

**DO WE NEED  
A NEIGHBOURHOOD PLAN  
FOR  
NEWTON AND NOSS PARISH?**

**A Scoping Study carried out for Newton & Noss  
Parish Council by the River Yealm & District  
Association**

**February 2014**

## EXECUTIVE SUMMARY

1. This Scoping Study was commissioned by the Parish Council and has been conducted mainly through discussions with 10 Parish and Town Councils, South Hams District Council (SHDC), the University of Plymouth, national bodies such as the National Trust and local organisations such as the Harbour Authority. Generation of their own local policies was the aim of Councils doing a Neighbourhood Plan (NP), whilst those not doing one believed that there was too much work involved and that the new SHDC Local Plan would meet their needs. (Paras 1 - 14)
2. The Study found that, at national level, the National Planning Policy Framework (NPPF) gives an NP the authority of planning law; at District level, work is at an early stage to draft the new Local Plan for completion by the end of 2015; at Parish level, the Parish Plan is inappropriate because it has no planning status. (Paras 15 - 20)
3. The NPPF makes it very clear that planning applications can only be determined against policies that are in the Local Plan, otherwise a presumption in favour of development prevails. SHDC have confirmed that their Local Plan will contain no local policies that are specific to Newton and Noss but only general policies that apply either nationally or across the entirety of South Hams. Our NP would be part of the new Local Plan and therefore its policies would prevail. (Paras 21 - 25).
4. Because of the similar timeframes of the two, our NP would be incorporated in the new Local Plan and not the present Plan. A Newton & Noss NP would therefore meet NPPF regulations on conformity. (Para 26)
5. An NP must be community-led and so this Study can only suggest what might be included in a Newton & Noss Plan. Housing, land for employment, protection of open space, promotion of renewable energy are just obvious examples for consideration. It is interesting to note that the Lynton NP - a Council we have visited - includes a policy that restricts second homes ownership whilst another policy imposes strict local connection criteria for affordable housing. (Paras 27 - 31)
6. Annex D gives our recommendations on an 8 stage production process for our NP. The last 3 stages - consultation with external bodies, independent examination and a referendum - are obligatory. (Paras 32 - 33)
7. So far, only 1 in 10 parishes across the country are doing an NP but almost one third of these are in the South West. Lynton is the first in Devon to have completed a Plan and 7 Councils in South Hams have so far registered to do one. (Paras 34 - 35)
8. We have recommended an aim for our NP, the area that it should cover (the whole Parish) and subjects to be covered (housing, employment, recreation and leisure, infrastructure, the Harbour, health and well-being, heritage). (Paras 36 - 41)
9. We have recommended using more people than most other Parishes. We believe we can probably muster up to 20, but 25 would be even better. So far, help

has been offered by the Harbour Authority, disability support group, U3A Environmental Group, Plymouth University and possibly Locality (a government sponsored support organisation) (Para 43)

10. Indications from other Parishes are that the cost of an NP is about £10,000. We are likely to qualify for a Locality grant of £7,000 and there is evidence that the balance of £3,000 could be found from local sources. (Para 44)

11. Annex D shows: how the work might be progressed; the relationship between the Steering Group, the Project Team and sub-groups; how the community would be involved; and how milestones would keep the project on-track. (Paras 45 – 46)

12. The Parish Council must sponsor the NP and endorse all the important decisions. However, we believe that day-to-day activities must be delegated to the Project Team. The Steering Group, which supervises the Project Team, should include (and ideally be chaired by) Parish Councillors. (Para 47)

13. The Study confirmed how important it is to involve all parts of the community in order to both satisfy the Examiner and maximise the chances of success at the Referendum. We make recommendations on questionnaires, a website, emails, snail mail, the Parish Magazine, flyers and public meetings. (Paras 48 – 49)

14. The consensus amongst Parishes is that it is perfectly feasible to complete a Plan in no more than 24 months. (Paras 50 – 51)

15. A Neighbourhood Plan has true weight in planning terms. However, the successful completion of a Plan will involve a great deal of work and will inevitably bring out differences of view within that community. (Para 52)

16. We conclude that an NP would give the local community its only real chance of a decisive say in the future of the Parish. Without it, there will be no policies specifically written for us. It is already apparent that we will be extremely vulnerable to predatory developers. The amount of work will demand wide participation across the community but we have not found any reason to doubt that support will be forthcoming. We also conclude that the cost of an NP is entirely manageable from Government, District and community sources. (Paras 53 – 56)

17. The Study recommends that the Parish Council initiates a Newton & Noss Neighbourhood Plan as soon as possible. (Para 57)

18. Finally, we have offered guidance on the first steps to be taken, should the Council see fit to accept our recommendations. (Paras 58 – 59)

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## INTRODUCTION

1. At its meeting on 28<sup>th</sup> November 2013, the Parish Council (PC) accepted the offer of a Scoping Study on a 'without prejudice' basis in order to help councillors decide whether to proceed with a Neighbourhood Plan (NP). The Study has been completed and this paper is its principal output. It is a contribution to the PC's decision-making process and offers a recommendation, however it must not be read as the decision itself because only the PC has the authority to initiate an NP.
2. The agreed Study Terms of Reference are at Annex A.

