



NEIGHBOURHOOD PLAN OFFICER'S REPORT

Report to: Broadclyst Parish Council

Date of Meeting: Nov 4th 2019

Agenda item: 19/ 164iii

Subject: Broadclyst Neighbourhood Plan

Purpose of report: to update Council

Recommendation:

- i. that that report be noted
- ii. that recommendations contained within the report be considered and resolved

Financial implications: The preparation of the Broadclyst Neighbourhood Plan is supported by government Locality grants. Staffing costs are partly being met from parish council budgets and partly from grant fund

Legal implications: Broadclyst Parish Council is a qualifying body¹ and is therefore eligible to write a Neighbourhood Plan. The District Council has a statutory duty to support the preparation of Neighbourhood Plans.

Equalities impact: Not applicable

Risk: The Audit Commission (2001) defines “risk” as an event or action which will adversely affect an organisation’s ability to achieve its objectives, project plans and processes and to successfully execute its strategies. Therefore “risk management” is the process by which risks are **identified, evaluated and controlled**.

Broadclyst Parish Council recognises that it has a responsibility to manage risks, both internal and external, and is therefore committed to the implementation of a risk management strategy in line with the introduction of Local Audit and Accountability Act 2014 in order to protect the Council from avoidable losses.

The co-operation of all Members and officers is essential to ensure the Council’s resources and service provision are not adversely affected by uncontrolled risk, to ensure the Council does not fail to seize opportunities which benefit the community.

Link to Council Action Plan:

The preparation of Broadclyst Neighbourhood Plan supports the Council’s commitment to enabling local

¹ For Neighbourhood Development Orders, the definition of “qualifying body” is in section 61E(6) of the Town And Country Planning, England, Act 1990 (inserted by paragraph 2 of the Localism Act 2011). For the purposes of Neighbourhood Development Plans the definition of “qualifying body” is in section 38A(12) of the Planning and Compulsory Purchase 2004 Act (as inserted by paragraph 7 of the Localism Act 2011).

housing delivery; supporting business growth and increased productivity; and community capacity building and engagement.

Risk analysis

A detailed risk analysis has been carried out and is summarised below

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to deliver Neighbourhood Plan	Low	Moderate	Continued budget monitoring
Failure to meet evidenced community need	Low	Moderate/Major	Regular review of progress against community survey results

Key information

Neighbourhood Plans were introduced by the Localism Act 2011. The idea behind localism is that decision making is passed to a more local level, from local government to local communities. There are two main parts to neighbourhood planning: Neighbourhood Plans (NP) and Neighbourhood Development Orders (NDO).

A Neighbourhood Plan is a community-led planning framework for guiding the future development, regeneration and conservation of an area. It is about the use and development of land and may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocating key sites for specific kinds of development. It may deal with a wide range of social, economic and environmental issues (such as housing, employment, heritage and transport) or it may focus on one or two issues only. It is for those producing the plan to decide on its scope and content.

A Neighbourhood Plan will be part of the statutory development plan for the area, if successful at a referendum. This statutory status gives neighbourhood plans more weight than some other local documents, such as parish plans, community plans and village design statements.

A Neighbourhood Plan must meet certain “basic conditions”. These include compliance with European and national legislation, contributing to the achievement of sustainable development, having appropriate regard to national policy and being in general conformity with existing strategic planning policy. It should not promote less development than that identified in the development plan for the area. It can provide for greater growth levels. It can also specify policies and guidance on how new development should be designed, orientated and located. The preparation of neighbourhood plans must include a robust programme of community engagement and have a proportionate evidence base.

Link to Council Action Plan:

The preparation of Broadclyst Neighbourhood Plan supports the Council’s commitment to enabling local housing delivery; supporting business growth and increased productivity; and community capacity building and engagement.

REPORT

PROGRESS REPORT

1. Second NP Sites Public Consultation.

The six Public Event consultations have taken place. A big “Thank you” to Westclyst Community Primary School who hosted us and opened their doors to the wider community on two days. We saw a lot of people who had attended the first Consultation who were keen to return to vote on the next set of sites. This was good to see as they clearly understood their important role in the design and content of a Plan that will determine the future of their Parish. The Planning application like templates are on all the sites, and as always, we are getting responses from passer byers and neighbours. Responses to these and those on the Website are available for a statutory 6-week period ending Nov 22nd. There is still time to be involved, please go to website or for a paper form contact Broadclyst Parish Council Office.

2. Next Steps:

There has been a growing request for the next steps and timelines for the Neighbourhood Plan. The appended 3 tables provide not only statutory time lines for various stages, but details of things that have to be completed in order to get to and through the various stages of a Neighbourhood Plan.

