

Meeting: Planning Committee **Date:** 16 October 2023

Wards affected: All

Report Title: Local List for Validating Planning Applications

When does the decision need to be implemented? October 2023

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1. Purpose of Report

- 1.1 To re-publish the Council's Local List for Validating Planning Applications ("the Local List") following the updating of the document to account for changes in national and local requirements and significant changes to the format of the document. This updated version of the Local List will replace the existing version which was adopted in 2018.

2. Reason for Proposal and Legal Implications

- 2.1 The Council's adopted Local List was published in 2018. In accordance with the national planning guidance, this document has now been reviewed with changes being proposed to reflect new local and national requirements and to make the document easier to understand and use.
- 2.2 The Local List establishes the information that the Council requires applicants to submit in support of their planning and other applications, which are assessed and determined by the Local Planning Authority. The requirements set out in the Local List must be justified by the Council's adopted Local Plan, along with national planning policy and guidance, and relevant planning legislation.
- 2.3 It is a requirement of Paragraph 44 of the National Planning Policy Framework (2023) that Local Planning Authorities review their Local Lists at least every two years. Our list has now undergone a review. Modifications are proposed to reflect changes to national and local requirements and to change the format of the document.
- 2.4 Not having an up-to-date Local List means that the Local Planning Authority can be challenged when it attempts to require further information from applicants, which it deems

necessary to enable the proper assessment and determination of their planning or other applications. The publication of an up-to-date Local List will therefore facilitate the proper assessment of development proposals in accordance with the adopted Torbay Local Plan, and therefore the delivery of sustainable development. Moreover, if the planning department is unable to secure required information, planning decisions may be delayed, which could result in planning application fees needing to be returned to applicants where certain deadlines are exceeded.

2.5 An up-to-date Local List enables the Council to ensure adequate details are provided at the time planning applications for new development are submitted and therefore facilitates the proper assessment of proposals in accordance with our Local Plan, which itself promotes the ambitions, principles, and actions of the Corporate Plan.

2.6 The timely and proper assessment of planning applications can help to unlock investment and new development in the area, contributing to the creation of employment, new homes, consumer and visitor attractions, and a more attractive environment.

2.7 The document has been updated to allow for the following changes, summarised below:

- Change in the format of the document to allow it to be organised by theme rather than application type

- Introduction of separate checklists for all application types

- Inclusion of new national and local requirements, including:

- Wildlife & Geology Trigger Table

- Bat and Bird Screening Checklist

- Sustainability Checklist

- Fire Statement

- Coastal Change Vulnerability Assessment

- Crime Prevention Statement

- Foul Drainage Assessment

- Agricultural Land Classification and Soil Statement

- Restoration and Aftercare Scheme Assessment

- Waste Planning Statement

- Biodiversity Net Gain Assessment in accordance with emerging guidance

2.7 The reasons for the decision are:

- To ensure that the new Local Validation List reflects new local and national planning requirements.

- To change the format of the document to improve its accessibility to allow it to be easier to use, thereby improving the efficiency of the planning process.

3. Engagement and Consultation

- 3.1 The updated Local Validation List was the subject of a six-week period of public consultation from 14th August to 25th September 2023.
- 3.2 The consultation was publicised through notifications on the Torbay Council website, the One Torbay newsletter, posts on Torbay Council social media channels, the Spatial Planning Newsflash, and emails sent to those on our consultation database (which includes statutory consultees, neighbourhood forums, community groups and organisations, as well as developers, planning agents and members of the public who have signed up to be on the database or who have previously responded to planning policy consultations). A hardcopy of the consultation was made available at the Town Hall and Torbay libraries.
- 3.3 The consultation resulted in 11 responses from external organisations/representatives as well as a number of representations from Torbay Council Officers or partner organisations.
- 3.4 A full summary of all external consultation responses received and how the matters raised were responded to is provided at Appendix 3.

4. Recommendation(s) / Proposed Decision

- 4.1 That the Local Validation List as set out in Appendix 1 be recommended for adoption by the Planning Committee.
- 4.2 That the Divisional Director for Planning, Housing and Climate Emergency be authorised to adopt the Local Validation List and for planning applications received after 1 November 2023 to be assessed in terms of this updated Local List.
- 4.3 That the Divisional Director for Planning, Housing and Climate Emergency be given delegated authority to enable minor amendments to be made to the Local Validation List where necessary.

Appendices

Appendix 1: Local Validation List 2023

Appendix 2: Local Validation List 2023 – marked changes post-consultation

Appendix 3: Summary of Representations

Background Documents

Adopted Torbay Local Plan 2012-2030: <https://www.torbay.gov.uk/local-plan/>

Adopted Torquay Neighbourhood Plan: <https://www.torbay.gov.uk/torquay-np/>

Adopted Paignton Neighbourhood Plan: <https://www.torbay.gov.uk/paignton-np/>

Adopted Brixham Peninsula Neighbourhood Plan: <https://www.torbay.gov.uk/brixham-np/>

National Planning Policy Framework: <https://www.gov.uk/guidance/national-planning-policy-framework>

Equality Impacts - Identify the potential positive and negative impacts on specific groups

| | Positive Impact | Negative Impact & Mitigating Actions | Neutral Impact |
|--|-----------------|--------------------------------------|----------------------------------|
| Older or younger people | | | There is no differential impact. |
| People with caring Responsibilities | | | There is no differential impact. |
| People with a disability | | | There is no differential impact. |
| Women or men | | | There is no differential impact. |
| People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community) | | | There is no differential impact. |
| Religion or belief (including lack of belief) | | | There is no differential impact. |
| People who are lesbian, gay or bisexual | | | There is no differential impact. |
| People who are transgendered | | | There is no differential impact. |
| People who are in a marriage or civil partnership | | | There is no differential impact. |

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|---|--|--|----------------------------------|
| Women who are pregnant / on maternity leave | | | There is no differential impact. |
| Socio-economic impacts (Including impact on child poverty issues and deprivation) | | | There is no differential impact. |
| Public Health impacts (How will your proposal impact on the general health of the population of Torbay) | | | There is no differential impact. |