### WHAT IS THE AIM OF THE SCOPING STUDY?

3. The aim of the Scoping Study is to examine the practicalities and feasibility of a Neighbourhood Plan for Newton and Noss Parish and to recommend to the Parish Council whether to proceed or not.

### WHAT IS THE SCOPE OF THE STUDY?

4. The Report looks at the broad principles of, and the background to, NPs in general and then discusses some of the particulars of a potential Newton & Noss NP. It does so by posing a number of questions and then providing the answers based on the research carried out during the Study. This Report is not designed to answer every question about NPs, but merely to provide the PC with sufficient advice on which to base a decision whether to proceed or not.
5. The Report is broken into 5 main sections:

**Section A - How was the Scoping Study carried out?** This describes the setting up of the Study; how the Study was conducted etc.

**Section B - What is a Neighbourhood Plan?** This covers the broad principles of an NP; the national and local planning policies that support an NP etc.

**Section C - How might a Newton & Noss NP be organised?** This section describes how a Parish NP might be organised, managed and governed; what it might contain; how much effort might be required to draft it; how long it might take to complete etc.

**Section D - What are the Conclusions and Recommendations of the Study?**

**Section E - What next?** This section offers advice to the PC on what to do next depending on whether it decides to proceed or not.

## **SECTION A - HOW WAS THE SCOPING STUDY CARRIED OUT?**

6. Once the RYDA had been authorised to start the Study, it canvassed for volunteers to be part of the Study Team. Eleven residents volunteered and, mainly on a first-come first-served basis, the following formed the Team:

Cllr Alison Ansell  
Christopher Challacombe  
Robin Geldard  
Alan Lomax  
Christopher Lunn  
Peter Pritchard

7. In drafting this Study, the Team has drawn on individuals' own experiences, which have been supported by further reading, investigations and discussions. The most significant of these are listed below, and the outcomes are described in Paragraphs 9-14 and Annex B.

South Hams District Council (Strategic Planning)  
Locality (a nationwide network to advise on community endeavours such as neighbourhood plans)  
Professor Christopher Balch, Professor of Planning, University of Plymouth  
National Trust  
South Devon Area of Outstanding Natural Beauty Unit  
Newton & Noss Network  
River Yealm Harbour Authority  
Revelstoke Trust  
Lynton and Lynmouth Town Council  
Bickleigh Parish Council  
Brixton Parish Council  
Harberton Parish Council  
Holbeton Parish Council  
Malborough Parish Council  
Ugborough Parish Council  
Wembury Parish Council  
Yealmpton Parish Council  
Stoke Gabriel Parish Plan Group

8. The Study Team acknowledge that full engagement with all elements of the local community is essential throughout the entire NP process. However, because of the specific and limited purpose of this Study and because of the self-imposed need to complete it within a very short timeframe, it has obviously not been practicable to consult widely during the Study. The Study Team intended to seek comments from the RYDA membership by electronic distribution of a draft Report – and possibly via the Yealm Yacht Club email list too – but this was not done because of a concern that it might be divisive to consult just part of the community.

## WHAT WAS LEARNED FROM THE VISITS?

9. A total of nine Parishes and one Town Council have been consulted, all but one of which are in the South Hams. Five of these are undertaking NPs, two are still considering whether to do so and three have decided against. Lynton in North Devon was consulted since they are the first in Devon to have successfully completed a Plan.

10. A predetermined question format was used to ensure uniformity in discussions with PCs/TCs. Notes were taken at every meeting to provide an audit trail, and can be made available if required. However, for brevity and convenience, the most significant issues are shown in tabular form at Annex B. Common themes that emerged from PC/TCs who were doing NPs were:

- A threat (or threats) from specific development proposals was the most common reason given for undertaking an NP. A Plan was therefore seen to be the best measure of protection for the community. Two Parishes believed that an NP presented their communities with a general opportunity to shape their own future; their Plans were not threat-driven.
- The area covered was invariably the whole parish. Although it had been considered, none had decided to combine with neighbouring parishes.
- All were being undertaken by teams that included at least one parish councillor. There was common agreement that no particular skills were essential to the task. One team was led by a paid 'professional'.
- The cost of completing an NP varied, but most agreed that a simple plan could be done for very little (c£1000). However, available funding ensured that a faster, more professional job could be undertaken. Ugborough had acquired £20K to support their project as a 'pathfinder' parish whilst Lynton, another 'pathfinder' received a total of £50,000 in grants. This figure includes the grants to the Local Planning Authority for the Independent Examination, the Referendum and consultancy fees etc.

11. The common reason given by all those Parishes not doing a NP was the influence of the District Council (SHDC). Three Parishes believed that the SHDC Local Plan was going to be so comprehensive that it would be unnecessary to do an NP. The fourth believed that an NP could only be undertaken with considerable support from SHDC and they did not believe that this would be forthcoming.

