

Team Leader, Strategy and Project Delivery

Torbay Council, 2nd Floor Electric House, Castle Circus, Torquay, Devon, TQ1 3DR

## **Appendix 3**

**From:** "Info @ Brixham Town Council"  
**Sent:** Wednesday, 25 January 2017  
**Subject:** Brixham Peninsula Neighbourhood Plan

Dear Consultee,

### **Consultation on the Brixham Peninsula Neighbourhood Plan**

I am writing to inform you that the Brixham Peninsula Neighbourhood Forum is consulting on the Brixham Peninsula Neighbourhood Plan (Regulation 14 Pre-Submission and Publicity Version) for a six week period between Saturday 25<sup>th</sup> January and Friday 11<sup>th</sup> March. This letter has been send to you via Brixham Town Council on behalf of the Brixham Peninsula Neighbourhood Forum. Your personal contact details have not been shared with the Forum.

### **Background**

The Brixham Peninsula Neighbourhood Forum is a subsidiary of Brixham Town Council, and was formally designated by Torbay Council as a recognised body to prepare a Neighbourhood Plan for the Brixham Peninsula in 2012. Since that time, the Brixham Peninsula Neighbourhood Forum has carried out extensive work in preparing the Brixham Peninsula Neighbourhood Plan, building on the previous Brixham Town Design Statement and adding to this through a series of informal consultation events with the community and interested parties. The Brixham Peninsula Neighbourhood Forum is now ready to consult formally (as set out in Regulation 14 of the Neighbourhood Planning Regulations 2012) on its Plan. The plan contains proposal for new housing and employment space, building on the framework set out by the Torbay Local Plan, proposals for the protection of specially valued greenspaces, policies for managing change through the planning process and articulates the aspiration of the town of Brixham and the neighbouring 'villages' of Churston, Galmpton and Broadsands.

### **Consultation**

**Views are invited on the contents of the Brixham Peninsula Neighbourhood Plan** and related documents. The Brixham Peninsula Neighbourhood Plan contains a Policy Statement and nine other documents. In addition, an accompanying Sustainability Appraisal Report and Habitat Regulations Assessment Screening Report are also available. (As is an independent Housing Sites Assessment.) These documents will be published for Formal Representations over the six week period from Saturday 25<sup>th</sup> January to Friday 11<sup>th</sup> March. All comments will be made available for public inspection. **Late comments will not be accepted.**

Following this consultation the Brixham Peninsula Neighbourhood Forum will amend the Plan and submit it to Torbay Council. The Council will advertise the Plan and arrange for an independent examination and then the Plan will be subject to a Referendum of those on the electoral register in the Plan area. The Referendum will be a yes/no vote and if 51% or more, of those who cast a vote, are in favour of the Plan it will be used to determine planning applications in the Brixham, Churston, Galmpton and Broadsands areas.

The Plan is available on the Forum's Website at [www.brixhampeninsula.com](http://www.brixhampeninsula.com) and reference copies of the Plan, or a summary, will also be available at the following venues:

Brixham Town Hall, Brixham Library, Churston Library, Brixham Rugby Club, Bay Coffee Company The Quay, Brixham Yacht Club, Brixham Hospital, Millie and Me, Max Moda Fore Street, Jeanette's Drew Street, Guardhouse Café Berry Head, Churston Ferrer's Grammar School, Caroline's Kitchen Churston Farm Shop, Churston Golf Club, Churston Court Hotel, Galleon Stores Galmpton, Village Salon Galmpton, Dornan's Fish and Chips, and Silverton Vets, Summercourt Way.

A series of meetings and drop-ins are planned for the six week consultation period. Please see the attached flyer for details.

We look forward to receiving your comments. Should you require any further information in the meantime please call 01803 859678 or email [info@brixhamtowncouncil.gov.uk](mailto:info@brixhamtowncouncil.gov.uk) .

Yours sincerely,

Jackie Stockman  
Chair of the Brixham Peninsula Neighbourhood Forum

Tracy Hallett

Town Clerk  
**Brixham Town Council**, Town Hall, New Road, Brixham TQ5 8TA