

# TORBAY LOCAL PLAN

*A landscape for success*

The Plan for Torbay - 2012 to 2032 and beyond



**Statement of Community Involvement 2014**



## Preface

**The Torbay Statment of Community Involvement (SCI) is available....**

on the Torbay Council Website:

[www.torbay.gov.uk/strategicplanning](http://www.torbay.gov.uk/strategicplanning)

and

at Torbay Council's Spatial Planning Offices at Electric House, Castle Circus, Torquay TQ1 3DR

If you would like any further information about this document or any aspect of the Torbay Development Plan please use the contact details below:

phone: 01803 208804

email: [future.planning@torbay.gov.uk](mailto:future.planning@torbay.gov.uk)

If you wish be kept informed about the emerging Torbay Local Plan and other Local Development Documents as they are produced, you can **register your interest** by asking to have your details added to our Development Plan consultation database.

**Other links that will provide more detailed background information on the spatial planning system include:**

Ministry of Housing, Communities & Local Government: National Planning Policy Framework

[www.gov.uk](http://www.gov.uk)

The Planning Portal Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)) is the Government's online service for planning which includes advice and information on the plan-led system

February 2014 (Section 7 amended 22<sup>nd</sup> March 2018)

**To request this document in an alternative format or language, please contact the Strategic Planning Team on 01803 208804**

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## 1 Introduction

**1.0.1** Torbay Council's Spatial Planning Business Unit seeks to have early, continuous and widespread engagement with stakeholders and the public to ensure an open planning process which benefits from the involvement of local people in planning the future of their communities.

**1.0.2** The Council's vision is for an open, inclusive and responsive system for consultation and participation in planning matters in Torbay. **The SCI outlines the 'Who, What, Why, When, Where and How' of planning involvement in Torbay.**

**1.0.3** This **Statement of Community Involvement (SCI)** sets out the key stages of Development Plan preparation and the opportunities for consultation and engagement by individuals, communities and other stakeholders. It also outlines the opportunities for local people to comment on planning applications. This is in accordance with the legal requirements set out in the Planning Acts<sup>(1)</sup> and Regulations<sup>(2)</sup>.

## 1.1 Background

**1.1.1** Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a **Statement of Community Involvement**<sup>(3)</sup>.

**1.1.2** Since the adoption of the Torbay SCI (July 2007) a number of changes in legislation have occurred which have affected the planning process in relation to **local plan documents**<sup>(4)</sup> (including the SCI) and **planning applications**. In particular The **Localism Act 2011** and the introduction of the **National Planning Policy Framework (NPPF) 2012** have significantly changed the planning landscape. In addition, the preparation of **Neighbourhood Plans** allows local communities to produce planning documents which, when adopted, can become part of the statutory development plan for the local area.

**1.1.3** In 2009, an SCI Addendum was produced to reflect changes that had occurred in the planning process at that time. The current approved version of the SCI has been fully revised to take into account these changes. The **SCI** no longer has to be included in the Local Authority Development Scheme, nor does it have to undergo independent examination or be submitted to the Secretary of State<sup>(5)</sup>.

**The SCI affects you because it sets out Torbay Council's policy for involving the community in both the preparation of the long term vision for the area in the Local Plan, and in the determination of planning applications.**

1 Those referred to are the Town and Country Planning (Local Planning) (England) Regulations 2012; Planning and Compulsory Purchase Act 2004; Town and Country Planning Act 1990; and The Town and Country Planning (Development Management Procedure) (England) Order 2010

2 Neighbourhood Planning (General) Regulations 2012

3 Planning and Compulsory Purchase Act 2004 18. A Local Planning Authority must Prepare a Statement of Community Involvement.

4 Development Plan Documents can also be referred to as Local Plans. Town and Country Planning (Local Planning) (England) Regulations 2012 Regulation 6

5 <http://www.pas.gov.uk>: A statement of Community Involvement is no longer considered a development plan document and is therefore not subject to examination

### 2 Principles for community involvement and links with other strategies

**2.0.1 Torbay's Community Plan 2011+**<sup>(6)</sup> prepared by the Torbay Strategic Partnership on behalf of all the residents The 2010 refreshment outlines the Partnership's ambition for Torbay over 20 years bringing together the views of residents as well as representatives from the business, community and voluntary sectors. It's Vision for the Bay: 'Working for a healthy, prosperous and happy Bay in an area that: An area that;

- Is prosperous and known to be a great place to live and learn and grow up in
- Is able to compete on a world stage in our traditional industries of tourism and fishing
- Communities know and support each other and enjoy some of the best quality of life in England
- Widens opportunities and provides high quality employment and retains our young people in the Bay
- Celebrates the differences in the three towns, builds on the strengths of these towns and brings back the feel-good factor

### 2.1 Corporate Consultation and Engagement

**2.1.1** The Council aims to be a modern, open and transparent organisation that listens to its population, taking on board their concerns and feeding back appropriate information. The **Torbay Consultation and Engagement Strategy**<sup>(7)</sup> seeks to ensure that the Council takes a holistic approach to consultation and has been developed with the intention of ensuring that all consultation is:

#### **Inclusive:**

- Ensuring consultation methods are not simply geared towards 'easy to reach' groups and that current guidance on how to consult those who are traditionally less involved is followed.
- Using varied methods to gain as wide a range of views possible from all sectors of the community. This may well require the involvement of third parties/organisations/agencies as necessary.

#### **Effective**

- Ensuring consultation fits the intended purpose and that results are used to inform the Council's decision making processes.
- Learn from consultation that has already been carried out by the Authority and partner organisations through identification of best practice as to what to do - and what to avoid.
- Putting systems in place to ensure that any prior consulting experience is fully utilised and the results of all consultation is put to best effect.

#### **Clear**

- Ensuring that all participants feel comfortable with the process and that they understand the nature of any constraints on the outcome being sought (for example budgetary considerations).
- Clearly stating that the information gained will be used to influence eventual decision making processes.

#### **Cost effective**

- Ensuring that the consultation process is efficient, relevant and cost effective

**2.1.2** The Consultation and Engagement Strategy is accompanied by a Consultation Toolkit which provides step by step advice to planning effective consultation.

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6 <http://www.torbay.gov.uk/communityplan.pdf>

7 April 2005 Revision September 2009



## 2 Principles for community involvement and links with other strategies

**2.1.3** Torbay Council has also produced a **Communication and Consultation Policy**, which is part of the overall strategy setting out the principles underpinning the way Torbay Council communicates and consults, providing corporate standards of communication and consultation and related responsibilities.

**2.1.4** Torbay Council is committed to ensuring equal access to information and documents can be provided in alternative formats if needed.

### Equal Opportunities and Diversity

**2.1.5** Torbay has a diverse community with differing needs. It is important for the Council to engage with the whole community and that current guidance on how to consult with those who are traditionally less involved is followed to ensure this happens effectively.

**2.1.6 Equality Objectives:** In April 2010 the new **Equality Act** gained Royal Assent. The Act defines discrimination in terms of nine 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief, sex and sexual orientation. The **Equality Act** includes a general duty for Councils to integrate equality into their day-to-day business and across all their functions. Torbay Council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity between people from different groups.
- Foster good relations between people from different groups

**2.1.7** Since the Equality Act 2010 came into force, the Council has continued to be committed to ensuring it provides services that meet the diverse needs of our community, as well as ensuring we are an organisation that is sensitive to the needs of individuals within our workforce.

**2.1.8** The Council is committed to being inclusive - valuing and reflecting the full diversity of the community it serves. It will believe and communicate that:

- Everyone has the right to be included
- Everyone has the right to be treated fairly
- Everyone has the right to equality of access

**2.1.9** The Council is developing **Equality Objectives**<sup>(8)</sup> (April 2012) which the Council will work towards meeting over the next few years.

**2.1.10 Equality Impact Assessments (EIA):** Assessing the impact of the decisions the Council makes is critical to identify any potential negative impact, to minimise that impact and to ensure decisions are justified, proportionate and relevant. **Equality Impact Assessment (EIA)**<sup>(9)</sup> has been developed as a tool to enable Council business units to fully consider the impact of proposed decisions on the community. The EIA will evidence full consideration of the impact of the relevant proposal / strategy and that appropriate consultation has been carried out with key stakeholders. An EIA will be produced as part of the new Local Plan preparation. **Combined Impact Assessments (CIAs)** have also been developed as a tool to enable business units across the Council to fully consider the impact of proposed major decisions on the community. Specifically decisions that directly affect people and that have the potential for different treatment, access, outcomes or levels of satisfaction

8 <http://www.torbay.gov.uk/equalityobjectives.pdf> The Council's are based on: The evidence published at the end of January 2012 in the Equality Information Report; Consolidating the Joint Equality Strategy developed for the Torbay Strategic Partnership in 2009; Built around proposals agreed in the budget setting process 2012-13; Outcomes and activities identified in the Community Plan and Draft Corporate Plan

9 <http://www.torbay.gov.uk/equalopportunities/eia>

## 2 Principles for community involvement and links with other strategies

need to ensure a robust process is followed. Decision makers must also ensure they make 'due regard' to relevant legislation such as the Equality Act 2010, which includes the need to promote equality of opportunity.

### Overview and Scrutiny

**2.1.11** The **Overview and Scrutiny** process holds the Council's decision-makers and partners to account and helps improve services for local people and visitors. Acting as the Council's watchdog, it challenges and reviews the decisions that are made about Torbay and can also review existing policies and issues of concern. The Overview and Scrutiny Board is chaired by a co-ordinator and includes four Scrutiny Lead Members. The Overview and Scrutiny Board publishes its Annual Report which provides a reflection of the Board's work.