12. The most important aspect of the two visits to SHDC was an improved understanding of the relationship between their embryonic Local Plan and a Newton & Noss NP. Funding issues and manpower support were also discussed. More details are given below at Paragraph 19 (Policy) and 44b(2) (Funding and Manpower Support). All of their comments on earlier drafts have been incorporated into this Report.

13. The School of Geography, Earth and Environmental Sciences at Plymouth University was visited with a view to: clarifying the planning policy context; gaining a more detailed understanding of the advantages and pitfalls of an NP; and exploring what help might be obtained during the compilation of the NP. The outcomes of these discussions have been threaded throughout the Report. The Professor of Planning has endorsed the content, the judgements and the conclusions of this Report.

14. Brief comments on the meetings with other organisations are:
- a. Harbour Authority. The Authority has offered to lead the drafting of a section on the Harbour (if there is to be a Newton & Noss NP).
  - b. South Devon AONB Unit. The Unit would provide input and guidance as required. For example, professional expertise would be available to identify any special features, views, skylines, open spaces etc that need to be carefully protected.
  - c. National Trust. The NT is supportive and, whilst not seeking to be actively involved in a Newton & Noss NP, would want to be kept in the picture if any proposals began to look as though they might impinge on any of their assets. For example, they are concerned about pressure on the South West Coast Path and its associated car parks, such as at Warren, because of the planned growth in the Plymouth area, most notably at Sherford.

## **SECTION B - WHAT IS A NEIGHBOURHOOD PLAN?**

### **THE BASICS**

15. In simple terms, a Neighbourhood Plan is a new way of empowering local communities to influence the planning of the area in which they live and work. The term 'neighbourhood planning' is not new but the Localism Act 2011 and the National Planning Policy Framework 2012 (NPPF) represent a major shift in the way that planning policy is implemented. There is now a strong emphasis on local communities having a far greater say in the future of the places where they live rather than relying on a more remote Local Planning Authority (such as South Hams District Council (SHDC)). Crucially, an NP that has been adopted carries the full weight of planning law and so cannot be ignored. This is very different to its predecessor - the parish/village plan - which has no legal status and no statutory weight. A Local Planning Authority (LPA) may choose to take account of a parish/village plan, but it is under no legal obligation to do so. If an NP is in place, an LPA cannot but judge development proposals against the policies it contains.

16. It is inevitable that Housing tends to capture the most attention in the NP process, just as it did with a parish plan, but an NP can be far more than that. As will be discussed later, it can be as narrow or as broad as the community wishes. Those Councils who are already engaged in the NP process recommend starting with no subject area excluded, and then tapering down to those areas that do need full consideration.

### **WHAT IS THE CURRENT PLANNING POLICY?**

17. Although the detail is not required for this Report, a thorough knowledge of national and local development policies is required at the outset of an NP. This is because it is a fundamental principle of an NP that it has to be in conformity with both.



18. **National Policy.** As has already been explained, the most important national policy documents are the Localism Act 2011 and the National Planning Policy Framework 2012. The latter is particularly important and is essential reading for anyone with an interest in planning matters. The most significant extracts from the NPPF are shown at Annex C and their implications are discussed in Paragraphs 21-25. In brief:

- The NPPF enables Neighbourhood Plans to set policy. (However, such policy must conform to existing District and National policy.)
- Planning applications must conform to this policy and where they do so, decision takers must then exercise a presumption in favour of development.
- Sustainable development, which is to be encouraged, has 3 aspects – economic, social and environmental
- Sufficient building sites to meet agreed housing needs must be continuously identified to cover a rolling 5 year period.

19. **District Policy.** The South Hams development planning policies are contained in the adopted Local Plan (also referred to as the Development Plan) – see Annex C. The following points are important to note:

a. In the main, the Local Plan deals with strategic District-wide policies and does not provide any settlement-specific policies. All of the Local Plan policy documents which hang off the 2006 Core Strategy remain in force today<sup>1</sup>. However, SHDC is just beginning work on a new Plan that will project forward to about 2030<sup>2</sup>. It is in its very early stages and so, at the time of writing this Report, the scope and range of the new Plan is unclear, as is the timescale for its completion<sup>3</sup>. However, this is unlikely to be before the end of 2015.

b. Of particular significance to Newton & Noss is that there is no housing allocation for the Parish in the extant Site Allocations DPD<sup>4</sup>. However, it would be reasonable to assume that SHDC would expect the Parish to contribute to the District's overall housing target of 400 new dwellings in the 56 listed, rural villages, which include Newton and Noss. The key point though is that, just because there is no housing allocation for the Parish, this does not equal no housing development. A recent Appeal ruling by the Planning Inspectorate concerning a development in Totnes<sup>5</sup> has shown that the 400 homes can be

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<sup>1</sup> Verbatim extract from an email from SHDC Strategic Planning on 15 Jan 14: "*With regard to extant documents, I can confirm that it was only our masterplans SPD that was revoked, and the remainder of our development plan documents continue to inform decision making as our locally adopted policies.*"

<sup>2</sup> The precise timeframe has not yet been agreed by SHDC Executive.

