

Local Validation List:

Identifying Requirements for Planning Applications for Major Development

Adopted Version

September 2016

- Conwy County Borough Council has adopted a Local Validation List (LVL) for the purpose of Section 62(3) of the Town and Country Planning Act 1990 and Article 22(3)(f) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. Planning applications for major development submitted on or after 1st January 2017 will not constitute 'valid applications' unless they are accompanied by each of the relevant requirements in the Schedule below, as well as the other relevant requirements of Article 22(3). These requirements are known as 'validation requirements'.
- 2. Article 22(4) provides that a LVL can only relate to planning applications for 'major development'. Article 2 defines major development as development involving one or more of the following:
 - (a) the winning and working of minerals or the use of land for mineral-working deposits;
 - (b) waste development;
 - (c) the provision of dwellinghouses where— (i) the number of dwellinghouses to be provided is 10 or more; or (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
 - (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - (e) development carried out on a site having an area of 1 hectare or more.
- 3. A LVL cannot be applied to for planning applications which are not for major development, or for other consents and approvals that may be required under planning legislation (for example, listed building consent, conservation area consent, consents for works to protected trees). Similarly, a LVL does not have statutory basis for applications for the approval of reserved matters or other details following the grant of outline planning permission. However, applicants in such cases are advised to have regard to the LVL, as failure to provide relevant details could delay or result in the refusal of planning permission.
- 4. As compliance with the LVL is a mandatory requirement, the list does not have all of the potential details that will be required to support a planning application. In such cases, the Council may request additional details to support the application. The LVL does not duplicate requirements that may be required by the 1APP form (for example, protected species survey). These requirements will continue to apply following the adoption of this list. Consideration of the need for an Environmental Impact Assessment falls within the scope of other legislation, and has not therefore been included in this list.
- 5. Planning applications made under Section 73 of the Town and Country Planning Act 1990 (to vary or remove planning conditions) or Section 73A (in respect of development already carried out) are to be treated on the same basis as other full and outline planning applications in this LVL, unless the relevant provision in the Schedule below expressly provides otherwise.
- 6. The Council may exercise its discretion to waive some or all of the provisions of the LVL where:

- i) the application site has the benefit of an extant planning permission (still capable of being lawfully implemented); and
- ii) that permission relates to development of the same character or description as the application; and
- iii) it is satisfied, on the basis of the submitted documents, that the new development would not give rise to materially different impacts compared with that permission.

In such cases, applicants must liaise with the Council beforehand to clarify whether the LVL will be waived. The onus will be on the applicant to demonstrate that each of the above criteria are satisfied. Unless the Council has confirmed otherwise in writing prior to the submission of the planning application, the LVL will continue to apply in such cases.

7. Unless the Schedule states otherwise, there is no prescribed format for how the validation requirements should be submitted. In some cases, applicants may wish to include them as part of another document, for example, a Design and Access Statement or an Environmental Statement. Alternatively, they can form stand-alone documents. To enable applications to be checked speedily, applicants are requested to ensure that all documents are indexed to identify where these requirements have been provided.

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Schedule

Plans and drawing	S	
Applies to	Exemptions	Specific requirements
Applies to All planning applications (outline and full) for major development	Exemptions For planning applications made under Section 73 of the Town and Country Planning Act 1990 where a variation is not sought to the approved plans or drawings, the only plan required will be a location plan.	 Specific requirements This information is required to assess the impacts of the proposal. The Order requires that all planning applications be accompanied by a location plan and other plans, drawings or information necessary to describe the proposed development. Plans / drawings must be drawn to an identified scale and plans must show the direction of north. The Welsh Government has produced guidance¹ on what the plans / drawings may include. However, there is some discretion to each local planning authority on what to require. For the purpose of this LVL, the plans and drawings that will be mandatory include: i) Site layout plan - for all applications; ii) Existing and proposed elevations - for all planning applications (except for outline applications where appearance is reserved for further approval) for the erection of new buildings; iii) Existing and proposed floor plans (for all planning applications (except for outline applications where both scale and planning applications (except for outline applications where both scale and planning applications (except for outline applications where both scale and
		appearance are reserved for further approval) for the erection of new buildings, the extension / alteration of existing buildings, or the change of use of existing buildings);