### Council and Forward Plan

**2.1.12** Torbay Council has an elected Mayor. The Mayor makes most of his decisions at public meetings of the Council. Major decisions are set out in a '**Forward Plan**'. Torbay Council is required to publish a **Forward Plan** of all **key decisions**<sup>(10)</sup> to be taken in the subsequent four months. The Plan includes a short description of the decision to be made; who will make it; when the decision will be taken; details of the planned consultation with local people and other stakeholders; and contact details for further information (including reports and background papers). The Governance Support Team can be contacted for copies this document, which is also available on the Council's website (<http://www.torbay.gov.uk/forward-plan>). Both the **Submission** and **Adoption** stages for the **new Local Plan** would be considered to be key decisions that would need to be made by the Council.

## 2.2 Links to other Corporate Plans

**2.2.1** **Torbay's Community Plan 2011+**<sup>(11)</sup> was prepared by the Torbay Strategic Partnership on behalf of all of Torbay's residents. The 2010 'refresh' outlines the Partnership's ambition for Torbay over 20 years, bringing together the views of residents as well as representatives from the business, community and voluntary sectors. Its Vision for the Bay is: 'Working for a healthy, prosperous and happy Bay in an area that:

- Is prosperous and known to be a great place to live and learn and grow up in
- Is able to compete on a world stage in our traditional industries of tourism and fishing
- Communities know and support each other and enjoy some of the best quality of life in England
- Widens opportunities and provides high quality employment and retains our young people in the Bay
- Celebrates the differences in the three towns, builds on the strengths of these towns and brings back the feel-good factor

**2.2.2** **Torbay Corporate Plan 2013-2015**<sup>(12)</sup> sets out the main strategic challenges facing Torbay Council and our plans for addressing them. There are three key themes that services are targeted towards in order to secure a '**healthy, prosperous and happy Torbay**'. It recognises that the public generally and users of specific services are informed and involved in re-shaping services. In order to support this approach the Plan states Torbay Council will:

- Make more information available about the services we currently provide, including our arms length organisations, contracted services, and the financial support we give to organisations in Torbay.

10 The Torbay Council Forward Plan Key Decision: (i) result in incurring expenditure or making of savings which are significant; or (ii) be significant in terms of its effects on communities living or working in the area. The Council has produced comprehensive criteria to define "significant".

11 <http://www.torbay.gov.uk/communityplan.pdf>

12 <http://www.torbay.gov.uk/corporateplan2013.pdf>

## 2 Principles for community involvement and links with other strategies

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- Ensure that service users are consulted at the stage when proposals for services are being developed.
- Ensure that members of the public and service users have sufficient time to consider proposals for changes in services and they can feedback their views in a number of ways.
- Encourage and support members of the public to engage with the political decision making process

**2.2.3** The Torbay Community Plan 2011+ is embedded right at the heart of the Torbay Local Plan. The Local Plan also takes account of **other strategies** including Torbay Council's Corporate Plan, Economic Strategy, Tourism Strategy, Local Transport Plan, Climate Change Strategy, Marine Action Plan, Tor Bay Harbour Authority Ports Masterplan, Green Infrastructure Delivery Plan and emerging Neighbourhood Plans.



## 3 Resources and Management

### 3 Resources and Management

**3.0.1** The following section of the SCI shows how the process of involvement will be resourced and managed effectively.

**3.0.2 Effective use of resources:** One of the reasons for an emphasis on wider consultation at the start of the planning process is in order to minimise costly delays later on. Public engagement and consultation are recognised as being resource intensive. It is therefore important to consider this process against the criteria of economy, efficiency and effectiveness. Our aim is to attain wider, long term participation without creating unrealistic expectations or exorbitant costs by:

- Using corporately based expertise where appropriate to centralise these services. We endeavour to share expertise, events and methods of consultation wherever practicable, in order to reduce costs (using the ViewPoint panel and Community Partnership meetings, and Mayor's Forums etc.)
- We will seek to take advice from the **Planning Advisory Service (PAS)**<sup>(13)</sup> and the Royal Town Planning Institute (RTPI), **Planning Aid Service**<sup>(14)</sup> wherever it is appropriate. **Planning Aid England (PAE)** can also help communities through the key stages of the Neighbourhood Planning Process<sup>(15)</sup>.
- We will promote and assist the private sector to involve and consult the community at an early stage.
- We will actively engage with the Torbay Business Forum and, via the Torbay Development Agency, with other Business Groups (e.g. Hightech Forum).
- Councillors are also recognised as providing a major role in the plan-making and planning application process - they are key links with the community and are therefore a key resource.
- Torbay is made up of 16 **Community Partnerships** (9 in Torquay, 5 in Paignton and 2 in Brixham, one of which is working with Brixham Town Council). These Partnerships are currently managed by the Council but will soon be managed by the Community Development Trust. Community Partnerships are involved in local plan development and in major planning applications.
- The Council has established and manages an independent **Design Review Panel** (see Section 7), made up of a broad spectrum of design professionals, which is used to advise land owners, developers, the Council and community with design advice on major development proposals and masterplans.

**3.0.3** In this context it will still be appropriate to review consultation methods through the 'four C's'<sup>(16)</sup> **Challenge, Compare, Compete** and **Consult** by:

- Setting targets for operational aspects of consultation.
- Establishing links with comparable local authorities to exchange information and benchmark.
- Establishing a dialogue with stakeholders on the consultation process.
- Periodically seeking advice about the likely costs and benefits of various consultation services.

13 <http://www.pas.gov.uk> Grant Funded by DCLG, PAS provide consultancy and peer support, training sessions and online resources to help **local authorities** understand and respond to planning reform. Most of the services provided are free of charge.

14 <http://www.rtpi.org.uk/planning-aid> Planning Aid England is funded by a range of sources including the Department for Communities and Local Government (DCLG) but is run by the RTPI and separate from central or local government. It provides completely independent and impartial planning advice supporting communities and individuals. The Advice Service offers a limited amount of free, general planning advice.

15 Planning Aid England (PAE) helps communities through the key stages of the Neighbourhood Planning process under the Supporting Communities in Neighbourhood Planning 2013-15 initiative. In March 2013 a consortium led by **Locality**, (<http://locality.org.uk>) which includes the (RTPI), was awarded a contract by the (DCLG) to provide neighbourhood planning support as part of a new two-year programme with neighbourhood planning groups to provide support, advice and professional input to the plans being prepared by those communities.

16 Note: The '4C's' underpinned the Best Value process Best Value Performance Plans were abolished and replaced by Comprehensive Area Assessment (CAA). In 2010 which itself has been abolished by government

**3.0.4** Torbay Council has a Spatial Planning Business Unit with a small, dedicated strategic planning policy team containing experienced staff with a specific budget allocation for the implementation of the Local Plan and supporting documents (including the technical support of Neighbourhood Forums). This includes provision for document production and consultation programmes. The Unit's performance is reviewed annually in the context of the Business Plan.

## 4 The Local Plan for Torbay and the New Planning System

### 4 The Local Plan for Torbay and the New Planning System

#### Context

**4.0.1** Paragraph 17 of the NPPF sets out the overarching roles that the planning system ought to play, and includes a set of **core land-use planning principles** that should underpin both plan-making and decision taking. The first of these principles states that the planning system should:

*be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*

**4.0.2** In relation to **Local Plans**, paragraph 155 of the NPPF states:

*Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.*

#### The Planning Context for Torbay



**4.0.3** Torbay Council is a unitary authority responsible for preparing the **Local Development Plan** for Torbay.

**4.0.4** The new **Torbay Local Plan** sets out aspirations for the area, a spatial strategy and framework for place-making, and includes policies for managing change over the next twenty years or so. As a unitary authority, the Council is also responsible for including minerals and waste policies in the Plan along with key targets for housing supply, employment land provision and affordable housing up to 2032 and beyond. The Plan includes a Key Diagram and a Policies Map illustrating the geographical location of policies/sites. The Local Plan includes identified Strategic Delivery Areas and Future Growth Areas which provide a policy framework for **Neighbourhood Plans**.

**4.0.5** All planning documents forming part of the Local Plan now have to be in accordance with this SCI to ensure that the minimum statutory requirements on consultation are met.

## 4 The Local Plan for Torbay and the New Planning System

### Who will be consulted in the preparation of planning documents and when?

**4.0.6** The following section of the SCI shows how the process of involvement<sup>(17)</sup> and the results will feed into the preparation of the **Local Plan Documents**<sup>(18)</sup>. It also sets out the various points at which the local planning authority will involve the community in preparing **Supplementary Planning Documents** (SPDs), including opportunities for participation on a range of associated documents, such as the **Sustainability Appraisal (SA)**, **Habitats Regulation Assessment (HRA)** and **Community Infrastructure Levy (CIL)**. Later sections set out the opportunities for engaging with **Neighbourhood Plans/Forums** and becoming involved in decisions on **planning applications**.

**4.0.7** The Council will send relevant documents to such consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan. In this context, **specific consultation** bodies and **general consultation** bodies are defined in the Regulations. The Council will also seek to involve relevant **key target groups** (the above are all listed in Appendix 1).

### 4.1 Stages of Local Plan Document Preparation and opportunities for Consultation and Engagement

#### Stage 1 Preparation (Regulation 18)<sup>(19)</sup>:

- **Scoping and evidence gathering** from a variety of sources and stakeholders. This will include, for example, evidence base documents relating to the economy, housing need availability reports (or their summary findings) will be made available on the Council's website.
- **Developing Policy Options:** The Council will seek to promote consultation on issues and reasonable alternatives. Whilst not a statutory requirement, the Council will normally produce a further consultation on the 'preferred options' for the development Plan document. Approval will be sought from the appropriate Council Committee / decision making body. All Council Committee reports (and Minutes) are available on the Council's website.
- This is an iterative, interactive stage of plan preparation which seeks to engage the wider community and those who are traditionally less involved. The Council should notify and invite representations from those **specific consultation bodies** it considers may have an interest and those **general consultation bodies** and such residents or persons carrying on business in the area. The Council must take into account any representations made in preparing the Local Plan.