<sup>3</sup> The provisional plan is to have the pre-submission public consultation by the end of 2014, the submission draft by Spring 2015, followed by the Public Examination and finally Adoption by the end of 2015.

<sup>4</sup> It is worth noting that 3 neighbouring parishes do have an allocation. Yealmpton has an allocation of 50 dwellings and 0.5HA of employment land by 2015 adjacent to Milizac Close (under construction now) and a further 50 dwellings and 0.5HA of employment land beyond 2016 also at Milizac Close. There is a further allocated 0.5HA of employment land North of Riverford farm shop. Brixton has an allocation of 50 dwellings and 0.1HA of employment land by 2016 North-East of Venn Farm (initial works are underway). Wembury has an allocation of 30 dwellings by 2016 on land South of Knighton Road.

<sup>5</sup> Planning Inspectorate Appeal Decision APP/K1128/A/12/2179204

built wherever expedient and so in theory at least, all 400 could have been placed in a single parish<sup>6</sup>.

c. The emergence of the new Local Plan is very important in the context of a potential Newton & Noss NP because the NP has to be in conformity with 'the Local Plan'. This obviously begs the question: "Which Local Plan should a Newton & Noss NP conform with?" This issue is addressed later in Paragraph 26.

d. Although not strictly a policy issue, the supply of land for development is central to the Local Plan. It is a basic requirement that all LPAs must have a defined 5-year supply of suitable land. Whilst there are implications if an LPA does not have a 5-year supply, NPPF direction is that there must be a '*presumption in favour of sustainable development*' in any case. Again, this issue is discussed later in Paragraph 23.

e. Finally in this section, mention must be made of the important subject of the Area of Outstanding Natural Beauty and the Conservation Areas<sup>7</sup>. These are both covered by national policies and guidance, reinforced locally by Policy C9 of the SHDC Development Plan:

*"In designated Areas of Outstanding Natural Beauty their conservation and enhancement will be given great weight."*

20. **Parish Policy.** The Newton & Noss Parish Plan was completed in 2004 and contained the following sections:

- Housing
- Commercial and Business Development, Employment and Tourism
- Transport, Travel and Parking
- Children and Young People
- Community Services and Facilities
- Village Design Statement

The Plan was updated in 2009 with the addition of an Affordable Housing Policy and a review of all the other sections (less for the Village Design Statement). The Parish Plan remains a very good example of such a document and would obviously be a starting point for work on an NP. However, there is no escape from the fact that it has no planning status and does not contain a fully supported justification for a number of its proposals. An NP on the other hand, because it passes into law, has to provide a rigorous rationale with, where appropriate, an audit trail leading to its conclusions. By the same token, the Parish Plan also contains some subjects, mainly of a social rather than a planning nature, that are not admissible in an NP. As a result of the Parish Plan's lack of planning status, many would argue that it has provided

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<sup>6</sup> It is stressed that this is an entirely theoretical point as SHDC report that there are allocated rural sites in place to deliver 315 of the 400 and, of the 85 to come forward on non-allocated sites, most have already been built or have planning permission to be built.

<sup>7</sup> Conservation Areas are in a slightly different category as they have "*little policy weight and are only really effective if they are regularly reviewed and accompanied by an up-to-date management plan*" (SHDC 22 Jan 14).

scant protection for the community against the more obtuse planning decisions of SHDC.

## **WHAT IS THE THREAT CAUSED BY GAPS IN POLICY?**

21. The relatively recent emergence of the new national planning policies and the fluidity of District-level policy resulting from the drafting of a new Local Plan muddy the water considerably. However, the present position as of today is that there are no local policies that we can rely on below District level. Firstly, the 2004 Parish Plan does not contain any policies, although it does identify key local issues and broadly sets out a vision for the future (as seen 10 years ago, updated 5 years ago). Secondly, the Parish Plan has no planning status in any case. Paragraph 11 of the NPPF quoted in Annex C makes the consequences starkly clear: all planning applications must be determined against the Development Plan; the Parish Plan is not and never can be part of the Development Plan; if there are no settlement-specific policies which address local issues, those developments that the local community wishes to resist will be much more difficult to fend off. This is the major threat that the Parish faces. Because an NP would have full legal planning status and would have to be adopted by SHDC as part of the Development Plan, it would give the community far greater protection and ownership of how the area changes.

22. Of course, if the new SHDC Local Plan was to include all the policies the community would like to see in an NP, there would be no need for an NP. Whilst this might be technically possible, it would fly in the face of the new planning legislation, which sets out to devolve more power to a local level. Equally, a District Local Plan that tried to accommodate local policies that satisfied the needs of every parish in the District would be hopelessly unwieldy and take years to agree, assuming that agreement was a realistic prospect. The new Local Plan will undoubtedly include policies that can be applied to all rural settlements across the District, by typology, because many rural and/or coastal settlements will experience very similar challenges over the next 15 years. However, there will be no policies that are settlement-specific in the SHDC Local Plan<sup>8</sup>. This creates a gap in policy.