¹ http://gov.wales/docs/desh/publications/1204301appguicanceen.pdf

 iv) Existing and proposed site sections and finished floor and site levels – for all planning applications (except for outline applications where both layout and landscaping are reserved for further approval) where a change in ground levels is proposed. Sufficient site sections should be provided to enable an adequate assessment of the proposed change in ground levels, and a Section Key Plan provided; v) Existing and proposed roof plans - where an alteration or extension to a roof is proposed.
There are additional national statutory requirements for outline applications ² which will continue to operate once this LVL has been adopted.
The Council will not accept plans or drawings which are annotated as "do not scale".

² http://www.legislation.gov.uk/wsi/2012/801/article/3/made

Applies to	Exemptions	Specific requirements
All planning applications (outline and full) for major 'highly vulnerable' development within the C1 or C2 zones identified in Technical Advice Note (Wales) 15 (TAN15).	None	As a minimum, the FCA must address the requirements of TAN15, including application of the 'Justification Test'. The TAN provides definitions for both 'highly vulnerable' and 'less vulnerable' development categories. For developments within tidal flood zones in Llandudno, Pensarn, Towyn and Kinmel Bay, the FCA must be informed by the Conwy Tidal Flood Risk Assessment. Where an FCA is required for a Section 73 application, it must provide a comparative assessment of the flood risks associated with the proposal relative to the extant permission. Planning applications made under Section 73 of the Town and Country Planning Act 1990 will still need a FCA. However, the scope of the FCA will be more limited unless the variation sought (compared with the existing permission) would fall within any of the categories below: i) Increase the number of people (residents, staff and visitors) on the site; ii) Increase the number of more vulnerable users (for example, children or older people) on the site; iii) Extend the occupancy season for holiday uses; iv) Materially amend the site layout; v) Alter the external ground levels or the internal floor levels (ground and upper floors); In such cases, the onus will be on the applicant to demonstrate why a more limited FCA is appropriate.

Affordable Housing Viability Statement		
Applies to	Exemptions	Further Information
 All planning applications (outline and full) for major development involving one or more of the following: i) new build dwellings, ii) the conversion of buildings to dwellings, iii) the variation or removal of conditions to allow the occupancy of buildings as dwellings. 	 Planning applications for: i) Retrospective planning permission, where the development was completed before 1st December 2009; ii) Holiday accommodation which is subject to a holiday occupancy condition. However, proposals to remove an existing holiday accommodation condition are not exempt; iii) Replacement dwellings where there is no gain in dwelling numbers. iv) Residential Institutions, as currently defined in Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended); v) Rural enterprise dwellings (as defined in TAN6 (Planning for Sustainable Rural Communities); however, planning applications to remove occupancy conditions on rural enterprise dwellings are not exempt; vi) Applications where the applicant proposes 100% affordable housing proposed by the applicant would meet the requirements of Policy HOU/2 of the Conwy Local Development Plan in respect of the area in which the proposed development is situated; vii) Section 73 applications (other than for the variation or removal of residential occupancy conditions) for which the Council has notified the applicant in writing that the Statement is not required. 	This is required to ensure compliance with national policy and LDP Policy HOU/2 on affordable housing. The Statement must include a viability assessment on the Proforma issued by the Council, or otherwise contain as a minimum the information requested on the Proforma. Where exceptional costs are indicated, it must be accompanied by evidence to demonstrate that those costs are realistic. Land acquisition costs / existing use value must be accompanied by evidence to demonstrate that they are realistic. Where the viability assessment indicates a positive residual value, the Statement must identify a mechanism for the delivery of the affordable housing. If the affordable housing is to be delivered by a Registered Social Landlord (RSL), it must identify whether any RSLs have expressed an interest in the proposal. Where no RSL is involved, it must identify any proposed Section 106 Obligation to secure the affordable housing.