**General Bodies relate to the following bodies (in the local planning authority's area) that represent the interests of:- voluntary (groups); different racial, ethnic or national groups; different religious groups; disabled persons; persons carrying on business**

#### Stage 2: Publication of the Proposed Submission Stage Local Plan Document(s):

**4.1.1** The Council will publish the **Proposed Submission Plan (Regulation 19)**. This involves a **(6 week)** period for making formal comments on the soundness and legal compliance of the Plan. During this period the Council will:

- Make hard copies of all the **proposed submission documents (including a statement of representation procedure and statement of availability of documentation)** available at the principal council offices, libraries and Connections offices, during normal office hours. The proposed **submission documents comprise the Local Plan**, the accompanying **Sustainability**

17 Planning and Compulsory Purchase Act 2004 (18). A Local Planning Authority must Prepare a Statement of Community Involvement.

18 Note: The Town and Country Planning (Local Planning) (England) Regulations 2012 Regulation 6 Defines any Local Development Documents as a Local Plan

19 The Town and Country Planning (Local Planning) (England) Regulations 2012

## 4 The Local Plan for Torbay and the New Planning System

**Appraisal Report** and **Habitats Regulations Assessment**, along with a **consultation statement** setting out who was involved in Plan preparation and a summary of the main issues raised and how we have responded to these. These documents will also be published on the Torbay Council website <http://www.torbay.gov.uk>

- Send the relevant **proposed submission documents and statements** (as above) to the relevant **Secretary of State**.
- The **statement of the representations procedure and a statement of availability of documents** will also be sent to each of the (appropriate) **specific consultation bodies** and each of the **general consultation bodies** who have been invited to make **representations** on the Plan.
- Where appropriate, **advertise in the local newspaper** a summary of the representations procedure and document availability.
- Indicate that **copies of documents made available** (above) can be requested from the Council, and that a reasonable charge for providing a copy of a document may be made.

**4.1.2** The Council will consider all **written representations** (electronic or hard copy) received **within the 6 week period**. **Representations** should cover succinctly all the information, evidence and supporting information necessary to justify the representation or any suggested modification as there will not normally be a subsequent opportunity to make further representations based on the original representation made at publication stage.

**4.1.3** The Council will produce a **consultation statement** which will set out a summary of who has made representations and the main issues raised.

### **Stage 3: Submission of the Plan to the Secretary of State (for independent examination) (Regulation 22):**

**4.1.4** Following the 6 week formal consultation period, the Council will submit the Local Plan documents accompanied by the **Sustainability Appraisal** (along with any other supporting documents such as the HRA, or Equalities Impact Assessment) to the **Secretary of State**. An **independent Planning Inspector** will carry out an **examination** of the plan prepared in accordance with the Duty to Cooperate<sup>(20)</sup>, legal and procedural requirements, and whether it is sound<sup>(21)</sup> taking into account the representations that have been received. The Council will forward to the Inspector all responses received during the consultation period. The Inspector will consider these representations and *may* invite those who have made comments to participate in relevant oral parts of the **Independent Examination (Regulation 24)**. The Inspector may also consider **modifications** to the Plan as part of the examination process.

Your **representations** should state whether you support or object to a specific part of the Local Plan document, your reasons and any suggested changes. To assist the Inspector carrying out the Examination of the Plan, you should indicate whether the part(s) of the plan you are commenting on meet the Government's test of **soundness**, i.e. are positively prepared, justified, effective, consistent with national policy and are legally compliant.

20 The Localism Act –section110 introduced a 'Duty to co-operate' requiring local authorities and a number of public bodies to cooperate in relation to sustainable development or use of land that would result in a significant impact on at least two local planning authority areas. The NPPF paragraphs 156, 178-181 set out strategic issues where cooperation might be appropriate.

21 National Planning Policy Framework Paragraph 182 sets out the test of soundness in more detail.

## 4 The Local Plan for Torbay and the New Planning System

### Stage 4: Modification – Consultation:

**4.1.5** Following Examination, the Council will publish (if necessary) any main **modifications** that have been put forward during the examination process for a 6 week consultation period (in accordance with Stage 2 above). The Council will also provide notification of any other non-material changes it wishes to make to the Plan. The Council will forward all responses received during the consultation on to the Inspector, who will have regard to them in forming a final view on the **soundness** of the plan.

### Stage 5: Inspector’s Report (Regulation 25):

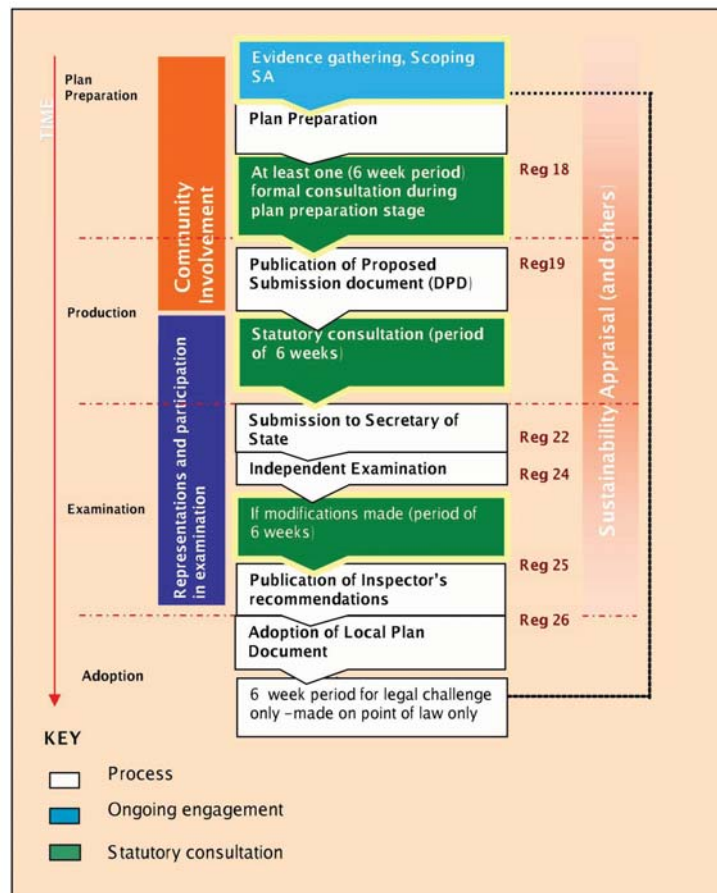
**4.1.6** The Inspector will report back to the Council and will recommend main modifications if the Council has requested this. The Council will publish this report on the Torbay Council website.

### Adoption of the Local Plan:

**4.1.7** If the Inspector finds the Local Plan to be **sound**, the Council can accept the Inspector’s Report and modifications and submit the Plan to full Council for **adoption**. When adopted, the Council will publicise details of the adoption on its website and notify stakeholders and previous respondents (if requested).

**4.1.8** These Local Plan stages are illustrated in the Figure 1

Figure 1 The Local Plan Preparation Process



**4.1.9** Local Plans must, by law, be prepared taking into account the findings of the Sustainability Appraisal (SA)/ Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA).



## 4 The Local Plan for Torbay and the New Planning System

### 4.2 Sustainability Appraisal (SA)

**4.2.1** The purpose of sustainability appraisal is to appraise the social, environmental and economic effects of the strategies and policies in a Local Plan<sup>(22)</sup> document from the outset of the preparation process (in line with requirements of **Sustainability Appraisal**<sup>(23)</sup> and **Strategic Environmental Assessment (SEA)**<sup>(24)</sup> legislation).

**4.2.2** The Sustainability Appraisal involves a number of stages of consultation on the main reports which will be produced at various stages of the process:

- **A scoping report** is an overarching document which includes existing sustainability issues identified in Torbay, a summary of sustainability objectives to be considered and the formulation of a framework by which to test the plan for sustainability at a later stage. This report goes out for a **5 week consultation** (minimum) period. In particular three SEA statutory consultees: **Environment Agency, Natural England** and **English Heritage** will be consulted in addition to other stakeholders<sup>(25)</sup>.
- The subsequent **Sustainability Appraisals** will be published for consultation at the same time and using the same methods as the associated Local Plan documents.
- At the end of the process, upon adoption, a statement will be produced which will outline how the sustainability appraisal and related consultation has been taken on board during the development of the plan.

**SA** : An appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development.

### 4.3 Habitats Regulations Assessment (HRA)

**4.3.1** The HRA assesses the impact of the Plan on European designated biodiversity sites<sup>(26)</sup>. The first step is a screening study to identify if there are likely to be any impacts on designated sites (principally Special Areas of Conservation) and if so, then an **Appropriate Assessment** is required in order to identify what mitigation methods are required for the policies proposed.

- **Natural England** is the statutory consultee that must be consulted and therefore will be consulted accordingly. Natural England will be written to with the relevant documents provided for comments (electronic and/or in writing). The HRA will be published for consultation at the same time and using the same methods as the associated Local Plan documents.

22 A sustainability appraisal of new or revised Local Plans is required by section 19 of the Planning and Compulsory Purchase Act 2004

23 Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

24 Sustainability appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004

25 The Strategic Environmental Assessment consultation bodies on the information and level of detail to include in the sustainability appraisal report

26 All plans and projects, which may have a significant effect on designated European Sites are required to undertake a HRA

### 4.4 Supplementary Planning Documents (SPDs) - Consultation and Engagement Process

**4.4.1 Supplementary Planning Documents** will not have development plan status. However, they can be used to expand policy or provide further detail to policies (such as design guides or masterplans) in the Development Plan. Like local plan documents, they will be informed by extensive community involvement but they will not be subject to Independent Examination. When adopted they can be used in determining planning applications.

**SPDs:** Documents which add further detail to the policies in the **Local Plan**. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

#### Stage 1: Evidence gathering and preparation of SDP:

**4.4.2** Torbay Council will involve local communities and stakeholders in the development of SPDs. A sustainability appraisal is no longer required as part of the SPD process but *may* accompany the SDP if appropriate. If one is produced, the SA Report which accompanies the SPD will also be available for consultation. Where an SPD relates to a specific area the relevant Community Partnerships and Neighbourhood Forums will also be contacted to engage the community at an early stage.