23. Some broad concern has been expressed that SHDC is not able to demonstrate that it has a 5-year land supply. Paragraph 47 of the NPPF, quoted in Annex C, makes it clear that this is an essential requirement. More alarmingly perhaps, Paragraph 49 says that the relevant housing policies in a Development Plan cannot be considered up-to-date - and so applicable - if the 5-year supply cannot be demonstrated. The implications are clear: if the relevant policies are not considered up-to-date, they are highly challengeable by developers, and an LPA is vulnerable as a result. SHDC reports that it is *"currently reviewing the land-supply issue as there are complications that arise from the housing numbers originally assigned to the Sherford development, and the disproportionate impact that this could have across the rest of the District. SHDC will be issuing a Housing Position Statement in the near future that will clarify the position regarding the current land supply"*<sup>9</sup>.

24. It has already been described that the Parish does not have any sites currently allocated in the Local Plan. As part of the lead-in to the new Local Plan, SHDC has

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<sup>8</sup> Confirmed by SHDC 22 Jan 14.

<sup>9</sup> Email from SHDC dated 22 Jan 14.

already carried out a Call for Sites as part of the Strategic Housing Land Availability Assessment (SHLAA) in which landowners and others were invited to put forward sites for consideration. Partly because of commercial sensitivities until the filtering process is complete, there is virtually no publicly available information as to what land has been thrown into the pot. Therefore, the position regarding allocated sites in the Parish may well change during the emergence of the Local Plan.

25. Regardless of this however, SHDC still has its rural housing target to achieve. If the proposed development on Parsonage Road does finally go ahead, this will be a contribution towards that target. Nonetheless, whether it goes ahead or not, slight concern has been expressed locally that, if SHDC is looking to encourage rural development evenly across the District, it might be seen that Brixton and Yealmpton, each with an immediate allocation of 50 dwellings, have 'done their bit'. However, SHDC's position is that *"development which has taken place in neighbouring parishes will have no bearing whatsoever on a development proposal in Newton & Noss. The process will still focus on the planning merits and impacts of the proposal, and come to an informed judgement depending on whether the proposal is appropriate when assessed against national and local policies"*<sup>10</sup>.

## **WHICH PLAN MUST A NEWTON AND NOSS NP CONFORM TO?**

26. As has been explained above, the situation with the Local Plan in South Hams is going to change over the next 2 years. NPs in South Hams that are approaching completion during 2014 must conform to the current Local Plan because that remains extant. Once the new Local Plan has been adopted, probably at the end of 2015, an NP has to conform to that. The dilemma is that there is no single point in time when the current Plan dies and the new Plan replaces it. It will be a more gradual process during 2015 as the new Plan starts to gain more planning weight as it matures. The lesson for a Newton & Noss NP is that the current Local Plan will certainly have faded out before the NP is in a position to conform to anything. This emphasises the necessity of working closely alongside SHDC, developing plans in unison. This will bring a double benefit. By having that closer relationship with SHDC, the Parish will have the best chance of influencing the new Local Plan, and secondly it will be well placed to know what policies will be in the new Local Plan and so what the NP has to conform to.

## **WHAT CAN A NEIGHBOURHOOD PLAN CONTAIN?**

27. One basic principle of an NP is that it must be community-led. Therefore, subject to certain restrictions, an NP can be as broad or as narrow as the community sees fit. It is of course self-evident that the more comprehensive an NP is, the longer it is likely to take to draft and agree, and the more resources it will soak up. It is not the purpose of this Study to say what a Newton & Noss NP should contain, but merely to offer some initial thoughts as to what it could contain.

28. The Royal Town Planning Institute (RTPI) has identified a range of NPs, from the most comprehensive (which cover both a wide range of policies and the allocation of sites) right down to the minimalist (which cover a single policy eg the protection of green spaces). CPRE has also given useful guidance by providing a list of typical

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<sup>10</sup> Email from SHDC dated 22 Jan 14.

things that an NP could include. We believe that many, if not all, of these subjects should be considered in a Newton & Noss NP insofar as they relate to the planning process. For example, under the heading of Transport it is not the business of an NP to consider how a community-owned bus service might be funded and managed. However, identifying the need for that type of bus service, and considering the options for the provision of, say, a garage in which to keep the bus would fall under the aegis of an NP because that is clearly a planning matter. The following is the CPRE's advice on what could be included in an NP:

- The development of housing, including affordable housing.
- Provision for businesses to set up or expand their premises.
- Transport and access (including issues around roads, cycling, walking and access for disabled people).
- The development of schools, places of worship, health facilities, leisure and entertainment facilities, community and youth centres and village halls.
- The restriction of certain types of development and change of use, for example to avoid too much of one type of use.
- The design of buildings.
- Protection and creation of open space, nature reserves, allotments, sports pitches, play areas, parks and gardens, and the planting of trees.
- Protection of important buildings and historic assets such as archaeological remains.
- Promotion of renewable energy projects, such as solar energy and wind turbines.

