

Record of Decisions

Draft Torbay Local Plan (Regulation 18) Consultation

Decision Taker

Cabinet on 18 November 2025.

Decision

1. that the Draft Local Plan as outlined in Section 6 and Appendix 1 be approved for Regulation 18 public consultation between 28 November 2025 and 11.59pm on 26 January 2026;
2. that the Local Development Scheme (LDS) be amended to show the timetable in paragraph 2.6 of the submitted report; and
3. that the Divisional Director, Place Strategy (or equivalent post) be authorised to make minor amendments and edits to the Draft Local Plan in consultation with the Cabinet Member for Place Development and Economic Growth.

Reason for the Decision

Local Planning Authorities (LPAs) have a legal requirement (under Section 19 of the Planning and Compulsory Purchase Act 2004(P&CP)) to prepare a local plan setting out strategic priorities and policies to address these. Together with neighbourhood plans, the local plan forms the “Development Plan”, which was the legal starting point for determining all planning applications. The Council was preparing a Plan under the P&CP Act 2004 and 2012 Local Planning Regulations. Plans prepared under this system must be submitted to the Secretary of State for Examination by December 2026.

Implementation

This decision will be implemented immediately.

Information

The Draft Local Plan had been discussed by the Local Plan Working Party at monthly meetings between September 2024 and September 2025. The Draft Local Plan builds on the previous Growth Options (January 2022) and Housing Site Options (October 2022) consultations and was intended as a first full draft for consultation, rather than a finished project. Consultation responses would be used to prepare the Regulation 19 Publication Plan, which sets out the version of the Local Plan that the Council expects to submit for Examination.

At the meeting Councillor Chris Lewis proposed and Councillor David Thomas seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

The Council previously consulted on Local Plan Growth Options (January-February 2022) and Housing Site Options in January (October-December 2022). Prospective sites and policies have been considered by the Local Plan Working Party whose conclusions have been used to prepare a Draft Local Plan. Although we are proposing to consult on a full Draft Local Plan, the Regulation 18 stage is often called an “issues and options stage”. The next stage, i.e.

Regulation 19 Publication Stage proposed for Summer 2026 was a more formal consultation focussed on soundness and legal compliance issues.

The Local Development Scheme was approved in February 2025 which set out a roadmap to preparing a Local Plan, and different consultation options. Whilst delaying the consultation until 2026 would allow a more finished product to be consulted on. This would shorten the timescales and risk missing the Government's December 2026 deadline for submission. This would mean starting the Local Plan again under the Levelling Up and Regeneration Act (2023) new style plan system. Whilst the Council could decide to delay plan making until the new system comes into force. This would impose significant additional delay and increase the risk of speculative planning applications and costs at appeal. Moreover, the Secretary of State could intervene and direct Torbay Council to consult on its draft Plan (or even take over Plan making); both of which would cause reputational damage to the Council.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

21 November 2025

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet