

Validation Guide Consultation Responses – full and unredacted.

Full guide (pages 1 – 9)

Householder guide (pages 10 – 11)

Full Guide

Received 20 consultation responses as shown below (full responses, not summarised) split into the relevant sections of the guide.

General Information

NHS – The NHS has undertaken an initial review of the application guides and note there appears to be no section on access to health services. Before we formally respond is there a possibility of including a section that recommends that potential major planning application developers enquire with the NHS via tsdft.lpae-devon@nhs.net to confirm the NHS capacity for new residents of the proposed development.

This is not a validation requirement. This would fall within pre-application advice and we can certainly consider signposting developers to you at pre-app stage.

Kingsteignton Town Council - Members confirmed they agreed the content of the two draft planning application guides subject to them being carried out and upheld as detailed.

Environment Agency - Just to confirm that we have reviewed the drafts and have no additional comments to make.

Exminster Parish Council - In the paragraph called "What is Validation" amend the penultimate sentence to read as below: "Some of the requirements are National Requirements and some are Local Requirements such as Neighbourhood Development Plans which have been adopted by the Council. For simplicity, no differentiation is made in this document between the two types of requirements."

Noted but not a validation requirement. Neighbourhood Development Plans are part of the development plan under which development is considered rather than a validation requirement and as such are not required to be mentioned in the validation guide.

Dawlish Town Council - We would like to say that we think the document is very good, very useful, a great aide memoir and great to have links for further info and it sets out the procedure well for all applicants and should save time for Planning Committees to have to relook at applications that haven't been completed correctly the first time. We would like to see more site visits included as standard part of the procedure where possible.

Noted but not a validation matter.

Buckfastleigh Town Council - The majority of the parish of Buckfastleigh lies within the National Park. We do not receive a significant number of applications that lie within the Teignbridge planning area however Buckfastleigh Town Council commented that the document process and wording in the guidance is overly complication and not user friendly to new applicants who may be unfamiliar with planning terminology.

Noted and agree that it is complex. There is a simplified version for householders.

Newton Abbot Town Council - Paid-for pre-application advice. In many local planning authorities, such pre-application advice is free for parish & town councils. Would TDC offer this?

Enquiry noted and passed on, this is not a validation matter and will be answered separately.

Development Management – insertion of an additional paragraph for variation applications. These should be accompanied by a written statement setting out what has changed from the original approved application including a list of plans that have been amended and an overall drawing showing the changes.

Noted and added

Application Form and Fees

Kenn Parish Council – No issues with this form and fee

Plans

Dawlish Town Council

It would be helpful and beneficial if it was a requirement in some cases for more details of the surrounding environment and road layouts nearby to the property the application is being made for to get a better understanding of the area.

Noted. Validation guide requires a plan showing the full site, all site boundaries, adjoining properties and, where possible, at least two named roads. This is a requirement under legislation to properly identify the site and online maps can be used to zoom out further if required.

Town/ Parish Councillor – Cllr Martin Heath

Site location plans should be a little larger to catch a wider area to help understand surrounding areas; not just the next one or two road. Suggest - extra 400 to 600 feet further on both sides.

Noted. Validation guide requires a plan showing the full site, all site boundaries, adjoining properties and, where possible, at least two named roads. This is a requirement under legislation to properly identify the site and online maps can be used to zoom out further if required.

Information Required

New Section requested - Designing out Crime Statement

Devon & Cornwall Police – Statutory Consultee

Apologies as I don't know where best suited but if possible, could the requirement for applicant to include a Designing out Crime Statement be added to the Validation Guide? As you know this supports local and national guidance and would be appreciated. Something along the lines of...