29. Because Lynton is a completed NP, it is worth highlighting a few of the headline policies it contains as these might be considered appropriate for Newton and Noss<sup>11</sup>:

- a. Open market housing without a restriction to ensure its occupation as a principal residence will not be permitted ie cannot be a second home.
- b. Affordable housing in the Parish shall only be occupied by persons who have a minimum period of 10 years permanent and continuous residence in the parish or adjoining parishes, or have had at least 10 years permanent and continuous residence in the last 20 years, or need to live close to their place of work or have an essential need (proven age or medical reasons) to live close to another person who has the 10 year qualification.
- c. Development proposals which result in a loss of parking capacity will not be permitted.
- d. Previously developed sites are preferred but greenfield infill sites will be supported as long as the proposal would not result in the loss of open space that is important to the character and quality of the local environment.
- e. The loss of business premises (Class A) will not be permitted unless the premises are no longer viable or the proposed alternative use provides greater benefits to the local economy.

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<sup>11</sup> These are not the complete policies but are extracts to convey the prime intent of each policy.

## **HOW DOES A NEIGHBOURHOOD PLAN DEAL WITH HOUSING DEVELOPMENT?**

30. The cardinal rule is that an NP cannot prevent the housing development that is proposed in the Local Plan. Paragraph 184 of the NPPF makes this perfectly clear. It can however determine where in the community the development is to take place, through a site allocation exercise supported by a sustainability appraisal. It can also determine the nature (purpose, size and style) of the housing and the provision of the associated infrastructure. It can do all of these things provided they are justified by supporting evidence such as population trends and changes, and an understanding of the existing and future housing needs. However, the NP need go no further than the Local Plan if that is what the community wishes.

31. It will be up to the NP to determine what level of growth, if any, might be needed over the 15/20 year duration of the NP in order to maintain a vibrant and sustainable community. Should a requirement be identified that has not been covered by the Local Plan (eg small business units) then the NP may consider such development. The local community could even go so far as to grant planning permission for such development through a Neighbourhood Development Order (NDO). However, an NDO is completely separate from a Neighbourhood Plan and is really only useful in areas which can expect to experience a large amount of development in the plan period.

## **WHAT IS THE PROCESS FOR ADOPTING A NEIGHBOURHOOD PLAN?**

32. The development of an NP can be reasonably flexible although there are 3 mandatory stages at the end of the process. The CPRE recommend 8 stages:

- a. Getting started (which includes designation of the Neighbourhood Area)
- b. Identifying the issues to address in the NP
- c. Develop a vision and objectives
- d. Generate options for the draft NP
- e. Prepare the draft NP
- f. Consultation and Submission )
- g. Independent Examination ) Mandatory
- h. Referendum and adoption )

33. Annex D gives a description of the content of each stage of the process. We have taken this process and tailored it to the specific requirements of a Newton & Noss NP. This is shown in a flow diagram format also at Annex D. It incorporates the 8 stages above, includes provision for oversight by the PC, identifies milestones and deliverables and makes provision for input from the community. A fuller explanation is given at Paragraphs 45 and 46 below. It is suggested that the reader reads the intervening paragraphs before studying the diagram in detail.

## **WHAT PROGRESS HAS BEEN MADE WITH OTHER NEIGHBOURHOOD PLANS?**

34. Based on information taken from the Royal Town Planning Institute (South West) report of November 2013, progress has been steady across the UK. It was initially slow mainly due to a lack of Central Government clarity and direction, but this

has speeded up as councils begin to see a clearer way ahead and are convinced of the potential importance of an NP. For obvious reasons, data is only available for those councils which have formally committed to an NP as other new entries are occurring almost daily. However, it is clear that the South West is in the vanguard with around one third of all emerging NPs. The position in our nearest Local Authority areas is as follows:

Cornwall	24 x NPs in the pipeline (involving 39 different Parish/Town Councils as some plans are be prepared jointly by up to 5 parishes)
Devon:	
Plymouth	1 x NP (Barne Barton)
Exmoor NP	1 x NP completed (Lynton and Lynmouth)
Dartmoor NP	1 x NP (Buckfastleigh)
East Devon	12 x NPs
West Devon	2 x NPs
South Hams	7 x NPs (Bickleigh, Harberton, Ivybridge, Malborough, Totnes/Dartington, Salcombe and Ugborough)

35. We have compared these figures with the national average take-up (9.5%) and it is clear that Cornwall (18%), East Devon (17.5%) and to a lesser extent, South Hams (12%) appear to have a compelling reason for doing NPs. We believe that this will be partly influenced by the attitude of the LPA, but we speculate that it is more likely to be the current threat to communities perceived by the influx of outsiders into the region and the ever-increasing activities of large development companies, at least one of which has recently publicly declared its intention to target the South Hams. The low take-up in the moorland communities is explained by the already high level of protection that they enjoy. West Devon, having no coastline, is not such an attractive target as its neighbours.