Planning Obligations Proposed by the Developer		
Applies to	Exemptions	Further Information
All planning applications (full and outline) for major development.	Planning applications for which the Council has previously notified the applicant in writing that no Planning Obligations are likely to be sought.	 This is required to demonstrate compliance with Policy DP/5 in the Conwy LDP and the Council's Supplementary Planning Guidance on Planning Obligations, and that the need for any other Planning Obligations that may be deemed necessary has been addressed. The need for Planning Obligations will vary from case to case. Applicants should enter into pre-application discussions with the Council's Strategic Planning Policy Services to assess whether any financial contributions will be required. Some applications may require non-financial obligations, for example, to require the maintenance of visibility splays outside the applicant's land. Applications must be accompanied by a document outlining what planning obligations the applicant is prepared to offer or that it does not intend to offer a planning obligation. The Council reserves the right to review the need for a planning obligation during the application process

Applies to	Exemptions	Further Information
All planning applications (full and outline) for major development.	Section 73 applications which do not involve a material amendment to the foul and surface water drainage impacts.	 This Strategy is required to demonstrate that the development proposal can be drained satisfactorily, is not likely to unacceptably increase flooding or surface water run-off or overload the public foul or surface water systems. The scope of the Foul and Surface Water Drainage Strategy will vary from case to case, but as a minimum, must include the following: Where sustainable drainage is proposed, the Strategy should specify what sustainable drainage methods are proposed and assess their feasibility, including the porosity test (current BS6297) results to determine the suitability of the ground to accommodate soakaways; Where disposal to a watercourse is proposed, evidence of discussions between the applicant and Natural Resources Wales or the local drainage body. Where disposal to the foul and / or surface water mains is proposed, evidence of discussions between the applicant and Dwr Cymru Welsh Water, supported by run-off calculations.

Landscape and Visual	Impact Assessment (LVIA)
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Applies to	Exemptions	Further Information
All planning applications (full and outline) for major development within Special Landscape Areas.	Section 73 applications which do not propose a material amendment to the appearance of	This is required to assess the visual and landscape impacts of development proposals.
All planning applications (full and outline) for major development where at least 10% of the application site does not fall within the definition of (Proviously)	approved development.	The LVIA must comply with the current edition of the Guidelines for Landscape and Visual Impact Assessment, published by the Landscape Institute and Institute of Environmental Management and Assessment, unless the Council has notified the applicant otherwise in writing.
the definition of 'Previously Developed Land' in PPW. All planning applications (full and outline) for major development that include new wind turbines.		In the case of wind turbine development, the scope of the LVIA will be specified in forthcoming Supplementary Planning Guidance. The Council has also adopted Supplementary Planning Guidance on Landscape Sensitivity and Capacity Assessment (LDP11).

Applies to	Exemptions	Further Information
Applies to All planning applications (full and outline) for major development.	Section 73 applications which do not propose a material amendment to the approved layout or landscaping strategy.	 Further Information The scope of the Landscaping Strategy will vary from case to case. For outline applications (where landscaping is identified as a reserved matter), a statement of the applicant's approach to the landscaping strategy should be provided. The proposed site layout plan must identify those areas where landscaping is proposed. For full planning applications and outline applications where landscaping is not identified as a reserved matter, full landscaping details will be required. 'Landscaping' is defined in Article 2 of the Order as the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: i) screening by fences, walls or other means; ii) the planting of trees, hedges, shrubs or grass; iii) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and v) the provision of other amenity features;
		Where a Tree Survey is required by virtue of the 1APP application form or this Schedule, the Landscaping Strategy must demonstrate how it has had regard to the results of the Tree Survey.

Landooning Strategy

Tree Survey		
Applies to	Exemptions	Further Information
All planning applications (full and outline) for major development where trees are located within or adjoining the development area.	Planning applications where the Council has notified the applicant in writing that it does not require a Tree Survey.	Tree Surveys should comply with the current BS5837 standard.
	Section 73 applications which do not involve material alterations to the approved layout.	

Biodiversity Statement		
Applies to	Exemptions	Further Information
All full and outline planning applications for major development.	Section 73 applications which do not involve material alterations to the approved layout.	This Statement is required to assess compliance with Policy NTE/3 of the Conwy Local Development Plan. Supplementary Planning Guidance LDP5: Biodiversity in Planning provides guidance on what is required. In some cases, the 1APP application form requires the submission of a Protected Species Survey.

