

**TAVISTOCK TOWN COUNCIL
DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE
TUESDAY 17th DECEMBER 2019
NEIGHBOURHOOD DEVELOPMENT PLAN (NDP)**

1. PURPOSE OF THE REPORT

For the Committee to consider whether to recommend progressing with the drafting of a Neighbourhood Development Plan for Tavistock.

2. CORPORATE POLICY CONSIDERATIONS

The drafting and adoption of a Neighbourhood Development Plan would be underpinned by the vision of the Council;

'Tavistock Town Council aims to improve the social and economic wellbeing of the community, and to protect the built environment of the town...' together with priorities;

Community (C), D3 Consultation Environment, Environment (En) and En1 Environment (general)

3. LEGAL & RISK MANAGEMENT ISSUES

3.1 Legal – 'Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Communities can shape development in their areas through the production of Neighbourhood Development Plans (often referred to simply as Neighbourhood Plans), Neighbourhood Development Orders and Community Right to Build Orders'¹

3.2 Risk – If no NDP is in place it can make it difficult for gaps in any overarching Local Plan to be addressed. However, if a NDP has been adopted it would necessarily be subject to regular and ongoing review to keep it up to date. This could then impact on both staffing and cost resources in the future, alongside the potential reputational and/or other impact of not producing an appropriate Plan.

4. ENVIRONMENTAL ISSUES

The drafting and subsequent adoption of any Neighbourhood Development Plan could allow Tavistock Town Council, and the residents of the town, to have more influence over the type, location and density levels of future development in Tavistock. The Plan could also include the level expected for the use of sustainable building practices and materials for future developments.

¹ As defined by the RTPI (Royal Town Planning Institute)

5. RESOURCE ISSUES

- 5.1 Capacity - The Council will be aware that the organisation does not have the internal planning skills, or technical resource, to produce a Neighbourhood Development Plan. It will therefore be necessary to 'buy in' this resource, unless existing Members or community volunteers wish to use their skills and previous experience in the drafting of a Plan.

Any Member volunteering to join a NDP Working Party would need to be aware they would need to be able and willing to provide sufficient time, and skill resource, over a period of at least 2 years to ensure any such Plan was completed and subsequently adopted.

- 5.2 Costs – At its Council Meeting on the 3rd December 2019, Tavistock Town Council agreed the reinstatement of an Earmarked Localism Reserve with funding of £ 20,000 to provide support to new locality based Council initiatives, which could include a NDP (Budget & Policy Minute No. 243 refers). However please refer to² below in recognition that costs can in some cases average £200,000;

- 5.3 Available Grant Funding – Grants are available from 'Locality' (up to £ 17,000 in total and subject to eligibility)³

6. COMMUNICATIONS ISSUES

If a Plan were agreed it would be a collaborative document led by the Council working in conjunction with local community organisations, interested parties, citizens, consultants and the Local Planning Authority.

Various methods of communication and engagement would be required to ensure the widest possible audience was included in the process, and to

² Studies have been undertaken which suggest for a large town (including Retail, Equalities, Community Safety, Flood Risk, EIA (Environmental Impact Assessment), Strategic Environmental Assessment studies, and the employment of consultants, a NP can cost iro £ 200,000. Average costs are between £ 20,000 and £ 86,00 but with larger area Plans costing considerably more). 'Locality' whilst offering Grant funding itself, also provides information about other potential grant funding available to help defray some of the costs involved (<https://locality.org.uk/services-tools/funding/#core>), however it is anticipated that shortfalls in funding will need to be met by the Precept and using General Reserves.

³ Eligibility for Basic Grant Funding If writing a NDP. and based in England, a basic grant of up to £9,000 is available. Additional Grant Funding Groups meeting the eligibility criteria can apply for an additional grant of up to £8,000, taking the total up to £17,000. All grant funding needs to be spent within 12 months or by the end of the financial year, whichever is the earliest. Eligibility for Additional Grant Funding Allocating sites for housing, including design codes in your plan, a designated business Neighbourhood Plan, a cluster of three or more parishes writing a single plan, a Neighbourhood Area with a population of over 25,000 If the answer is yes to any of the above, an additional £8,000 grant is available (Locality)

gain the views of as many of the local residents/businesses as possible. These methods could include, but are not limited to;

- Public consultation events;
- The use of social media;
- Press releases/articles in the local press;
- Website updates;
- Questionnaires to be issued via Newsletters/Survey Monkey/social media/website;
- Referendum.