#### Stage 2: Public Participation (Regulation 12 & 13<sup>(27)</sup>):

**4.4.3** As with local plan preparation, **specific consultees** will receive full documentation. The wider community will be consulted during a formal consultation period for a period of not less than **4 weeks**. The Council will then publish a **consultation statement** setting out who was consulted when preparing the SDP, the main issues raised and how they have been addressed in the document. This will be placed on the Torbay Council website and made available at the principal Council Offices, Public Libraries and Connections Offices during normal office hours, with a date by which representations must be made and address to which they must be sent.

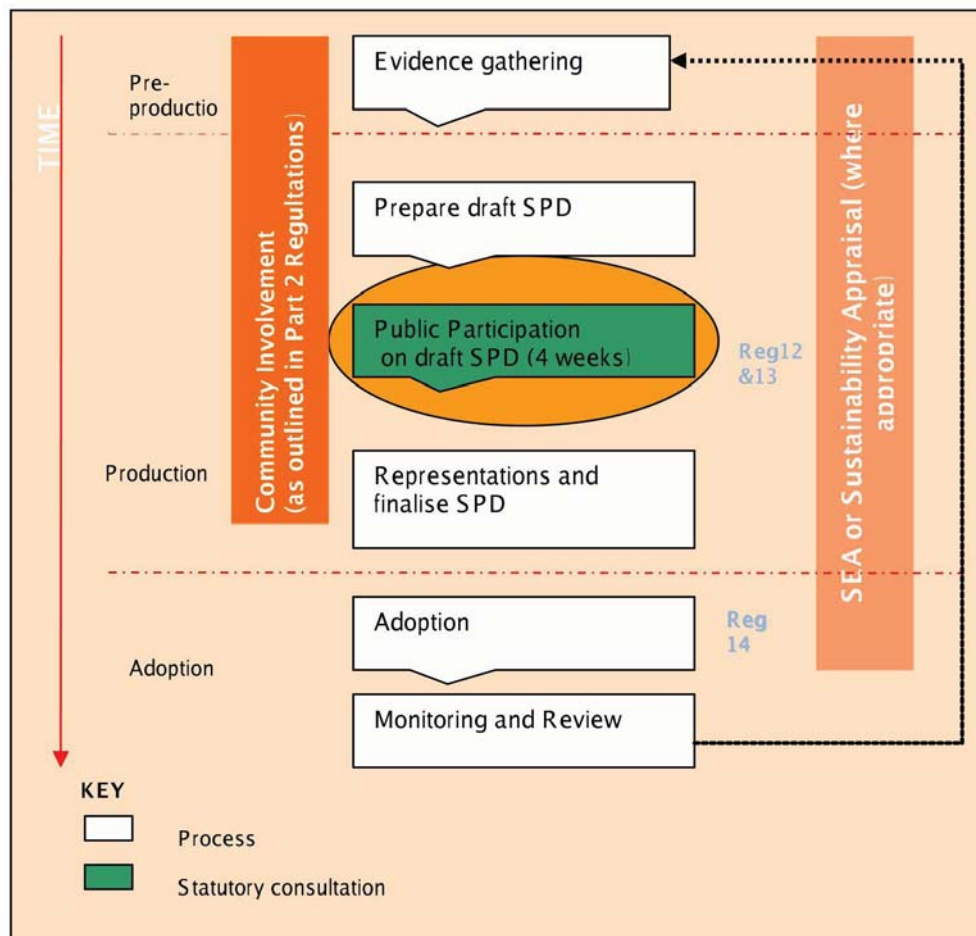
#### Stage 3: Adoption (Regulation 14) of the SPD; Monitoring and Review:

**4.4.4** SPDs do not have to undergo Independent Examination. When **adopted**, the Council will publish the adopted SPD and adoption statement on the Torbay Council website and make the documents available for inspection at the principal Council Offices, Public Libraries and Connections Offices during normal office hours (the statement of community involvement will be available for a minimum of 3 months). An adoption statement will be sent to any person who asked to be notified.

**4.4.5** These Supplementary Plan Documents Stages are illustrated in Figure 2.

## 4 The Local Plan for Torbay and the New Planning System

Figure 2 The Supplementary Planning Document Process



### 4.5 Consultation Process for the Community Infrastructure Levy (CIL)

**4.5.1 The Community Infrastructure Levy<sup>(28)</sup>:** CIL is a tax on new floorspace of certain types of development. It partly replaces Section 106 Contributions, but does not fund affordable housing. Community Infrastructure Levy is a tax levied on development of more than 100 m<sup>2</sup> floor space, or new-build dwellings. It is intended to help fund the infrastructure needed by development and should be based on an up-to-date development plan. In Torbay's case this will be the new Torbay Local Plan (2012-2032). Note: the CIL Regulations are changing with the new Regulations expected in 2014. The current stages of CIL adoption (2010 Regulations, Amended 2011) are:

**CIL is intended to help provide infrastructure needed by development and should normally be implemented on the basis of an up to date development plan.**

**4.5.2 The CIL consultation stages** are set out below:

- **Preliminary Draft Charging Schedule (CIL Regulation 13):** Send a copy of the preliminary draft charging schedule to each of the **consultation bodies<sup>(29)</sup>** and **invite representations**. It must also **invite representations** from persons resident or carrying out business in its area and

28 The Community Infrastructure Levy Regulations 2010 <http://www.legislation.gov.uk/ukdsi/2010/9780111492390>

29 CIL Consultation bodies The Community Infrastructure Levy Regulations 2010 Regulation 15: Consultation bodies within or adjoining the charging authority's area are: local planning authorities; county council a responsible regional authority; parish councils any other person exercising LPA functions.

## 4 The Local Plan for Torbay and the New Planning System

appropriate voluntary bodies (some or all of whose activities benefit the charging authority's area and bodies representing the interests of persons carrying on business in the area. The period within which representations must be made is **not less than four weeks**.

The charging authority must take into account any representations made to it under this Regulation before it publishes a draft of the charging schedule for examination.

- **Publication of Draft CIL Draft Charging Schedule (CIL Regulation 16):** Publish the CIL and any relevant evidence accompanied by a statement of the representations procedure and availability statement on the Torbay Council website with (hard) copies made available at the principal office (and other places as it considers appropriate) during normal office hours. Send a copy of the draft CIL and statement of representations procedure<sup>(30)</sup> to each of the consultation bodies and produce a local advertisement notice which sets out a statement of the representations procedure, and a statement of the fact that the draft charging schedule and relevant evidence are available for inspection and of the places at which they can be inspected. The period within which representations must be made is **not less than four weeks**.
- **Submission of documents<sup>(31)</sup> and information to the examiner (CIL Regulation 19):** Following the second stage of consultation, on the Draft Charging Schedule, the CIL charging schedule will be considered by an independent examiner, who may approve it, reject it or approve it with modifications. The Council will make these documents available (Regulation 16) and publish details the Council's website along with a statement of availability, and notify those person who requested notification and any modifications to those who requested notification.
- **CIL Examination (CIL Regulation 21):** *Within* the representation period (above or to any representations made in respect of modifications), a person who makes representations may also make a written request to be heard by the examiner. The Council will publish the time and place of the examination and the name of the examiner on its website and notify those who have made representations (and not withdrawn them) or those who wish to be heard at the examination(at least four weeks and two weeks respectively, before the opening of the examination).
- **Examiner's Recommendations:** The charging authority must publish the examiner's recommendations and reasons for these recommendations as soon as practicable after it receives them, The Council will make them available for inspection, publish them on its website and give notice to the persons who requested to be notified about the publication of the Examiner's recommendations.
- **Adoption:** Following receipt of the examiner's report, the CIL will be adopted by full Council. If adopted, the Charging Schedule must be published on its website, made available for inspection and notice given to persons who requested to be notified.

30 Setting out the period within which representations must be made, the address they must be made to, by writing or by electronic communications, the request to be heard by an examiner and be notified when the charging schedule has been submitted to the examiner, publication if the examiners recommendations and approval of the charging schedule by the charging authority.

31 Documents will include the number of representations made and a summary of the main issues raised by the representations and any modifications made to the charging schedule and relevant evidence

## 5 Methods of Communication

### 5 Methods of Communication

#### Summary of consultation methods

**5.0.1** Table 1 below contains a list of the methods of community involvement that the Council will use to ensure effective involvement that is appropriate and proportionate to the matter. The method of consultation and involvement used in each case will depend on the scope, impact and characteristics of the document that is being prepared.

**Table 1 Summary of consultation methods**

<b>Method</b>	<b>When this method will be used</b>
Documents available for public inspection at our offices and appropriate public venues.	In all cases documents will be available (during normal opening hours) during periods of public consultation. This is the minimum Government requirement.
Letters and documents to statutory (specified) bodies / consultees.	In all cases at public consultation stages. This is the minimum Government requirement. <i>Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out specific bodies or persons that a local planning authority must notify and invite representations from in developing its Local Plan.</i>
Letters to (non-specified) bodies /consultees.	General bodies/consultees will be notified in all cases at public consultation stages.
Internet availability.	In all cases where the document is in a form that it is suitable for public inspection. We will also make feedback forms available.
Local newspaper.	When formal consultation and participation events are due to take place. Information will be sent to local newspaper giving details of location/duration. Formal Notices containing full descriptions of relevant local Plan documents are advertised in the press, and press releases/features will be issued.
Travelling exhibitions/public exhibitions and displays.	To engage local communities on proposals that will affect specific areas.
Formal written consultation.	To give an introduction to main issues and to enable those involved to identify key issues and answer key questions that we have to ask.
Additional Leaflets	Where visual detail of a map or outline is required.
One-to-one meetings with selected persons.	To ensure that key people are involved and to identify key issues. One-to-one events will only be held where our aims cannot be realised in any other way
Public meetings/Community Partnership/Neighbourhood Forum meetings.	Where an open and inclusive forum is required to allow communities and interested groups to focus on local issues.
Focus groups for selected participants with particular characteristics (this may include	Where area-based discussions and presentation of options are required. Particularly useful for helping

## 5 Methods of Communication

Method	When this method will be used
businesses, stakeholders, interest groups or citizen panels).	traditionally under-represented groups to get involved in the planning process.
Workshops and planning for real events.	To engage local communities on proposals that will affect specific areas.
Steering/advisory group.	Where the input of key groups and organisations is required in overseeing or acting as a sounding board for the production of local plan documents, SPDs or topic based policy.
Youth Panel focus groups.	To gain understanding of youth issues and gain youth perspective on planning matters.
Social media platforms <sup>(1)</sup> : such as Facebook ( <a href="http://www.facebook.com/torbaycouncil">www.facebook.com/torbaycouncil</a> ), Twitter ( <a href="http://twitter.com/Torbay_Council">twitter.com/Torbay_Council</a> ), Flickr ( <a href="http://www.flickr.com/photos/torbaycouncil">www.flickr.com/photos/torbaycouncil</a> ), Google+ ( <a href="http://www.google.com/+torbaycouncil">www.google.com/+torbaycouncil</a> ) etc.,	To reach a much wider audience, especially the traditionally less involved. An additional method of keeping young people and customers notified of events, news, consultations, or anything worthy of notification.