Designing out Crime Statement

Where or when this item is required:

- All Major developments
- Educational Buildings
- New neighbourhood community facilities
- Premises where the intended occupants are particularly vulnerable and require higher standards of security to ensure their personal safety, i.e. care homes, drug rehabilitation centres etc.
- ATM/ cash machines

Guidance

The statement should detail how Crime Prevention Through Environmental Design principles are to be incorporated into the development. This includes:

- Access and Movement - places with quality connections and well-defined routes, that provide convenient movement without compromising security
- Structure – encouraging ‘active frontages’ and limiting access to private space
- Surveillance – encouraging overlooking of public spaces by those who will take action should a crime be committed
- Ownership – clearly defining where public space ends and private space begins and encouraging people to take ownership of their environment
- Physical Protection – ensuring buildings include appropriate physical measures to prevent crime
- Activity – ensuring the level of human activity is appropriate to the location to reduce the risk of crime and increase perceptions of public safety
- Management and Maintenance – discouraging disorder by creating places that are well looked after with minimum cost implications.

Noted – This is considered a beneficial amendment and will be included in the new validation guide

General comments on sections 3.7, 3.8, 3.9, and 3.23,

Devon Wildlife Trust – statutory consultee

Use of the phrase ‘undertaken by suitably qualified and licensed ecological consultants’ is frequent within the document and we welcome the sentiment which this seeks to achieve. However, we see deleterious effects on the natural environment caused by those who practise as ecological consultants and inaccurately deem themselves to be ‘suitably qualified’. We strongly urge the LPA to include the phrase ‘undertaken by members of CIEEM’. CIEEM are the recognised professional body for ecologists and have a rigorous membership applications process. Ecological work produced by members is more likely to be produced to an acceptable standard. Furthermore, members are expected to uphold the CIEEM Code of Conduct and breaches are dealt with by the organisation. Use of the phrase ‘All reports must be up to date (less than 2 and a half years old at time of submission)’ is frequent within the document and we welcome the sentiment which this seeks to achieve. However, the statement is ambiguous and should be reworked. Surveys are usually undertaken within the summer months, but reports are often not produced until the winter or spring following survey effort. For example, bat emergence surveys could be undertaken in May/June 2024, but a report not produced until January 2025. This is not in the spirit of the statement above, but would technically conform. We recommend the statement is reworked to read ‘All surveys must be up to date (less than 2 and a half years old at time of submission)’.

Noted request to replace phrase ‘undertaken by suitably qualified and licensed ecological consultants’ with ‘undertaken by members of CIEEM’. Having fully considered this request we consider that this would unreasonably prevent local experienced bat consultants, who are not members of the CIEEM, from undertaking reports/surveys and no change will be made to the text at this time.

*Agree with request to amend wording from ‘All **reports** must be up to date (less than 2 and a half years old at time of submission)’ to ‘All **surveys** must be up to date (less than 2 and a half years old at time of submission)’.*

3.1 Affordable Housing Statement

TDC Housing – internal consultee

I had a very quick read of the AH section. I think we asked before but it would be helpful to have property sizes in a schedule stating sqm. This is because they sometimes comes as feet which is a pain to convert

Agreed and requirement added.

3.7 Biodiversity - South Hams SAC Zones

Devon Wildlife Trust – statutory consultee

‘the type and extent of the impact(s) from the development, including habitat loss, flight path severance and increased lighting levels’. Assessment of the scale of the impact of a proposed development is often encumbered by a lack of detail within ecological reports.

Reference to the size of habitat loss should be included within this bullet point to ensure that a sufficient level of detail is provided to allow accurate assessment. This could be achieved by adding ‘(m2) after ‘habitat loss’. Figures in m2 should also be required for habitat creation. There are errors within the following section:

‘Sites located within the South Hams Special Area of Conservation or one of the associated Greater Horseshoe Bats Sustenance Zones or large sites within the Landscape Connectivity Zone (which can be viewed on Ecology layers of the Devon County Council map viewer South Hams SAC map) may require comprehensive bat surveys, undertaken over an extended period prior to submission of the application. These surveys should comply with

the latest Bat Conservation Trust's survey guidance. Site's location within the South Hams SAC Landscape Connectivity Zone may also require bat surveys’.

Reference to where the location of the sites can be viewed is mentioned twice within this section (not copied above); this should be reworked to a single reference.

The link provided for ‘Bat Surveys for Professional Ecologists’ links to the National Bat Monitoring Programme. This should be replaced with a link to the BCT Survey Guidelines (2023).

Agreed and amendments made.