Lighting Assessment		
Applies to	Exemptions	Further Information
All planning applications (full and outline) for major development for outdoor recreation uses where external lighting is proposed.	Section 73 applications which do not propose material amendments to the approved layout or the lighting strategy.	This is required to assess impacts on amenity, highway safety, biodiversity and community safety. The precise scope will vary from case to case, but must include as a minimum:
All full planning applications for major development consisting of retail, office, commercial, industrial and leisure uses where outdoor lighting is proposed.		 i) Identification of relevant receptors (including residents, roads and protected nocturnal species); ii) In cases where material impacts on those receptors are likely to occur: a) Identification of the areas to be lit and the location and specification of the luminaires; and b) The light intrusion [lux] and intensity [candelas] at relevant receptors.

Contaminated Land Survey		
Exemptions	Further Information	
Section 73 applications which do not propose a material amendment to the approved layout.	 This is required to assess effects on the natural environment and human health (LDP Policies DP/6 and NTE/1). The precise scope of the Contaminated Land Survey will vary from case to case, but the application should be supported by evidence that its scope has been agreed with the Council's Public Protection Section. 	
	Exemptions Section 73 applications which do not propose a material amendment to the approved	

Noise Assessment		
Applies to	Exemptions	Further Information
All planning applications (full and outline) for major development involving one or more of the following: B2 use class B8 use class Quarrying Mineral processing Waste processing Wind turbines Shooting ranges Motor sports.	Section 73 applications which do not proposed material alterations to the location or nature of noise generating activities.	 This assessment is required to demonstrate whether the proposed development would be likely to cause unacceptable impacts on amenity (including residents and recreational users of neighbouring land). The precise scope of the Noise Impact Assessment will vary from case to case. For wind turbines, the Assessment must comply with ETSU-R-97 and guidance from the Institute of Acoustics³. For other applications, it must be supported by evidence to demonstrate that its scope has been agreed with the Council's Public Protection Section.

Details of Ventilation / Extraction

Applies to	Exemptions	Further Information
All full planning applications for major development where	Outline planning applications.	Details are required to assess impacts on amenity (including residents and recreational users of neighbouring land).
ventilation / extraction equipment is proposed.	Section 73 applications which do not propose material amendments to any approved ventilation or extraction equipment. Ventilation / extraction equipment within single dwellings.	In the case of full applications, the precise location and design of the ventilation / extraction equipment must be shown on the application drawings, together with specification and noise outputs.

³ http://www.ioa.org.uk/sites/default/files/IOA%20Good%20Practice%20Guide%20on%20Wind%20Turbine%20Noise%20-%20May%202013.pdf

Transport Assessment (TA)

Applies to	Exemptions	Further Information
All planning applications (full and outline) for new major development falling within the categories	Section 73 applications which would not result in material changes to either the volume or	This is required to assess compliance with relevant national and local planning policies on transport and accessibility.
specified in paragraph D4 of Technical Advice Note (Wales) 18: Transport (TAN18).	character of traffic flows compared with the approved development.	The scope of the TA will vary from case to case. Annex D of TAN18 advises on the procedure to be followed for agreeing the Scoping of the TA. The TA must include confirmation that the scope of the TA has been agreed with the local highway authority (and, where relevant, the trunk road authority).
		For applications proposing direct access onto trunk roads, the TA shall be carried out in accordance with the Design Manual for Roads and Bridges.