1. In accordance with TBC Social Media and Online Participation Strategy 2009 <http://www.torbay.gov.uk/socialmedia.pdf>



## 6 Neighbourhood Planning

### 6 Neighbourhood Planning

**6.0.1** The **Localism Act** and the **Neighbourhood Planning Regulations** have provided new powers for local communities to produce planning documents which, when adopted, can become part of the statutory development plan for the local area.

**6.0.2** The Localism Act sets out the areas of neighbourhood planning for which local planning authorities are responsible. In meeting these responsibilities, Spatial Planning will provide the following supporting functions:

- **provide advice and assistance** to a designated neighbourhood forum in the preparation of a neighbourhood plan, subject to the availability of resources.
- **make the appropriate checks** to ensure that a submitted neighbourhood plan meets **basic conditions** and **legal requirements**.
- make arrangements for the **independent examination** of a neighbourhood plan.
- subject to the results of a neighbourhood plan **referendum, make (adopt) the plan**.

**6.0.3** It should be noted that, to date, three '**neighbourhood areas**' and associated '**neighbourhood forums**' have been designated in Torbay (Torquay, Paignton and Brixham Peninsula). Together, these neighbourhood area designations cover 100% of the administrative area of Torbay. Whilst these designations are in effect, it is not possible for another application for a neighbourhood area of forum to be made. Whilst these neighbourhood forums are in effect and carrying out the work of producing a neighbourhood plan, anyone who lives or works in the respective neighbourhood area may join the neighbourhood forum and take a direct part in shaping the neighbourhood plan. Each of the designated neighbourhood forums in Torbay has its own website detailing dates of meetings and providing updates on progress. These websites which can be found via the Council's neighbourhood planning webpage at <http://www.torbay.gov.uk/neighbourhoodplanning>. Figure 3 illustrates the Neighbourhood Areas and Local Plan boundaries.

**6.0.4** **Each Neighbourhood Forum takes responsibility, on behalf of the community, for producing and consulting on a neighbourhood plan.** This will include any associated costs (except the examination and referendum), but grant funding and business sponsorship may be available.

**6.0.5** During the preparation of a neighbourhood plan the consultation methods used will be up to the Forum, but they should facilitate continuous and meaningful involvement for the whole community.

**6.0.6** There are no statutory consultees for neighbourhood plans, however all **consultation bodies**<sup>(32)</sup> (Appendix 3) which the plan would affect should be consulted. The Council will provide the neighbourhood forum with a relevant list of contact details for these consultees. In addition, the plan should be **publicised widely to bring it to the attention of people who live, work or carry on business in the area**. This should be based on a clear strategy and explained through a **consultation statement**.

**6.0.7** After the statutory consultation stage, a neighbourhood plan should be **submitted to the Council** for publication (a further **6 weeks** opportunity for representations to be made) before an **Independent Examination** is organised. The examiner will check that the plan meets the '**basic conditions**' as identified in the legislation including meeting national and local policies, EU obligations, human rights legislation and contributing to sustainable development. Note: Neighbourhood Plans should include the assessment that the Plan is not likely to have a significant effect on a European site (including a marine designated site), either alone or in combination with other plans or projects.

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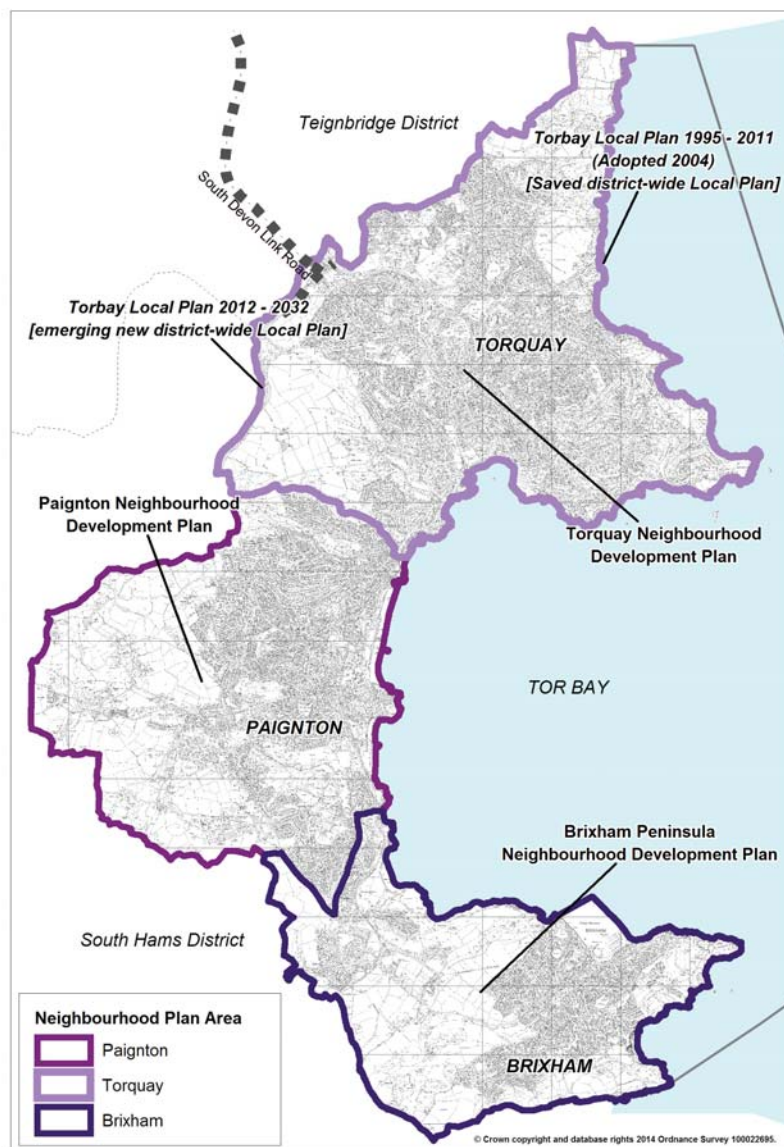
32 Listed in Schedule 1 of Neighbourhood Planning Regulations 2012

**6.0.8** Subject to passing the Examination, a neighbourhood plan will proceed to **Referendum** and will need a simple majority of the turnout to vote for the plan for it to pass. If it passes, the Council will **make** (adopt) the plan

**6.0.9** The Neighbourhood Planning Process in Torbay Is illustrated in Figure 4.

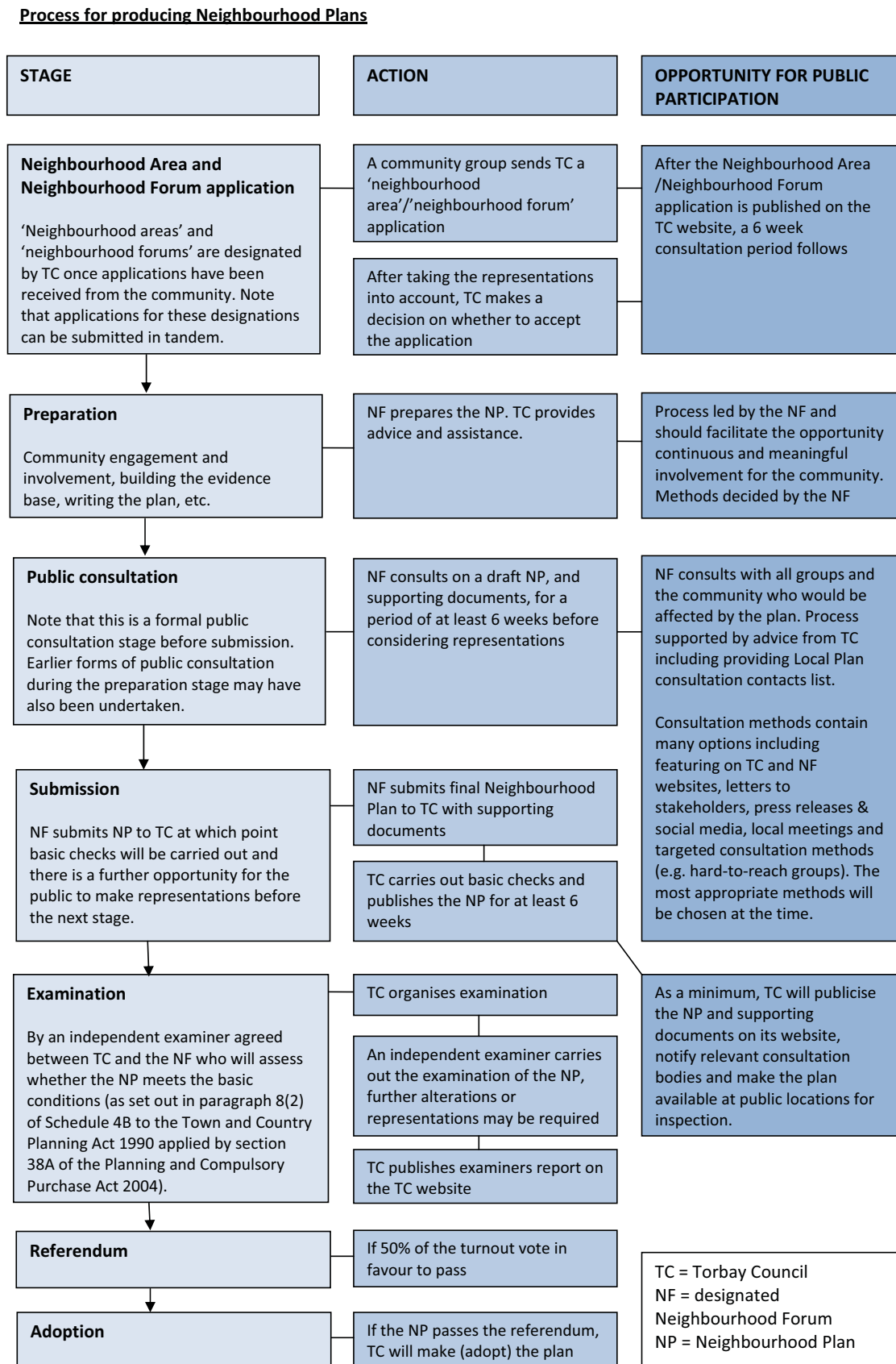
**6.0.10** The Localism Act also promotes Neighbourhood Development Orders (NDOs). An NDO grants planning permission for all or certain uses in a specific location within the neighbourhood plan area. In addition 'Community Right to Build Orders' could be available as a means of providing community-led site development. The consultation, publication, examination and referendum for an NDO reflect the stages for a neighbourhood plan set out above however the consultation bodies are defined differently<sup>(33)</sup>.