3.8 Biodiversity - Bats and Birds in Buildings

Devon Wildlife Trust – statutory consultee

Surveys must be carried out to current BCT Guidelines and this must be referenced within this section.

Agreed and requirement added.

‘Works to buildings or structures known or suspected to support bats’. This is misleading and should be removed. The majority of bat roosts are identified within buildings which are not known or suspected to support bats. The bullet point should read ‘Works to buildings or structures’.

‘Illumination of and/or additional light spill onto a known or suspected bat roost or roost entrance’. As above, this is misleading and should be reworked to read ‘Illumination of and/or additional light spill onto a building or structure within potential to support a bat roost or roost entrance’.

‘Illumination of/light spill onto/removal of a hedge, tree line or woodland edge known or suspected to be used by bats when accessing their roosts’. As above, this is misleading and should be reworked to

read 'Illumination of/light spill onto/removal of a hedge, tree line or woodland edge with potential to support roosting/commuting/foraging bats'.

Wording suggested would require applicants, without the requisite knowledge, to decide on potential and our original wording of '...known or suspected to support bats' was therefore used instead. After due consideration DWT concerns are noted but no changes made at present.

'Works are to a flat roof'. We do not support this statement. Works to a flat roof frequently involve works to soffits/fascias which provide roosting opportunities for bats. All buildings and proposed works must be assessed on an individual basis. We recommend this bullet point is removed.

Noted but consider that roosting in the soffits/fascias is infrequent and it would greatly increase requirement for bat surveys. Taking a balanced approach we intend to keep this exception.

'A licenced bat consultant will be needed to undertake the survey(s) and produce the report unless they consider that a full report is not required (e.g., no evidence of bats) when you may obtain a letter from them stating why a full report is not required and submit this with your application instead.' We do not support this statement as it could be misinterpreted; for example, an initial inspection for roosting bats could identify high potential for a building, with three emergence surveys undertaken. If no evidence of bats was identified during these surveys, a letter could be produced. This would not be sufficient to demonstrate absence of bats. Full details of survey effort and results would be required within a full report. The inclusion of the option to produce a letter allows ecologists of lower ecological principles to carry out and submit sub-standard assessments. We recommend that this paragraph is removed.

Noted but we intend to retain this option.

If the paragraph is retained, it will require additional information. 'No evidence of bats' should be replaced with 'the building is of negligible roost suitability and no evidence of or potential for bats is found'. Furthermore, the letter provided must include robust justification and photographic evidence to support the conclusion.

Agreed. The paragraph is to be retained and amended as requested

3.9 Biodiversity - Ecological Reports

Devon Wildlife Trust – statutory consultee

As above, assessment of the scale of the impact of a proposed development is often encumbered by a lack of detail within ecological reports. Statements such as 'limited loss of grassland' or 'small areas of grassland habitat loss' are ambiguous, but frequently used. The addition of a requirement to provide figures in m2 for habitat loss and gain would allow robust assessment of the impact of a scheme.

Noted and amended as requested

'If your professional ecological consultant considers that a report is not required, you may submit a letter from them justifying why this is the case'. As above, this statement encourages poor ecological practise and we recommend that it is removed.

Noted but we intend to retain this option. However, the paragraph has been amended as requested under 3.8 above

3.10 Biodiversity Net Gain

Development Management - internal requirement

Inclusion of two further bullet points to ensure that completed matrix has sufficient detail:

- The completed metric, required by point iii above, shall also include detail of how the 10% net gain will be achieved through on-site creation and enhancement and/or off-site creation and enhancement.
- If the submitted metric includes any “red boxes”/errors then an explanatory statement setting out the reasons why or how the shortfall will be satisfied shall be submitted

Inclusion of requirement for applicants to complete a checklist (provided by DCC working on behalf of all Devon Local Planning Authorities) [Devon BNG Statement for Validation July 24.docx \(sharepoint.com\)](#)

Noted and added.