7. RECOMMENDATIONS

That the Committee;

- i. indicate whether it wishes to now proceed with a Neighbourhood Development Plan for Tavistock; and, if so:-
- ii. as the preliminary step, indicate the topic areas where the Joint Local Plan was considered deficient (and upon which it could reasonably be expected there would be a major focus for a NDP) in order that a realistic assessment can be made of the duration, cost and resource required to deliver an NDP;
- iii. subject to endorsement of (a-b) above a Working Party, comprised initially of 4-5 Councillors from the DM&L Committee, be appointed to undertake the review outlined in (ii) above and report back to Council via this Committee.

1) BACKGROUND

1.1 The Town Council;

- first considered drafting a Neighbourhood Development Plan in 2013 (previous papers - Appendix 1);
- Members received a presentation from Officers of West Devon Borough Council in 2014; (Appendix 2)
- a 'Visioning Event' was held early in 2015 to identify the Town Council's priorities with regard to a NDP;
- in 2016 the matter was considered again (please see details of Minute No. 83(iv) on Briefing Note dated 1st March 2017 – Appendix 3);
- the Designated Area for a NDP for Tavistock was agreed in 2017 which was aligned with the Parish Boundary. It was felt that the whole of the town should be included in any potential Plan, not just the town centre (Appendix 4).

1.2 It was previously decided not to proceed with a NDP as the Plymouth and South West Devon Joint Local Plan was in the development phase, with the Tavistock Conservation Area and

Management Plan also being under review. It was then considered prudent to wait until both those Plans had been concluded, and adopted, in order to ascertain any deficiencies or gaps within the Plans, which a Neighbourhood Development Plan might address.

2) ANALYSIS

2.1 West Devon Borough Council, as the local Planning Authority, confirmed that a report would be put to its Council Meeting in December 2019, to consider the introduction of a Community Infrastructure Levy (CIL)⁴ in the area. However, if West Devon Borough Council did agree to the introduction of CIL, it is estimated it would take at least a year before its full introduction, due to the lengthy consultation period which would need to be undertaken first. It is also acknowledged that the majority of current Plan main sites in the town are allocated, with the benefit of planning permission, and therefore fall outwith the CIL structure.

3) CONCLUSION

- 3.1 Initially, for the Working Group to;
- a) review the content of the Plymouth and South West Devon Joint Local Plan to identify any areas of deficiency or gaps which a Neighbourhood Development Plan might address.

Jan Smallacombe
Assistant to the Town Clerk
TAVISTOCK TOWN COUNCIL

⁴ CIL is a levy that local authorities can choose to charge on new developments in their area. The money should be used to support development by funding infrastructure that the council, local community and neighbourhoods want (LGA Planning Advisory Service)

**Tavistock Town Council
PLANS COMMITTEE
30th July 2013**

Briefing Note – Neighbourhood Planning

1. Purpose of Briefing

1.1 To invite the Plans Committee and Council to consider whether or not to explore further the opportunities and issues associated with developing a Neighbourhood Plan for Tavistock.

2. Current Situation

2.1 As Members will be aware the planning arrangements in England essentially represent a “plan led” system. This means that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

2.2 Following the revocation of the Regional Spatial Strategies and County Structure Plans the key overarching strategic planning document is the National Planning Policy Framework which includes a presumption in favour of “sustainable development”.

2.3 Sustainable development in this context means that local plans should meet the objectively assessed needs of the area and provide flexibility to adapt to rapid change unless any adverse impact associated with doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted. Consequently in taking decisions development proposals that accord with the development plan should be approved.

2.4 Where the development plan is silent, absent, or relevant policies are out of date, planning permission should also be approved unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (or specific policies in the Framework indicate development should be restricted).