**Figure 3 Geographical relationship of Local Plan and related Neighbourhood Plans**



# 6 Neighbourhood Planning

Figure 4 Neighbourhood Planning Process



### 7 Development Management and Planning Applications

**7.0.1 Our approach:** The Council's aim is to make sure that all interested parties within the Torbay area have an opportunity to comment on proposed developments that may affect them.

#### 7.1 Pre-application discussions

**7.1.1** The Council is keen to encourage developers to discuss their proposals with planning officers, Members and the community before submitting an application as this can prevent objections being made later. Early public involvement on significant planning applications will help everyone and make for better development. Engagement of the public and other stakeholders with the developer and Council before submission can have significant benefits for development, often enabling difficult issues to be sorted out before an application is registered.

**7.1.2** Paragraph 66 of the NPPF has also underlined and supports the importance of early engagement. Where this has been carried out effectively and proposals demonstrate this through the design, these proposals will be looked upon more favourably than those which have not.

**7.1.3** To help achieve this objective and achieve better quality and more successful planning applications, the Council has a formal pre-application system that involves the registration of all such applications and the allocation of an individual case number. The Council also provides advice to the public as to whether or not specific works require planning approval. A form is available for this purpose and can be submitted online or downloaded from the Torbay Council website.

#### 7.2 Design Review Panel

**7.2.1** Paragraph 62 of the NPPF directs local planning authorities to have local design review arrangements in place to provide assessment and support to ensure high standards of design. In assessing applications, local planning authorities should have regard to the recommendations from the design review panel (as a material consideration). The Council uses an independent panel, called the **Torbay Design Review Panel (TDRP)** made up of a Chair, Secretary and specialist panel members drawn from specialist fields such as urban design, public art, contemporary architecture and energy, as well as members providing local expertise.

Note:

- Only certain schemes will go through the design review panel process. The panel meet approximately every two months (sometimes more frequently) and the Council will review incoming development proposals and select schemes which it is felt would benefit from advice from the panel.
- These meetings are not open to the public. Projects at pre-application stage are commercially confidential. The Panel's consideration of pre-application schemes must be dealt with in a closed session. Any advice provided by the Design Review Panel is outlined in the case officer's report and reported to the Development Management Committee.

#### 7.3 Publicising planning applications

**7.3.1** The Council is required to notify the public about the receipt of planning applications and is committed to keeping the community informed about developments that may affect it. Planning applications received by us are publicised by:

- Notification to immediate neighbours (where appropriate)
- Posting of a site notice (for applications requiring public consultation except householder applications and applications for minor alterations in flats which are not in a Conservation Area).

## 7 Development Management and Planning Applications

- A list of certain planning applications is advertised on a weekly basis in the local newspaper, the Herald Express
- Online via our website <http://www.torbay.gov.uk/planningonline>

**7.3.2 Neighbour Notification:** The Council endeavours to notify individual owners or occupiers of neighbouring properties by sending them a neighbour notification letter. However, this might not be possible if land is unoccupied or where the occupier of the land cannot be readily identified. We also do not notify neighbours of applications for internal works to listed buildings, advertisement applications, or applications for minor alterations in flats.

**7.3.3** The letter will give brief details about the planning proposal, the planning reference number, the case officer and the date by which all comments and objections must be received.

**7.3.4** As site notices are posted for the majority of applications (requiring advertisement) that are received, there is no formal requirement to notify any neighbours by letter for these cases. Householder applications, and applications for minor alterations in flats which are not in a Conservation Area are dealt with under a fast track process<sup>(33a)</sup>. These applications will be publicised by neighbour notification letter only, with no site notice being placed at the site. It is the planning officer assigned to a particular application who decides which neighbours will be notified by letter and they are sent out to (at the least) those whose property abuts the application site.

**7.3.5** Please note that if the application is for the replacement of existing windows in blocks of flats/commercial premises, neighbour notification letters will not be sent. One letter only will be sent, addressed to the management company/residents of blocks of flats where they are the neighbours for any other application type (unless officers make a specific request otherwise). A site notice will be placed and, where the application falls within a conservation area or is in a Listed Building, we will advertise the application in the Herald Express.

**7.3.6 Posting of a Site Notice:** For relevant applications, after a planning application is registered, a site notice is placed at or close to the application site advertising the details of the proposed development. It is displayed for not less than 21 days.

**7.3.7** Statutorily the following types of application must be publicised by a site notice placed on or near the site:

Applications for Listed Building Consent

Development affecting the setting of a listed building or the character or appearance of a conservation area

Applications accompanied by an environmental impact assessment

Applications which do not accord with the development plan

Development affecting a public right of way

Major applications (must receive either a site notice or neighbour notification letters must be sent out)

**7.3.8** Torbay Council publicises the relevant applications which require publicity by the posting of a site notice on or near the site. The site notices are yellow for high visibility. The notice gives brief details of the planning proposal, the planning reference number, the case officer and the date which all objections and comments must be received by.

**7.3.9** The site notice also includes a QR barcode enabling users of mobile devices to access our online public register of applications by scanning this barcode.

**7.3.10** Please note that the law recognises the Council cannot be held responsible for the removal of site notices before the expiration of the 21 days allowed for representations. However, if we are advised that a site notice has been removed we will endeavour to replace it.



## 7 Development Management and Planning Applications

**7.3.11 Advertising in the Local Paper:** Statutorily all major development proposals, proposals affecting Listed Buildings and Conservation Areas, and departures from the Local Plan, all proposals requiring an Environmental Impact Assessment or affecting a public right of way, have to be publicised by placing an advertisement in a local newspaper. Major Development here means:

- Erection of 10 or more dwellings or housing development on a site of 0.5 hectare or more
- Erection of a building or buildings where the floor space to be created is 1,000 sq metres or more
- Development on a site of 1 hectare or more
- Extraction of minerals or the use of the land for mineral working deposits
- Development involving the treating, storing, processing or disposing of refuse and waste material

**7.3.12** At Torbay Council these are advertised in the Herald Express.

**7.3.13 Electronic Publication of Applications:** Once an application has been validated it will be available to view on Planning Online (<http://www.torbay.gov.uk/planningonline>). All the plans submitted with an application can be viewed along with the comments (representations) we have received.

**7.3.14** Registering with Planning Online enables customers to opt to keep track of the progress of an application, comment on existing applications and save searches for future applications based on a wide range of criteria, with the option to be alerted to newly validated applications via email.

**7.3.15** Planning online receives around 6,000 hits per month on average making it one the Council's most popular web pages.

### 7.4 Site Review Meeting (SRM) process

**7.4.1** Where officers are recommending approval of an application and there are objections made on valid planning grounds within the 21 day consultation period, the Ward Councillors will be advised of the objections. Having considered the merits and significance of the application, Ward Councillors may, in exceptional circumstances, request that a Site Review Meeting be arranged.

**7.4.2** Officers will proceed to arrange the meeting unless, in exceptional circumstances, there are clear differences of opinion between the officers and the Councillor about whether such a meeting is necessary. In these circumstances the matter will be referred to the Chairman of the Development Management Committee for decision.

**7.4.3** Where there are 5 or more objections to an application and officers are recommending approval, the same procedure will apply. However officers will automatically discuss with the Chair of the Development Management Committee whether the application should be heard at Committee.

**7.4.4** The applicant and his/her agent, any objectors and the Ward Councillor will be invited to the Site Review Meeting. A planning officer will also attend and conduct the meeting. The only required attendees are the planning officer and the Councillor, since the views of the applicant and any objectors can be taken from the written submissions. The meeting is intended to decide whether the decision will be made under Delegated Powers or the application be referred to the Development Management Committee for determination. This decision is made by the planning officer and the Councillor and follows them having seen the site, viewed the plans and considered the views of the parties. The meeting is not intended to debate or argue about the issues but to allow the Councillor and officer to look at the site, view and understand fully the proposal and consider the views of the applicant and the objector/s.

**7.4.5** A Site Review Meeting may be terminated by the planning officer in attendance in the event that any person present fails to adhere to the principles of this protocol or fails to treat other people present with courtesy and respect.