The use of external consultants, application for technical grants and completion of compulsory technical work are all things which we have little control over and setting exact timelines is difficult. However, these tables are a definite map for the Broadclyst Neighbourhood Plan to get to “made” status.

Recommendation 1: For Council to accept Appendices A, B and C as the progressive steps of the Broadclyst Neighbourhood Plan

3. EDDC NP Conference:

Janvrin attended the EDDC NP Conference (Oct 10th) which had 5 presentations. Below are key points from the presentations.

Matt Dickins: EDDC Strategic Update

EDLP is undergoing revision this is a normal process for local and Neighbourhood Plans.

Oct 22nd meeting will look at GESP, Climate Change Emergency and Housing sites for 500+ housing in East Devon

Suggested timelines: GESP document in the New Year, adoption 2023

EDLP rewritten and adopted post GESP 2024

Advice to Neighbourhood Plans: Go ahead with Plans and revise as recommended (5 years) (2025)

Chris Rose: Implementation of Neighbourhood Plans (NP): Planning application process.

There are now more than 12 “made” Neighbourhood Plans, so the process of having NP’ s within the Statutory Development Plan in the application process is now well embedded.

KEY ISSUES TO CONSIDER: The wording of a policy needs to be considered

- Precise wording of NP policy is ESSENTIAL.
- Avoid using words such as adequate, suitable, good.
- Avoid subjective information within a policy (design policies Newton Poppleford flagged as good example of how to avoid this)
- Consider what the policy does say..... and what it covers.
- Consider what the policy does not say.
- If policy is “in support of” there cannot be an assumption as to what it is NOT supporting.

E.g. in support of renewable energy generation” is just that, it is not implying that other energy sources are not supported. If not in support of nonrenewable energy generation then this needs to be written into another policy.
- Policies have to be specific. E.g. if only want to promote work live units in one area then this area has to be specified, otherwise the policy has no power to stop work live units throughout the area.

How Parish Councils use their Neighbourhood Plan Policies as evidence to object to a planning application is CRITICAL.

There has to be a clear link between the planning application and the Policy selected for objection.

EDDC looks at Policies to enable their decision making, but they often look further and look at the **Justification section** to gain a real understanding of what the reasons were behind the policy.

REQUEST FOR Parish Council Comments:

- For both Objections and Support to always provide written information so that a picture of what a Parish likes/ dislikes is built up.
- Provide relevant Policies and material from the Justification section.
- Need to identify HARM in the planning application.

HARM is considered as a reason for Refusal and Approval.

Harm “Weighing scales” can be used to decide and can overrule a NP policy & the EDLP

“Harm” features in appeal cases. E.g. Stockland NP did not support development in Area A but in the appeal the inspector considered that the development X would enhance and not harm the visual setting.

Power of Neighbourhood Plans

EDDC NP policies are featuring successfully in both approved and refused planning applications. Recently a planning application was refused at Appeal and the Exmouth NP policy was cited as main reason for refusal.

The weight of a Neighbourhood Plan NP in the planning process increases from:

- An Emerging NP
- Reg14 Plan Pre submission document
- Reg 16 Plan Submission document
- Referendum Final Referendum Version Document
- “Made” full weight

Recommendation 2: Council to understand the weight of community evidence and importance of referring to emerging NP policies when making representations on planning applications in Broadclyst Parish.

Geoff POOK: Beer Neighbourhood Plan and providing houses for locals.

Passionate believer that Neighbourhood Plans can provide what the locals want and make the Parish a place that is locally determined. Neighbourhood Plans need to deliver the Vision, Aims and Objectives of their community.

Beer NP has a site allocated for housing within its NP. Advice is that allocating sites needs to be supported by the community and the PC, but such sites should not be run/ developed out by the PC. In Beer the site for affordable houses for locals was developed through a CLT not the PC.

Recommendation 3: Council to note the above models and information with its relevance to potential development within the Broadclyst NP Area (the public have raised questions about the role of the PC in NP developments i.e. the structure of management of a future sports hub.)

Historic Environment and Heritage Assets: J Best and K Pritchard

Recognition that Historic and Heritage assets provide economic, environmental and social benefits.

N.Plans contain policies and documents that provide added recognition for the importance of Historical and heritage assets.

Can support: Expansion of Conservation areas, policy for buildings/ structures to be placed on a local valued assets list. Design Policies on sense of place, local distinctiveness and significance of setting. Policies on preserving and enhancing.