## **SECTION C - HOW MIGHT A NEWTON & NOSS NP BE ORGANISED?**

### **WHAT MIGHT THE AIM OF A NEIGHBOURHOOD PLAN BE?**

36. Should the PC decide to proceed with an NP, one of the early decisions for the project would be to agree on the broad aim of the NP. That is work still to be done, but the Study suggests that the following could be a useful starting point:

*"To contribute neighbourhood development policy to the South Hams District Council Local Plan (2015) that will ensure that the people of Newton and Noss live in the community of their choice in the year 2030".*

## **WHAT AREA COULD A NEWTON & NOSS NEIGHBOURHOOD PLAN COVER?**

37. As will be discussed later, it is a statutory requirement that the PC registers its intention to undertake a Neighbourhood Plan with SHDC as soon as it has made the decision to proceed and before any substantive work is undertaken. As a part of this process, it is also a requirement to declare the area to which the Plan will apply once it is taken onto the statute books. This is known as the Neighbourhood Area.

The Study has considered 3 options for the Neighbourhood Area:

- a. Option 1. The Whole Parish.
- b. Option 2. The Parish less for the outlying settlements of Collaton and/or Membland.
- c. Option 3. A joint NP with a neighbouring parish.

38. Option 3 has been discounted, partly because a joint NP with a neighbouring parish introduces an unnecessary level of complexity particularly where the main settlements are spatially unrelated. In addition, our immediate neighbouring parishes (Yealmpton, Brixton and Wembury) have already decided not to do a NP and Holbeton is undecided. However, even if Holbeton PC decided to proceed, they would most likely be doing so to counter a specific development proposal in the village and so would have a very different and incompatible purpose behind an NP.

39. Option 2 also cannot be recommended because it is believed that the Parish is best not splintered but regarded as a complete entity. We have come to the conclusion that if the PC decide that an NP for Newton Ferrers and Noss Mayo is appropriate, then the same reasons will apply to the other two small communities in equal measure. For reasons already explained, this Study has not consulted the local community, notably the residents of Collaton and Membland on this particular issue. Should it subsequently become apparent that a significant majority of either settlement wishes to be excluded from a Newton & Noss NP, we strongly recommend that this is resisted. The key argument is that omission would potentially leave both settlements without the same protection that a Parish NP might offer them. Equally, the community does not have sufficient resources if either settlement proposed that they have their own NP.

40. Therefore, it is recommended that the Neighbourhood Area for the Newton & Noss NP should be the whole Parish. See the map at Annex E.

## **WHAT MIGHT A NEWTON & NOSS NEIGHBOURHOOD PLAN CONTAIN?**

41. It would be up to the NP project team to consult widely with the local community as to what the subject areas would be in the NP, but the Study offers the following Subject Study Areas (SSAs) as a starter:

- Housing (to include, Affordable Housing, a Housing Needs Survey and Building Control)
- Employment



- Environment (could be a separate SSA or could be melded into each individual SSA)
- Infrastructure (roads, drainage, transport etc)
- Harbour
- Style Guide
- Recreation, Leisure, Health and Well-Being
- Legacy buildings and heritage

## WHAT RESOURCES WOULD BE NEEDED?

42. A critical determining factor whether to pursue an NP will be the need to draw on resources such as manpower and funding.

### 43. **Manpower.**

a. **Approach.** From our observations of other parishes, it is clear that there is no magic number of people to undertake an NP. It is equally clear that more participants does not automatically mean faster output; the experience and expertise of the volunteers are more telling than the numbers. There was also a marked difference in the professionalism of approach. Some employed a very casual attitude with none of the normal business management practices being apparent. In contrast, Lynton got the whole thing done in just 14 months from formal LPA approval of the NP application through to adoption. It was clear that amongst those taking a long time over the project some of them were definitely losing impetus. We conclude that if there are sufficient volunteers and a business-like approach with emphasis placed on co-ordination between groups and goals driven by clearly identified deadlines, then the best way to undertake an NP is as rapidly as possible. The approach that we have taken with the identification of SSAs lends itself to this.

b. **Shape and Size of the Project.** From the Parishes we consulted, there are subtle differences in the way they organise themselves, but there are definite organisational themes. Broadly speaking, the management and governance of the NP comprised 3 levels which, in the view of the Study Team, might require up to 25 volunteers in total (not counting parish councillors in the numbers):

(1) **Steering Group.** At the top level there has to be a steering group to provide oversight of the NP. Whilst this must obviously include parish councillors, it must not be an exclusively council sub-committee. Members should be drawn from the wider community such as existing local organisations, but also from suitable non-affiliated individuals. Because the NP is forward-looking, it is recommended that the steering group should, if possible, include, say, a parent governor from the Primary School so that the interests of the future of the community are represented. It is also strongly recommended that the steering group is chaired by a parish councillor. This will provide the direct link back to the full Council, but the nominated councillor must have delegated powers with personal responsibility to the PC for the decisions taken. This will

also ensure that oversight is provided in a timely fashion rather than waiting to be slotted in to the normal PC business.