3.11 Carbon Reduction Plan

TDC Climate Change Officer – Internal Consultee

Following the introduction of building regulations Part L 2021, the guidance in relation to the carbon calculator under Section 3.11 is out of date and will need removing from the document including the link to the “Carbon Offsetting Calculator”. Although the need to submit a carbon calculator no longer applies, we still request a representative sample number of SAP calculations to validate commitments contained within carbon reduction plans; this will need referencing in the validation document.

There is a need to consider climate adaptation in new developments, as required under local plan policies S6a and S6b; to this effect, there is good representation for the impacts of flooding in the planning consultation and decision making, but the consideration for the risk of extreme heat is underrepresented. CIBSE TM52/59 overheating risk assessments should be expected as standard as part of the validation process for full plans and outline applications.

Through the planning validation process, there remains a need to direct applicants to established best practice guidance on carbon reduction and energy efficiency. This should be a priority prior to adopting the emerging 2020 2040 local plan. The guidance should set out approaches to passive design and benchmarks for energy efficiency, embodied carbon, the specification of low carbon heating, and high efficiency ventilation.

Further to the consideration of Policy S7, the validation document should draw attention to the remaining sustainability policies contained within the adopted local plan, which should be reflected within carbon reduction plans. These include policies S6c, S6d, and S6e in relation to resilience, and S9 a to g in relation to sustainable transport. The validation guidance should also draw attention to allocation-specific policies. Applicants should also be reminded of their responsibilities for electric vehicle charging requirements under Building Regulations Part S.

As a general comment, there is a need to make the document accessible, and to improve document formatting to make the document easier to read and navigate.

Noted and carbon reduction calculator link removed and requirement for SAP calculations added.

Remaining points are matters for consideration by the case officer during the life of the application and are not validation requirements therefore no further changes made.

3.15 Environmental Impact Assessment

Town/Parish Councillor – Cllr Martin Heath

On larger developments where green corridors for wildlife to run to are needed, at this time we don't ask for extra widths for wildlife with no people on. A true wildlife corridor should not have humans using it for walk throughs, but an extra standalone corridor should exist for wildlife connections to the next field. Having humans on the same corridor makes it not a wildlife corridor by description and practice. According to environmental guidelines, a green corridor is for wildlife only; not mixed traffic. The bigger the estate to be built, the wider the corridor should be. But the smallest should be no less than 6 mts with mixed trees and bushes. See guidelines on how to make a real green corridor. Therefore, a development of 100 homes may need 8 mts, but for 400 homes it may need 32 mts width corridors as a minimum. New statements need to come with plans as to the kind of green corridor developers intend to build.

Noted – however the Environmental Impact Assessment outlines what must be provided under legislation within an Environmental Statement. The above comment seems to relate more to Green Infrastructure and the validation requirement is for the submission of Green Infrastructure Statements, Context Plans and Masterplans. The content of these documents is part of the assessment of the application once valid.

3.16 Fire Statement

Town/Parish Councillor – Cllr Martin Heath

Fire breaks should be built in if new estates are built near wooded areas. And at least twice the distance of a forest tree. Therefore, a tree on the boundary at 30 mts should have a gap at least of 60 mts before a boundary fence of a home.

Noted but not a validation requirement.

3.17 Flood Risk / Surface Water Management

TDC Environmental Health – internal consultee

For development within that meets the threshold for a FRA , the FRA must include a map showing access and egress with projected depths along the full course of these routes.

Agreed and requirement added.

3.20 Heritage Statement

DCC Historic Environment Team

Thanks for the consultation on Teignbridge's validation guidelines. The Historic Environment Team is happy with the wording and has no comments on the proposed wording with regard to section 3.20 of the guidelines re Heritage Statements other than to suggest that the first section could be amended to allow to accordance with the paragraph below it. The first part refers to "archaeological remains" while the second paragraph refers to "heritage assets".

Proposed re-wording of the first part of section 3.20

Required for:

Proposals that

- Affect a Listed Building
- Located in or adjacent to a Conservation Area
- Affect a Scheduled Ancient Monument
- Affect the district's heritage assets - including sites likely to contain archaeological remains a site likely to have archaeological remains
- Affect Registered Parks & Gardens

Guidance, Policy background and further information sources:

A Heritage Statement, including a Description or Statement of Significance is required for all development affecting heritage assets. A heritage asset is defined as 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).' It should give a description of the heritage asset affected and the contribution of the setting to that significance.