## 7 Development Management and Planning Applications

**7.4.6** All parties will be informed in writing of the outcome of the Site Review Meeting.

**7.4.7** In most cases the application will be decided upon by the delegated officer who will consider the application with regard to planning law and planning policies set at a national and a local level. Where appropriate the application may go to the Development Management Committee.

### 7.5 Development Management Committee

**7.5.1** The Council deals with approximately 2,000 planning applications every year. Officers' deal with 90% under powers granted to them by the Council's scheme of delegation. The Development Management Committee decides the remaining 10%.

**7.5.2** Straightforward applications are determined by the **Executive Head of Assets & Business Services under Delegated Powers** providing the decision is in accordance with Local Plan policies. However, there are certain types of applications that must be determined by the Development Management Committee. These include major or complex developments, most schemes where the Council itself is the applicant and applications that are referred to the committee. Where an application is scheduled for committee it will be considered at the first available monthly meeting.

**7.5.3** The **Development Management Committee** consists of nine locally elected Councillors reflecting the political balance of the Council.

**7.5.4 Requests to Speak:** Should you wish to speak about a particular application, you need to register your intention to do so by telephoning the Governance Support Office on (01803) 207087 at least one hour before the start of the meeting.

**7.5.5** With only five minutes to put your point across, it helps to focus on relevant planning issues. These can include: the suitability of the site for the proposed development; its design, appearance and layout; highway safety and traffic issues: the effect on residential traffic issues; the effect on residential amenities/living conditions; non compliance with planning policy and Government guidance.

**7.5.6** Issues that cannot be taken into account include; matters covered by other laws (e.g. a liquor license); private property rights (e.g. boundary or access disputes and covenants); personal remarks (e.g. the applicant's motives); the effect on the value of the property; possible future development; and the loss of views over other people's land. It is also inappropriate to make statements of a personal or slanderous nature; be abusive; or interrupt other speakers, or the Committee debate.

**7.5.7 Order of Business:** Agenda items may not be dealt with in the order that they appear. Applications for which members of the public are present are usually dealt with first. It is extremely important, therefore, that when you arrive in the Committee Room you advise the Governance Support Officer of the application you are interested in and whether you are attending as an applicant, a supporter of, or an objector to, an application. All speakers will be expected to provide their names to the Governance Support Officer. We advise you to prepare what you want to say in advance.

- **Speaking by Objectors:** The objector, or a representative of the objectors (if more than one is present), will be invited to the table to address the Committee for a maximum of five minutes. Only one person will normally be allowed to speak against the proposal.
- **Speaking by the Applicants:** The applicant, agent, their representative or a supporter will then be invited to address the Committee. The same limitations regarding the time limits and the number of speakers etc apply.
- **Speaking by Ward Councillors:** Any Ward Councillor who is not a member of the Committee will then be allowed to address the meeting about the planning application being considered.

## 7 Development Management and Planning Applications

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**7.5.8 Members of the Committee** will then ask questions of the officers and will then discuss the planning application. They will then make a decision to approve, refuse or, if appropriate, defer the application for further information or a site visit. If the application is deferred for a site visit it will be carried out before the next meeting of the Committee.

### 7.6 Decisions

**7.6.1** All decisions made on applications are published on our website <http://www.torbay.gov.uk/planningonline>. The minutes of the Development Management Committee will be available five working days before the next meeting of the Committee at the Council's Connection Offices in Torquay, Paignton and Brixham, the four libraries in Torbay or on the Development Management Committee Meetings webpage.

### 7.7 Appeals

**7.7.1** The applicant can appeal to the Planning Inspectorate if their application is refused, or if conditions are imposed that they do not agree with. In this event, anyone who has written about the original application will be informed in writing. Third parties, for example objectors, cannot appeal to the Inspectorate about a decision to grant permission.

### 7.8 Special requirements

**7.8.1** The Council is aware of its obligation under the Disability Discrimination and Race Relations Acts and therefore you should telephone the Governance Support Offices on (01803) 207087 to advise them in advance of the meeting of any special requirements that you may have.

### 8 Monitoring and Improvement

**8.0.1** The Council will involve the community in accordance with the SCI. It is important that we continuously seek to improve the way in which we involve individuals, groups, organisations and businesses, and that they are given ample opportunity to influence the planning decision-making process. This will assist us in bringing to light new issues, offering opportunities for collaboration and sharing responsibilities. The SCI will therefore be reviewed by the Council to see whether it is achieving its intended purpose. This will assess the effectiveness of the SCI against the following criteria:

- whether it sets out the process in a relevant and accessible way
- whether it involves the various groups within the community effectively
- whether the techniques proposed are effective
- whether changes to guidance/regulations require a revision



## Appendix 1 Glossary

Word / phase	Definition
Charging Schedule (for CIL)	A list setting out the rates at which Community Infrastructure Levy (CIL) is charged measured by pounds per square metre.
Community Infrastructure Levy (CIL)	A levy that local authorities in England and Wales can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the Council, local community and neighbourhoods want. The charge is based on the size and type of new floorspace. The Community Infrastructure Levy is a new planning charge, introduced by the Planning Act 2008. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.
Community Right to Build Order	An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.
Communities and Local Government (CLG)	Government department charged with responsibility for planning.
Community Partnership	Voluntary groups based on the ward boundaries within Torbay. They provide an opportunity for people who live and work in the Bay to discuss issues of common concern and to understand and influence the way in which services are provided in their area.
Development	The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.
Development Management (DM)	Describes the positive and proactive process of creating sustainable and high quality developments. These developments should respond to the locally determined vision for an area and the needs of local public service providers. It requires a focus on outcomes as well as the impacts of a particular development proposal. The Development Management Team at Torbay Council oversees the determination of planning applications.
Development Plan Document (DPD)	Introduced as part of the Planning and Compulsory Purchase Act 2004, and amended by Section 112 of the Localism Act 2011, these documents form a key part of the development strategy for an area. They outline a planning vision, key development goals and policies for managing development. The Torbay Local Plan is an example of a DPD.
Duty to Cooperate	Provision of the Localism Act 2011, that has created a duty on local authorities to cooperate with each other when making plans..
English Heritage	National body with responsibility for protecting the historic environment; provides advice to Central and Local Government on historic building conservation, archaeology etc.
Environment Agency (EA)	An Executive Non-departmental Public Body responsible to the Secretary of State for Environment, Food and Rural Affairs. Its principal aims are to protect and improve the environment, and to promote sustainable development.
Environmental Impact Assessment (EIA)	The legal requirement for some major developments to have their effect on the environment appraised before the granting of planning permission.
European Site	A network of protected sites across Europe, which includes Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and RAMSAR Sites. Collectively these are known as European Sites. These are designated for their flora, fauna or birds under the Habitats Directive or the Birds Directive, respectively.
General Consultation Body	Bodies defined by The Regulations, examples given in Appendix 2.
Habitats Directive	EU Directive (92/43/EEC) requiring the conservation of natural habitats and of wild fauna and flora. The Directive set up a network of sites identified as Special Areas of Conservation and requires their protection and management. The Habitats Directive requires Member States to take measures to maintain or restore natural habitats and wild species at a favourable conservation status.
Habitats Regulation Assessment (HRA)	HRA is undertaken to assess whether a (the) plan will have any impact on sites protected by Directive 92/43/EEC (Natura 2000 sites). The Directive requires an Appropriate Assessment (AA) to be carried out to ascertain whether the proposed plan would adversely affect the integrity of the sites.

## Appendix 1 Glossary

Word / phase	Definition
Health Impact Assessments	A means of assessing the health impacts of plans and projects and provide an opportunity to promote better public health and wellbeing.
Key Diagram	Map showing significant items of infrastructure and locations for strategic growth and regeneration that are integral to the delivery of the Torbay Local Plan strategy.
Local Development Framework (LDF)	From March 2012, changes to national planning policy replaced the term 'Local Development Framework' (LDF) with the term 'Local Plan'. Any historic references to the LDF in our documentation should be now considered as if they read 'Local Plan'
Local Development Orders	Introduced with the Planning and Compulsory Purchase Act 2004. They allow local authorities to extend permitted development rights for certain forms of development.
Local Development Scheme	A schedule setting out details of development plan and related documents being prepared by the Local Planning Authority, including details of their content and timetabling.
Local Enterprise Partnership (LEP)	A body, designated by the Secretary of State for Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area (between local authorities and businesses to determine economic priorities and undertake activities to drive economic growth and create jobs). <b>The Heart of the South West's LEP</b> was formed in 2011 - its purpose is to lead and influence outcomes for the economy of Devon, Somerset, Plymouth and Torbay.
Local Planning Authority	Council (etc) responsible for carrying out forward planning and development management functions (eg Torbay Council)
Local Plan (Torbay)	Existing development plan for Torbay, adopted in 2004. It includes a Written Statement setting out detailed policies and specific proposals for the development and use of land, together with a Proposals Map which illustrates policies and proposals on an Ordnance Survey Base Map. The Local Plan can be given weight in making planning decisions, so long as it is consistent with the National Planning Policy Framework.
Localism Act 2011	The Localism Act is legislation covering a range of matters intended to shift power from government back into the hands of individuals, communities and councils. The planning provisions of the Act include the power to abolish Regional Spatial Strategies and the introduction of the 'duty to co-operate' in plan preparation.
Mineral Planning Authority (MPA)	Authority responsible for minerals management. Torbay is the Mineral Planning Authority for Torbay.
National Planning Policy Framework (NPPF)	Published as part of the Government's reforms to make planning more accessible, less complex and promote sustainable growth. The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development which can be "interpreted and applied locally to meet local aspirations." The NPPF replaces most previous national Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs).
Natural England	A non-departmental body of the UK government. It aims to protect and improve England's natural environment and encourage people to enjoy and get involved in their surroundings.
Neighbourhood Development Orders	Enable communities to use neighbourhood planning to permit the development they want to see – without the need for planning permission.
Neighbourhood Forum	Community group charged with producing Neighbourhood Plans and Local Development Orders.
Neighbourhood Planning / Plans	Neighbourhood Plans have been taken forward by the Localism Act. Neighbourhood Forums and Parish Councils are able to use neighbourhood planning powers to establish planning policies for the development and use of land in their neighbourhood.
Permitted development	Some, usually small scale, development that does not need to obtain planning permission, by virtue of being exempted in the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or being granted by a Local Development Order.
Planning Obligations (or Section 106 Agreements)	Private agreements negotiated, usually in the context of planning applications, between local planning authorities and persons with an interest in a parcel of land, and intended to make acceptable development which would otherwise be unacceptable in planning terms.