CIL and Crowdfunding: S. Tallack and J Buckley

Projects identified and evidenced in a Neighbourhood Plan can be utilized for CIL finding. It is therefore important that Community actions and projects are included in a NP. The Broadclyst NP can identify community actions and projects either within the Plan, or as an Appendices to the Plan.

Recommendation that community actions and projects are included *within* the Plan.

Crowdfunding East Devon can be used to match fund community projects including those identified in a NP. EDDC also have £5000 Community Building Fund.

Recommendation 4: For Council to resolve that community actions and projects are embedded within the NP.

This concludes my report.

Janvrin Edbrooke NP Officer

PRE REG 14 PROCESS AND BEYOND (Key Dates and Roles)			
NP STAGE Pre Reg 14	CONTENT/ TASKS	PROGRESS	DATES/ TIMELINE
Drafting the plan	Write sections of the draft	Drafted Drafted	
	Intro		
	Vision Aims & Objectives		
	Policy Area 1		
	Policy Area 2		
	Policy Area 3		
	Policy Area 4		
	Policy Area 5		
	Policy Area 6		
	Policy Area 7		
	Policy Area 8		
	Final Chapter		
	Bibliography breakdown per chapter		
	References breakdown per chapter		
	Landowners permissions in place for all sites & policies		
	Complete all tables, maps and diagrams		
	Tables, number table check and consider formats		
	Table of Figures, figure numbering, format		
	Table of Appendices		
	Complete all Appendices		
	Decide on plan layout, format, design		
Commission work	Health Check as soon as NP Pre Submission Drafted before printing Locality Grant funded Technical grant Basic Conditions Statement for after Reg 14. Book it in to be done Locality Grant funded		

	SEA/ HRA/ EIA as soon as sites are confirmed book this in Locality Grant funded Technical grant Printing of Document if not in house. Book it in to be done		
Sites Allocation	Complete analysis of Community Consultation of Sites Inform all Landowners & get signed agreement as to in / out of NP Steering Group to consider results and the need for 3 rd consultation Broadsheet article on allocation of Sites. Sites sent to EDDC Prepare Site Allocation policies After EDDC feedback Start SEA HRA EIA on allocated sites all details sent to experts Site allocation policies to be agreed by landowners, OSG and put into Pre-Sub doc		
Policy and draft health check	Plan to be fully formatted Plan to be edited for text errors Plan policies to be finally checked by SG members Health check by external consultant SEA/ HRA/ EIA to be completed		
Prepare for Reg 14 Pre submission Consultation 6 weeks	Pre Submission Plan community consultation format / s to be decided Pre submission ready to go onto website at beginning of 6 week period. Landing page to be created and response forms to be designed SMC Website/ FB/ Twitter before, during and after Pre Sub Consultation. Get list of statutory consultees. Feedback protocols to be agreed. Get Document printed depending on consultation format.		

REG 14 PROCESS AND BEYOND (Key Dates and Roles)

Reg 14 : Publicise the Pre Submission Plan and Undertake Consultation

Tasks	Role of BPC (NPSG)	Provisional Dates set by Policy Team at the District Council
1. The Pre-Submission Plan is publicised by BPC	Details of the consultation on Website. Consideration of SMC. Type / length Consultation dates (6 weeks minimum) All NP SG members informed of consultation dates	None
2. Pre -Submission Plan out to Community for consultation and to Statutory Consultees (inc EDDC)	Community Consultation technique Statutory Consultees E mailed Consultation end date	None
3. Collation of responses. 4. Decision on Responses	Responses in a table (Template made) Each individually considered by OSG Table of changes / amendments made to create a Submission Document Table content to go into Basic Conditions & Consultation Doc	

5. Reply to every respondent 6. Produce Changes Document	Community and Statutory Agency Responses to be tabled & written response agreed Each response personally responded to. Template response letter/ proof of change/ Key changes made and sent for “Changes Document”. Pre submission Draft to be adjusted in line with responses. Adjusted document “Changes document” on the Website (Adjustments in Blue so obvious) Submission NP document to be completed. Basic Conditions Document to be produced (External contract) SEA HRA EIA to have be completed and agreed	
7. Prepare Submission Document	Submission Document only one Master needed. Some NP Documents are made available in pubs / shops OSG to decide EDDC will circulate this document.	
8. Prepare Reg 16 Documents and for all docs to go to EDDC	Submission Doc to EDDC and on website. NP area designation SEA/ HRA/ EIA Consultation Doc	

	Basic Conditions Statement Sustainability Appraisal All appendices to be sent and on the website Best if all documents are sent via we transfer as such big Documents	
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REG 16 PROCESS AND BEYOND (Key Dates and Roles)