3. Local Plans

3.1 In the case of West Devon the key planning documents are the:-

- National Planning Policy Framework

- Local Development Framework Core Strategy Development Plan document (2006 – 2026)
- Emerging Local Plan 2026-2031

3.2 More specifically in relation to Tavistock there is also the:-

- South and South West of Tavistock Masterplan and the
- Extant Tavistock Conservation Area Conservation Area Appraisal and Management Plan (which are currently under review)

3.3 Furthermore there is the opportunity for the development of either a community led:-

- Neighbourhood Plan; or
- Neighbourhood Development Order

3.4 For more detailed information members may find it helpful to access the planning portal website

<http://www.planningportal.gov.uk/inyourarea/neighbourhood/>

3.5 In summary a Neighbourhood Development Order sets the framework to permit certain types of development without the consequential need for planning applications to be submitted.

3.6 By contrast Neighbourhood Plans (or Neighbourhood Development Plans) set out a vision for an area or site and planning policies for the use of land in relation to same. Critically the plan must be in broad conformity both with national policies and those policies included in the local plan of the Local Planning Authority (in the case of Tavistock the Core Strategy). Where a neighbourhood plan has been properly introduced and adopted its provisions represent material planning considerations (see s2 above).

3.7 It is important to recognise that a neighbourhood plan is not the same as a community or town plan. The former is a planning document designed to provide a framework for the management of certain types of development within an area administered by the Local Planning Authority. The latter is, most usually, an overarching strategic document setting out the strengths, weaknesses, opportunities, threats and consequential vision for a community or communities. Whilst it may include aspects of land and development management, it is necessarily a broader and more wide ranging document than a neighbourhood plan. Preliminary arrangements are in hand for the development of a town vision/plan.

3.8 The most local example of a neighbourhood plan which your officers are aware of is that developed by the Exeter St James Forum which may be viewed online at

<http://www.exeterstjamesforum.org/>

3.9 Alternatively, members may find it useful to view the Thame Neighbourhood Plan which can be viewed at

<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/neighbourhood-plans/thame-neighbourhood-pl>

3.10 These represent two of the first of the neighbourhood plans which, to date, have successfully passed through the adoption process.

4. Neighbourhood Planning

4.1. By way of introduction a summary of neighbourhood planning which has been designed for principal authority ward councillors and published by the Planning Advisory Service and Local Government Association for principal authority councillors is appended (Appendix 1).

4.2 Extensive guidance around neighbourhood planning can also be accessed on the website of 'locality':
<http://mycommunityrights.org.uk/neighbourhood-planning/>

4.3 Within the neighbourhood planning process there are certain key parameters to which promoters should have regard, including, not least:-

- What the Plan itself is intended to cover and to achieve. Put another way what does the Town Council consider to be the 'gaps' in the existing planning policy framework that could be filled by appropriate neighbourhood plan policies. For example mix of environment, design, community, economy, sustainable development, heritage, transport, housing, use, new development etc. The neighbourhood plans referred to elsewhere in this document indicate something of the range of approaches that may be adopted from single issue to the more generic.
- The critical need for any neighbourhood plan to be in conformity with higher level planning documents. Thus a neighbourhood plan for Tavistock would not be able to conflict with the Core Strategy or indeed the new Local Plan once adopted.
- The fundamental importance of community engagement and involvement in the neighbourhood planning process;
- The process being subject to approval in two tests –
 - by an independent inspector at examination in relation to planning compliance (a technical test); and
 - to a subsequent referendum within the community endorsing the plan (a community test).

Should either of these be unsuccessful any plan will not take effect.

4.4. The potential advantages of a neighbourhood plan rest principally in the ability of local communities, within the governing planning framework, to agree a more detailed local framework for planning matters in those areas which they consider most important. This is likely to be of greatest benefit where the principal authority local plan is not considered to go into sufficient detail to address particular community planning issues or where there is no such plan in place. For clarity a plan does not bring any new powers to town/parish councils, rather it introduces a more granular level of 'material considerations' to which the local planning authority should have regard in making decisions.

4.5 The potential drawbacks are that the process is highly demanding of time/organisational capacity, subject to external variables and only likely to be meaningful where the sponsor body has a clear commitment to long term involvement in the planning process.