Agreed and wording amended.

3.20 Heritage Statement

Historic Buildings and Places – Statutory Consultee

It would be helpful for this section to clarify that a listing includes the entire building, both inside and out, as well as curtilage structures, even if they are not mentioned in the statutory list description.

The document should also confirmation that submission of the statutory list description is not a heritage statement.

It should also recommend that a Heritage statement include photos, phasing plans, etc to help understand the impact of the changes proposed.

Agreed and wording amended to include additional information

3.21 Land Contamination Assessment

TDC Environmental Health – internal consultee

Please can you include a link to the relevant guidance.

Contacted EH to obtain link and added.

3.23 Lighting assessment

TDC Environmental Health – internal consultee

Please can you include a link to the Institute of Lighting Engineers guidance on reducing obtrusive lighting. <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

Agreed and link added

3.23 Lighting assessment

Devon Wildlife Trust – statutory consultee

The term 'Local Wildlife Sites' is ambiguous and does not cover all cases where sites may be at risk from lighting. This should be replaced with 'sites designated for nature conservation'.

Noted. We do not agree with wording of 'sites designated for nature conservation' but have extended our description to 'local wildlife sites and sites of biodiversity value'

The following statement should be added: 'Where proposals are likely to affect biodiversity, the lighting scheme should follow the recommendations provided in the Devon dark corridors guidance note produced by DCC'.

Noted. However, this is not adopted policy and therefore has not been included.

3.29 Section 106 Agreements

Newton Abbot Town Council

S106 - Applicants/agents should clarify the Council's requirements in pre-application discussions and submit a Statement of Proposed Heads of Terms for a Section 106 Agreement. Why is it not possible to liaise with parish & town councils on the contents of S. 106 Agreements, BEFORE they are signed? The local councils can often provide invaluable local knowledge of the impacts of new development and what should be included in the S. 106 and/or the implications of what is planned to be included. This would save a great deal of time & cost in the long run.

Noted – Heads of Terms are not normally agreed until application is under consideration unless pre-application advice has been sought and pre-application advice is optional. After discussion we therefore consider that they are not justified to be a validation requirement and this section has been removed.

3.35 Transport/Travel

Active Travel – statutory consultee

Active Travel England (ATE) has produced a Planning Application Assessment Toolkit that helps users to assemble evidence and assess the active travel merits – walking, wheeling, and cycling – of a development proposal.

ATE would therefore encourage LPAs to include the submission of a completed toolkit as a requirement in their local validation checklists where a Transport Assessment is required and/or where ATE would be a statutory consultee. ATE would be happy to discuss this further upon request to do so.

Agreed – added requirement for submission of the toolkit.

3.35 Transport/Travel

Network Rail – Statutory Consultee

It is positive to see the requirement for a Transport Assessment to be submitted for Development of land resulting in a material increase or significant change of traffic using existing rail infrastructure (particularly level crossings) or require rail improvements.

It should be noted that this section states "Where a Transport Assessment or Transport Statement is submitted it must include Annual Average Daily Traffic flow (AADT) as well as peaks". Where an application affects/alters the use of a level crossing the developer will be required to submit data regarding pedestrian and/or vehicular trips over the level crossing to ascertain what level of mitigation is required as a result of the development.

Network Rail view this as a requirement that should be included within the document for development impacting on railway infrastructure. Without this information Network Rail will likely object to any application despite the inclusion of a transport assessment if it does not attempt to assess the impact on the level crossing and provide data regarding the number of predicted users. This will likely delay the application further if this information is not submitted within the transport assessment.

Agreed and requirement included

3.39 Waste Audit/Management

DCC Waste – Statutory Consultee

We are supportive of the inclusion of Waste Audit Statements in section 3.39. We would recommend that the requirements of Waste Audit Statements are included in the guide's wording such as:

The following points shall be addressed in the statement:

- Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The predicted annual amount of waste, in tonnes, that will be generated once the development is occupied.
- Identify the main types of waste generated when development is occupied.
- The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site.
- Identify measures taken to avoid all waste occurring.