Step 10: Reg 16 : Publicise the Plan and Undertake Consultation

Tasks	Role of ETC (NPSG)	Provisional Dates set by Policy Team at the District Council (See attached Document for role of the policy team)
1. The plan is publicised by EDDC	Details of the EDDC consultation on the website. EDDC Consultation dates NPSG members informed of consultation	EDDC Consultation dates Web Link:
2. The Plan is made available for public comment by the Council for (at least) a six-week period:	Newsletter/ Website/SMC – to explain that EDDC doing statutory consultation	EDDC Consultation End date:
3. Considered Representations to Examiner	No action required except to ensure close communication with EDDC NP officer to keep up with developments/responses.	
4. Reg 16 report to Cabinet	Agenda to be reported to NPSG	
5.		
6. Reg 16 Cabinet Date	Minutes of cabinet to be reported to NPSG Newsletter/ Website/ SMC to circulate Cabinet information • Consultation closed • Plan with Examiner	

	- Website up to date - Consider Strap line for Referendum	
7. Amend Submission Document	Submission document amended in light of EDDC consultation responses(similar to Reg 14 process)	
Examination		
8. Appoint examiner	Examiner already selected by NPSG	
9. Submit the Plan Reg 17	Notify NPSG examination start date	Examination Start
10. Examiner raises questions as necessary	NPSG respond to questions as raised – opportunity to clarify approach. NPSG Meeting	EDDC respond to questions as raised – opportunity to clarify approach
11. Examiner issues fact checking report (not required by legislation but standard practice).	Opportunity to correct any factual errors only.	6 week: to final report 8 week: to final report Many reports take longer than 8 weeks, it would not be unusual for the examination to run to 10 or 12 weeks.
Step 12: The report of Examination		
12. Receiving and publishing the Examiners Final Report. The Examiner is making a final statement on conformity and the modifications they issue must be made unless new evidence that contradicts the modifications arises.	EDDC recommendations on the Examiners report will be sent to NPSG for information. NPSG meeting to ascertain that QB (BPC) are happy to make modifications and progress to referendum. Provisional Date. Prepare joint statement see template prepared/ Example NPSG recommendation to go to BPC: Arrange an extra-ordinary meeting if needed. No action unless EDDC proposed decision differs from the Examiners recommendations Newsletter/ Website/ SMC after cabinet approved	

13. Produce and publish a Decision Statement Reg 18	Inform NPSG. NPSG meeting	EDDC publish a decision statement
14. Reg 18 Report to Cabinet	NPSG to be informed	6 or 8 week:
15. Reg 18 Cabinet Date	Decision statement on Broadclyst Neighbourhood Plan Website once cabinet approves. Public statement released via a variety of sources. Version of NP with modifications to be published (TM) This will be the REFERENDUM version.	6 or 8 week:
Step 13 Referendum Reg 19 & 20		
16. Referendum Arrangements	Newsletter/ Website/SMC Referendum content NPSG to approve Referendum publicity NPSG to approve Referendum advertising sources All Referendum material has to go to EDDC for approval. Can ONLY publicise a need to VOTE Members of PC can attend at final count stage/ end of Referendum need to be signed in by EDDC electoral services. Numbers limited	Referendum dates:
17. Publicise the Referendum Results	Newsletter/ Website/SMC	Referendum result
18. Plan is Made (Cabinet date to be confirmed) 8 weeks still applies, EDDC usually make plans within 5-7 weeks NP officer to report to Cabinet to approve making and then there is a 7-day scrutiny call in period that determines when the plan is actually made.	Onto website when the Plan is made by Cabinet Final NPSG meeting and handing over to BPC Neighbourhood Plan Implementation Strategy actioned by BPC Newsletter/ Website/SMC	Cabinet date

Timeframes for East Devon Neighbourhood Plans that have been made.

Date of Plan versions: Beer PC		Time frames
Consultants' 1 st draft for Steering Group comments	15 th September 2015	
Consultants' 2 nd draft for Steering Group	28 th April 2016	7 months
1 st draft for informal community consultation	11 th June 2016	2 months
Pre-submission version	October 2017	4 months total 13 months
Submission version	February 2018	4 months
Referendum version	August 2018	6 months
Approved version (made)	January 2019	5 months Pre to made 15 months

Date of versions: Bishop Clyst & Sowton		Time frames
1 st circulation draft	2 July 2015	
2 nd circulation	15 September 2015	2 months
Pre-submission version	1 January 2016	4 months total 6 months
Submission version	19 May 2016	4 months
Referendum Version	17 November 2016	6 months
Approve version made	26 th January 2017	2 months Pre to made 16 months