Highway Visibility Requirements

Applies to	Exemptions	Further Information
All planning applications (full and outline) for major development.	Section 73 applications which would not result in material changes to either the volume or character of traffic flows or to the visibility provisions compared with the approved development.	 This is required to assess compliance with local and national policies on visibility requirements. Detailed on a plan, the proposed visibility splays that will be available for emerging vehicles from the proposed access in each direction at a height of 1.05m, measured to a point "a" above the nearer running edge of the carriageway (point "a" height will vary depending on the site location and should be agreed in writing prior to any design work). These visibility distances shall be measured from a "setback" point of 2.4m or 4.5m from the nearer running edge of the road, measured

along the centreline of the access road, and at all intervening points up to the running edge of the carriageway over the required distance as detailed in Annex B of TAN18 ("y" distance). Visibility splays must be within the public highway and/or within the red line boundary of the development or land owned by applicant. If the visibility splays proposed do not meet the visibility splay requirements for the speed limit of the road as specified in TAN18, a speed survey must be carried out to determine the 85th percentile wet weather speed. Generally speed surveys will be required on both approaches to the proposed access (exact location to be agreed in writing with the local highway authority) and shall be carried out by installation of temporary loop detectors for a minimum period of 7 days in a neutral month;
 Detailed on a plan, different forward visibility envelopes must be shown to identify: i) forward visibility of vehicles waiting to turn right into the proposed development; ii) forward visibility of vehicles driving towards the back of a queue due to vehicles waiting to turning right into the proposed development; iii) forward visibility of vehicles driving in the opposite direction to a vehicle waiting to turning right into the proposed development. All plans shall be based on a topographic survey, unless the relevant highway authority has previously notified the applicant otherwise in writing. Evidence of this will be required with the submission. For applications proposing direct access onto trunk roads, the TA shall be carried out in accordance with the Design Manual for Roads and Bridges.

Parking Assessment		
Applies to	Exemptions	Further information
All planning applications (full and outline) for major development.	Section 73 applications which would not result in a material change to amount or nature of floorspace or to the parking provision compared with the approved development.	 This is required to identify whether proposals comply with the Council's Supplementary Planning Guidance on Parking Standards (the Standards). Full applications and outline applications (where the site layout is submitted for approval) must include detailed site layout plans showing precisely the proposed parking provision. Where the parking provision may be affected by the presence of constraints (for example, trees), these constraints should be identified on the same plan. For outline applications (where the site layout is reserved for further approval), the indicative site layout plan must identify the location of parking areas and the overall number of parking spaces to be provided. Where an application site includes existing parking spaces, both full and outline applications will need to identify the existing parking provision and whether any of that provision will be lost as a result of the development. The Assessment must provide a comparison between the proposed parking provision indicated in the 1APP form. Where the parking provision deviates from these Standards, it must provide a detailed justification for any under or over-provision.

Agricultural Land Assessment (ALA)		
Applies to	Exemptions	Further information
All planning applications (full and outline) for major development on agricultural land which is identified in the Provisional Agricultural Land Classification (ALC) Maps as being (wholly or partly) within Grade 1, 2 or 3 land.	Section 73 applications which would not involve a material increase in the loss of agricultural land compared with the approved development,	 This is required to assess compliance with national planning policies on protecting the Best and Most Versatile (BMV) agricultural land. PPW defines BMV land as being land falling within Grades 1, 2 or 3a. The Provisional ALC Maps identify, on an indicative basis, the likely land classification grade. However, these maps are not accurate at a site specific scale, and do not distinguish between Grades 3a and 3b. For these reasons, applications which involve the loss of agricultural land identified on those maps as Grades 1, 2 or 3 will need to be accompanied by an ALA to assess whether the land is in fact BMV land. Where an application site includes areas identified as being of different grades, the better grade will determine the need for an ALA. Land identified on the Provisional ALC Maps as being Grades 4 or 5 is less likely to constitute BMV, and in such cases an ALA will not be a validation requirement. However, the Council reserves the right to review the need for an ALA after the submission of the application. Once the Welsh Government has published Best Practice Guidance, the ALA must be carried out in accordance with that guidance. Where an ALA confirms that the application site wholly or partly constitutes BMV land, the Assessment should also identify whether: i) There is an overriding need for the development, and of whether ii) Previously developed land or land in lower agricultural grades is unavailable, or has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