Word / phase	Definition
	Obligations can also be secured through unilateral undertakings by developers. The CIL regulations 2010 set out tests of lawfulness regulating S106 Agreements
Policy	Course of action to be pursued
Prescribed bodies	Prescribed bodies that are subject to the requirements of the Duty to Cooperate (Listed in Appendix 2)
Qualifying body	A parish council, or an organisation or body designated as a neighbourhood forum. See <i>section 61F of the TCPA 1990, as applied by section 38C of the 2004 Planning Act(a)</i> .
Regional Spatial Strategy (RSS)	Following its election in May 2010, the Government signalled its intention to abolish Regional Spatial Strategies. The power to do this is conferred by the Localism Act 2011. In the South West, the Regional Spatial Strategy was never adopted.
Regulation 123 List	A list of infrastructure projects that the Council wishes to fund through CIL.
Regulation 18 [Town and Country Planning (Local Planning)(England) Regulations 2012]	One of the Regulations governing local plan preparation. Regulation 18 is intended to ensure that public participation, consultation and consideration of representations takes place early in the plan making process, prior to formal 'submission' of the Plan to central government.
Specific Consultation Bodies	Bodies defined by The Regulations, a full list of which is set out in Appendix 2.
Stakeholders	Any individual or organisation who has an interest in the way an area develops. This may include residents, developers, community groups, employers etc...
Strategic Environmental Assessment (SEA)	A process to ensure that significant environmental effects arising from policies, plans and programmes are identified, assessed, mitigated, communicated to decision makers, monitored and that opportunities for public involvement are provided. European Union Directive (2001/42/EC) requires national, regional and local authorities to carry out strategic environmental assessment on certain plans and programmes.
Supplementary Planning Document (SPD)	Established by the Planning and Compulsory Purchase Act 2004, an SPD can be used to provide guidance on a range of local planning matters and provide greater detail about policies contained within development plan documents.
Torbay Strategic Partnership (TSP)	A body that brings together at a local level the different parts of the public sector as well as the private, business, community and voluntary sectors so that different initiatives and services work together and support each other.
Torbay Town Centres Company	An organisation set up in 2008 to co-ordinate and manage the town centres within the Torbay area and to facilitate the designation of Business Improvement Districts.
Use Classes Order	It classifies certain types of use of buildings (and in some cases land) into broad categories. Changes of use within a use class are not classed as development and do not need planning permission.
Waste Planning Authority (WPA)	Local Authority with responsibility for land use planning control over waste management (Torbay Council).

### Appendix 2 Local Plan Consultation Bodies

**Reference: The Town and Country Planning (Local Planning) (England) Regulations 2012 (Part 2 Regulation 4) as amended**

**Duty to co-operate: The bodies prescribed for the purposes of section 33A(1)(c) of the Act are—**

- Environment Agency;
- Historic Buildings and Monuments Commission for England (known as English Heritage);
- Natural England;
- Civil Aviation Authority
- Homes and Communities Agency;
- Primary Care Trust established under section 18 of the National Health Service Act 2006 (b) or continued in existence by virtue of that section; (*NHS Commissioning Boards and NHS Clinical Commissioning Group*)<sup>(34)</sup>
- Office of Rail Regulation;
- each Integrated Transport Authority;
- each highway authority within the meaning of section 1 of the Highways Act 1980(f) (including the Secretary of State, where the Secretary of State is the highways authority);
- Marine Management Organisation.
- each local enterprise partnership\* and
- each local nature partnership\*

\*Note: (for the purposes of section 33A(9) of the Act are each local enterprise partnership. In this regulation “local enterprise partnership” means a body, designated by the Secretary of State, which is established for the purpose of creating or improving the conditions for economic growth in an area. The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 : “local nature partnership” means a body, designated by the Secretary of State, which is established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.”.).

Note : This list includes the Mayor of London and Transport for London for London Authorities

**The Town and Country Planning (Local Planning) (England) Regulations 2012 (Part 1 Regulation 2)**

**“general consultation bodies”** means the following—

- voluntary bodies some or all of whose activities benefit any part of the local planning authority’s area,
- bodies which represent the interests of different racial, ethnic or national groups in the local planning authority’s area,
- bodies which represent the interests of different religious groups in the local planning authority’s area,
- bodies which represent the interests of disabled persons in the local planning authority’s area,
- bodies which represent the interests of persons carrying on business in the local planning authority’s area;

**“specific consultation bodies”** means the following—

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34 Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended by the National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013) Replaced former Primary Care Trusts (PCTs) Established by the S.14D National Health Service Act 2006

## Appendix 2 Local Plan Consultation Bodies

- Coal Authority
- Environment Agency
- Historic Buildings and Monuments Commission for England (known as English Heritage)
- Marine Management Organisation,
- Natural England,
- Network Rail Infrastructure Limited (company number 2904587),
- Highways Agency,
- a relevant authority any part of whose area is in or adjoins the local planning authority's area,<sup>(35)</sup>

any person -

- to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and who owns or controls electronic communications apparatus situated in any part of the local planning authority's area,

If it exercises functions in any part of the local authority area -

- a Primary Care Trust established under section 18 of the National Health Service Act 2006(g) or continued in existence by virtue of that section;
- a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989;
- a person to whom a licence has been granted under section 7(2) of the Gas Act 1986(a);
- a sewerage undertaker; and
- a water undertaker;
- Homes and Communities Agency;

Note: where the local planning authority is a London borough council, The Regulations include the Mayor of London;

**The Torbay Council Local Plan Consultee Database** consists of a number of separate consultees and agents. The specific and general consultation bodies represent a proportion of these with the remaining stakeholders consisting of local residents, voluntary groups and businesses that have particular interest in issues relevant to the area in which they live and operate respectively.

**Torbay Spatial Planning Key Target Groups:** The general public, i.e. those who live in, work in and visit Torbay (including new residents), local community organisations, interest groups and partnerships (including community partnerships and neighbourhood forums); Statutory authorities (including national, regional and local government) and agencies (e.g. Highways Agency) - these will include the statutory consultees/Specific Consultation Bodies); Business communities (employers and employees); Developers, agents, land and property owners; Political representatives (Mayor, ward councillors, MP's, MEP's); Other relevant interested parties and stakeholders.

In seeking to promote equality of opportunity in contributing to local plan documents, the Council will therefore focus on people who are not easy to reach using conventional methods of public participation. A 'Hard to Reach Group' audit<sup>(36)</sup> has been conducted involving various authorities in Devon (including Torbay Council). Those groups shown emboldened in the list below were highlighted for particular attention. In Torbay, additional efforts will be made to ensure the raising of awareness and improvement of engagement with those people who might otherwise be excluded from the process.

35 "relevant authority" means - a local planning authority; a county council referred to in section 16(1) of the Act; a parish council; a local policing body (local policing body means a police and crime commissioner);

36 The 'Hard to Reach Group' Audit-Findings Report. Plymouth City Council (undated).

## Appendix 2 Local Plan Consultation Bodies

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- **Young people (and children)**
- Elderly people
- People with disabilities and carers
- Minority groups - including **faith communities**, Black and Minority Ethnic Communities\* (**BME**), **lesbian, gay and transsexual people\***, homeless\* and transient people and people who have offended
- Ethnic Groups, including Gypsies and those people whose first language is not English
- People from deprived areas or who have low incomes, or are unemployed
- People who have learning difficulties
- People who are substance misusers
- Faith groups\*

In Torbay, some of these categories are low in number, but the Council is committed to giving these people an opportunity to get involved in the process. Torbay Council carried out an assessment of hard to reach groups specific to Torbay (2007). The initial responses from this indicated that those groups with an asterisk\* in the list above are particularly relevant to Torbay.

### Appendix 3 Neighbourhood Plan Consultation Bodies

**Reference: Neighbourhood Planning (General) Regulations 2012**

**SCHEDULE 1 (Regulation 3)** for the purposes of regulations 14 and 16

#### **Consultation Bodies and Neighbourhood development plans**

- a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;
- the Coal Authority;
- Homes and Communities Agency;
- Natural England;
- Environment Agency;
- Historic Buildings and Monuments Commission for England (known as English Heritage);
- Network Rail Infrastructure Limited (company number 2904587);
- Highways Agency;
- Marine Management Organisation

any person:-

- to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003; and
- who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;

where it exercises functions in any part of the neighbourhood area:-

- a Primary Care Trust established under section 18 of the National Health Service Act 2006(a) or continued in existence by virtue of that section;<sup>(37)</sup>
- a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989(b);
- a person to whom a licence has been granted under section 7(2) of the Gas Act 1986(c);
- a sewerage undertaker; and
- a water undertaker;
- voluntary bodies some or all of whose activities benefit all or any part of the neighbourhood area;
- bodies which represent the interests of different racial, ethnic or national groups in the neighbourhood area;
- bodies which represent the interests of different religious groups in the neighbourhood area;
- bodies which represent the interests of persons carrying on business in the neighbourhood area; and
- bodies which represent the interests of disabled persons in the neighbourhood area

Note: where the local planning authority is a London borough council, The Regulations include the Mayor of London;

Note: Consultation bodies for Neighbourhood development orders and community right to build orders are different and set out in Neighbourhood Planning (General) Regulations 2012 SCHEDULE 1 (Regulation 3), Section 2.

37 (NHS Commissioning Boards and NHS Clinical Commissioning Group<sup>2</sup> Replaced former Primary Care Trusts (PCTs) Established by the S.14D National Health Service Act 2006 )