Additionally, 3.39 could include reference to Waste Consultation Zones as per Policy W10 of the Devon Waste Plan. We would suggest wording such as:

Policy W10 of the Devon Waste Plan looks to protect waste management sites from constraint from non-waste development. Therefore, planning applications for non-waste development within a Waste Consultation Zone should demonstrate within their Planning Statement, or other documentation:

- the proposal will not prevent or restrict the operation of the existing or permitted waste management facility; or
- any potential impacts on the operation of the waste management facility, such as noise, dust and odour, can be adequately mitigated by the applicant to ensure a suitable standard of amenity for future users; or
- the proposal is in accordance with a site allocation in an adopted Local Plan.

Please do not hesitate to contact us should you have any queries.

Noted – however, if there is an issue with the content of the statement submitted the case officer will address this during the life of the application and therefore no changes have been made.

Simplified Householder Validation Guide Consultation Responses – full and unredacted.

Received 2 consultation responses as shown below (full responses, not summarised) split into the relevant sections of the guide.

General Information

Exminster Parish Council - In the paragraph called "What is Validation" please amend the penultimate sentence as below: "Some of the requirements are National Requirements and some are Local Requirements such as Neighbourhood Development Plans which have been adopted by the Council. For simplicity, no differentiation is made in this document between the two types of requirements."

Noted but not a validation requirement. Neighbourhood Development Plans are part of the development plan under which development is considered rather than a validation requirement and as such are not required to be mentioned in the validation guide.

Application Form and Fees

No comments received.

Plans

No comments received.

Information Required

3.2 Biodiversity Bats and Birds in buildings

Devon Wildlife Trust – Statutory Consultee

Surveys must be carried out to current BCT Guidelines and this must be referenced within this section.

Agreed and requirement added.

‘Works to buildings or structures known or suspected to support bats’.

This is misleading and should be removed. The majority of bat roosts are identified within buildings which are not known or suspected to support bats. The bullet point should read ‘Works to buildings or structures’.

‘Illumination of and/or additional light spill onto a known or suspected bat roost or roost entrance’.

As above, this is misleading and should be reworked to read ‘Illumination of and/or additional light spill onto a building or structure within potential to support a bat roost or roost entrance’.

‘Illumination of/light spill onto/removal of a hedge, tree line or woodland edge known or suspected to be used by bats when accessing their roosts’.

As above, this is misleading and should be reworked to read ‘Illumination of/light spill onto/removal of a hedge, tree line or woodland edge with potential to support roosting/commuting/foraging bats’.

The above wording does not appear in the householder guide, only in the full guide.

‘Works are to a flat roof’.

We do not support this statement. Works to a flat roof frequently involve works to soffits/fascias which provide roosting opportunities for bats. All buildings and proposed works must be assessed on an individual basis. We recommend this bullet point is removed.

Noted but consider that roosting in the soffits/fascias is infrequent and it would greatly increase requirement for bat surveys. Taking a balanced approach we intend to keep this exception.

‘A licenced bat consultant will be needed to undertake the survey(s) and produce the report unless they consider that a full report is not required (e.g., no evidence of bats) when you may obtain a letter from them stating why a full report is not required and submit this with your application instead.’

We do not support this statement as it could be misinterpreted; for example, an initial inspection for roosting bats could identify high potential for a building, with three emergence surveys undertaken. If no evidence of bats was identified during these surveys, a letter could be produced. This would not be sufficient to demonstrate absence of bats. Full details of survey effort and results would be required within a full report. The inclusion of the option to produce a letter allows ecologists of lower ecological principles to carry out and submit sub-standard assessments. We recommend that this paragraph is removed.

Noted but we intend to retain this option.

If the paragraph is retained, it will require additional information. ‘No evidence of bats’ should be replaced with ‘the building is of negligible roost suitability and no evidence of or potential for bats is found’. Furthermore, the letter provided must include robust justification and photographic evidence to support the conclusion.

Agreed. The paragraph is to be retained and amended as requested