Community and Linguistic Statement		
Applies to	Exemptions	Further information
All planning applications (full and outline) for major residential development. All planning applications (full and outline) for commercial, industrial or tourism development with a floor area of 1,000 square metres or more. All planning applications (full and outline) for major development which is likely to lead to the loss of community development as defined in Policy CFS/6 of the LDP.	Section 73 applications which would not result in a material increase in the number of dwellings or in the floor area of commercial, industrial or tourism development. Planning applications where the Council has previously notified the applicant in writing that no Community and Linguistic Statement is required.	 This information is required to assess compliance with Policy CTH/5 of the LDP. A more detailed assessment in the form of a 'Community and Linguistic Impact Assessment' should accompany: i) Housing applications on windfall sites of 20 units or more in the Urban Development Strategy Area and ten units or more in the Rural Development Strategy Area; or ii) A commercial, industrial or tourist development on unallocated sites with an area of 2000 square metres or more in the Plan Area.

Employment Land Assess	Exemptions	Further Information
All planning applications (full and outline) for major development involving the loss of existing B1, B2 or B8 uses. All planning applications (full and outline)for major development involving uses falling outside the B1, B2 or B8 use classes on land which has an extant planning permission for a B1, B2 or B8 use (or any combination thereof), or which is safeguarded in Policy EMP/4 of the Conwy Local Development Plan for a B1, B2 or B8 use (or any combination thereof).	Section 73 applications which do not propose material amendments to the floorspace or site area of approved development outside the B1, B2 and B8 use classes.	This is required to assess compliance with national and local planning policies on safeguarding employment land. The scope of the assessment will vary from case to case. Policy EMP/4 of the Conwy Local Development Plan outlines the approach to be followed. When adopted, further guidance will be provided in forthcoming Supplementary Planning Guidance.

Waste Planning Assessment

Applies to	Exemptions	Further Information
All planning applications for the use of land for the disposal of waste.	Section 73 applications for which the Council (or the North Wales Minerals and Waste Planning	This is required to demonstrate compliance with Technical Advice Note (Wales) 21: Waste (TAN21).
All planning applications (full and outline) for the processing of waste or the recovery of materials or energy from waste.	Service) has notified the applicant in writing that a Waste Planning Assessment is not required.	Annex B of TAN21 identifies a list of matters which could form part of a Waste Planning Assessment. Applicants are advised to enter into pre-application discussions with the Council (or the North Wales Minerals and Waste Planning Service) to establish the scope of that Assessment, and where such discussions have taken place, the Assessment should include written confirmation that its scope has been agreed. If the scope has not been agreed, the Assessment should address each of the relevant matters listed in Annex B.

Retail Impact Assessment (RIA)				
Applies to	Exemptions	Further Information		
All planning applications (full and outline) for retail development exceeding 2,500 square metres of	Section 73 applications which do not propose material amendments to the gross or net floorspace or to	This is required to assess compliance with national and local planning policies on retailing.		
gross floorspace.	the format or range of goods approved.	Draft Technical Advice Note 4: Retail Centre Development proposes that all planning applications for retailing development exceeding		
All planning applications (full and outline) for major retail development of less than 2,500		2,500 square metres of gross floorspace will need a RIA. For smaller developments, local planning authorities will need to consider whether a RIA is required.		
square metres of gross floorspace, unless the Council has previously notified the applicant that no RIA is required.		The scope of the RIA will vary from case by case. The RIA must include confirmation that its scope has been agreed with the Council.		

Applies to	Exemptions	Further Information
All planning applications (full and outline) for major housing development.	Section 73 applications which do not propose a material increase in the number of bedspaces and	This is required to assess compliance with national and local planning policies on open space.
	which do not propose a material amendment to any approved open space provision.	Policy CFS/11 of the Conwy Local Development Plan provides the policy framework for open space requirements. The Open Space Assessment must explain how the development proposal meets these requirements.

Open Space Assessment

Tourism and Recreation Statement				
Applies to	Exemptions	Further Information		
All planning applications (full and outline) for major tourism or recreation development.	Section 73 applications for which the Council has notified the applicant in writing that no Tourism and Recreation Statement is required.	This is required to assess compliance with Policy TOU/2 of the Conwy Local Development Plan. It must address each of the criteria identified in that policy. In the case of applications for chalet, caravan and camping sites, the Statement must also address each of the relevant criteria in Policy TOU/4.		