4.6 Members will also be aware that there is a potential benefit associated with a higher proportion of Community Infrastructure Levy (CIL) monies accruing to a Town Council where a neighbourhood plan is in place (ie 25% as opposed to 15% for those where there is no neighbourhood plan). However, it should be noted that :-

- Currently no decision has been made by West Devon Borough Council as to whether or not to adopt a CIL. If it does so the time-line is likely to be 18-24 months or more;
- Even where a community infrastructure levy is in place the monies accruing to local allocation by a Parish/Town Council are hypothecated to specific uses relating to the site. In other words it is not general income and the same could be achieved, without a neighbourhood plan, if a concordat could be achieved with the local planning authority on use of monies.
- Because of the time line for any possible introduction of a CIL in West Devon it is highly likely that major development which has received planning consent prior to that time will be excluded from CIL. Clarification is being sought from the Borough Council in connection with same.

4.7 Consequently availability or otherwise of CIL monies, whilst pertinent to a discussion around the merits of neighbourhood planning, should be incidental and not central to any decision on how/if to proceed.

4.8 In terms of costs there are currently funds available from "locality" to support costs incurred in the preparation of a neighbourhood plan (up to £7,000) and direct support up to £9,500. It should be stressed that these are maximum figures and the level of support actually received, if any, may or may not achieve these amounts.

4.9 There are three principal new costs associated with the conduct of a neighbourhood plan which are

- i. The costs of the conduct of the
 - a. independent inquiry; and
 - b. the referendum (falling to the local planning authority).
- ii. The cost of/resource implications for the sponsoring Town or Parish Council associated with the engagement of an appropriate level of specialist planning expertise and general resource to be able to develop, in consultation with the wider community, a technically sound and resilient planning policy document¹.

¹ The costs of this are liable to vary according to how that planning expertise is sourced eg through engagement of a consultant, voluntary contributions by appropriately skilled elected Members and community representatives etc. The Town

- iii. The opportunity cost of organisational time and resource to drive a (potentially) significant initiative over a period of possibly 1-2 years²

4.10 If the Council were minded to progress a neighbourhood plan it is important to note that it could only appropriately be developed alongside the emerging Borough Council Local Plan (to avoid challenge on the basis of lack of conformity). Therefore it could not be introduced before that also was finished.

4.11 If it is the view of Plans Committee and Council that there is merit in further exploring the possibility of developing a neighbourhood plan it is suggested that, in the first instance, Council initiate the necessary preliminary works comprising

- Conduct of a detailed review and identification of those aspects of the West Devon Borough Council Core Strategy 2006-2026 upon which it feels a neighbourhood plan would wish to build and identifying those areas of deficiency to be addressed;
- Identification of those lead members with appropriate expertise whom it would suggest the Council task with responsibility, over the next 2 years or so, with taking this project forward.

4.12 Subject to a satisfactory outcome of the foregoing it would then be appropriate to seek to engage with the Local Planning Authority and both successful and unsuccessful proponents of neighbourhood plans elsewhere in the county to develop a good practice model going forward. This will also enable a fuller appraisal by the full Council of the opportunities, risks, issues and implications associated with a Neighbourhood Plan for Tavistock to enable an informed final decision to be made.

5. Recommendation – That if the Council wishes to consider further whether or not to progress a Neighbourhood Plan for the Town it proceed along the lines set out in paragraphs 4.11 – 4.12 above to provide an informed basis for taking matters forward.

The instructions of the Plans Committee and Council are sought³.

**Carl Hearn
Town Clerk
July 2013**

Council has the advantage that there are a number of its Members who are very familiar with the planning framework as Borough Councillors and, therefore, their engagement in this process could have significant benefits.

² It is difficult to be accurate regarding costings because some are not borne by the sponsoring authority and others are necessarily subjective. A seminar with representatives of the planning advisory service last year suggested a total for a large town could be in the region of £50,000-£60,000 which could probably be reduced by 20-25% for a smaller settlement such as ours. However, there are significant variables, not least how demanding the scope of the plan might be and whether support is 'bought in' or sourced through skilled Members and volunteers.

³ Members will be aware that Neighbourhood Planning training is being delivered by the Borough Council on 24th July and there will be an opportunity for those Members attending that session to attend and feedback to the Planning Committee on 30th July.