(2) **Project Team.** The Project Team is the workhorse of the NP as it would coordinate and run the work programme. A principal task would be to task the SSA Teams to carry out the necessary research and consultation to generate specific outputs for inclusion in the NP. It should comprise both generalists and specialists (see below) and be headed by a Team Leader who must be someone who has, or can quickly gain, credibility and authority in the community. It is a pivotal appointment for the success of the NP. The SSA Team Leaders would also be on the Project Team to ensure coordination across the entire project.

(3) **SSA Teams.** It is envisaged that each SSA Team would have its own team leader and at least one other member depending on the extent and complexity of its work.

(4) **Conclusion.** Some parishes have embarked on their NP with considerable fewer numbers – see Annex B. However, we believe that if we can attract in the region of 25 volunteers, then we will be able to complete the task in quick time. If not, then it will inevitably be done at a slower pace as alternative attractions get in the way. A total of 25 volunteers might seem a tall order, but the period of activity might be quite short for many, such as some of the SSAs. Therefore, the Study concludes that, if the right number of suitable volunteers can be identified, the ideal structure is:

Steering Group	c5 members + parish councillors
Project Team	c5 members (Team Leader + 4 specialists)
SSAs	Perhaps 8 x SSAs each with 2

c. **Skills Needed.** As stated above, we have been singularly encouraged by the fact that all parishes consulted have maintained that very little in the way of specialist knowledge is required. Our conclusions are as follows:

- Generalists:
  - Need all round ability
  - Have the confidence of the community
  - Open to new ideas
  - Knowledge of the local history, pressures, quirks and foibles
  - Good age spread
  - Drafting skills
- Specialists:
  - Business management skills - particularly in the Project Team
  - Knowledge of LAs
  - Financial/accounting skill
  - Planning experience (although this might come through Locality Direct Support – see Paragraph 42e(1) below.
  - Legal knowledge (also potentially Locality Direct Support)

- IT/Web skills – construct and run website, manage online library, run medium size email service

d. **Meeting the Manpower Requirement.** We believe that a Newton & Noss NP, in common with others, should include a public briefing or series of briefings as one of its earliest activities. One of the purposes would be to call for volunteer assistance to complete the Plan. At this stage, it would be sensible to call for general support. Once this is done, the Project Team Leader should be identified and finally the SSA Team Leaders (although the other way round may work well too ie recruit the SSA Leaders and then the Project Team Leader). In order to test the likely support for the project we have taken a preliminary sounding in the community for volunteers. This background work is not included here for reasons of confidentiality.

e. **External Support.** Two promising sources of manpower support have been identified:

(1) Locality/Planning Aid England. Locality is a Government-funded programme to support local communities<sup>12</sup>. Planning Aid England is a Government- and RTPI-funded network of planning volunteers who provide free and independent advice to community groups<sup>13</sup>. Together, they can provide tailored expert assistance to help communities through the key stages of the neighbourhood planning process. Under the scheme, planning advice will be given by qualified planners, although their work may be supplemented by community engagement specialists. However, because of the take-up of this programme, assistance has been limited for the time being to those groups who are close to their pre-submission consultation ie about 12 -18 months into the process.

(2) Plymouth University. Discussions with Plymouth University have indicated that it is quite likely that student support could be available to assist with certain specific tasks. The most probable is support for a Housing Needs Survey (HNS). This could include: assistance with the conduct of the Survey itself; and the subsequent analysis of the data. Costs to the NP would be minimal, just local travel expenses and other incidentals. However, there is an important limiting factor, that the students would principally only be available during the summer break when the University runs its work experience programme. Therefore, if the NP was to make use of this resource, the Survey would have to be carried out in the summer (although the data analysis could be done in the winter term). Our advice is that an HNS needs to be one of the first activities of an NP as it is such a key element of the evidence base. If the NP wishes to task the student body in this way, serious discussions with the University would need to begin in May 2014 to allow a summer HNS. A 2015 Survey would be too late in the NP process.

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<sup>12</sup> <http://www.mycommunityrights.org.uk/neighbourhood-planning>

<sup>13</sup> <http://www.rtpi.org.uk/planning-aid/>

44. **Finance.** To a certain extent, an NP could be tailored to fit the funds available, however for the purposes of this Study we have tried to cost all elements that might require funding and then reach a balanced judgement on the likely overall cost and where the funding could come from. This can only be an approximation because there is limited evidence so far. Apart from Lynton & Lynmouth, all other Devon NPs are still work in progress and so costs are somewhat sketchy. The Lynton and Lynmouth NP is the only completed Plan in Devon and so it alone can provide the cost of one particular Plan. However, it was a 'pathfinder' and so attracted a very high level of grant funds. The cost of the entire process was c£50,000<sup>14</sup> which was entirely covered by grants from Government, Exmoor National Park and the District Council. However, because Lynton was a 'pathfinder', it received money from funding streams that are no longer available and so cannot properly be used as an exemplar. When the costs of the Referendum, the Independent Examination and other costs which are unique to Lynton are stripped out, the basic cost of the Lynton NP was just under £9,500<sup>15</sup>.

a. **What is the potential cost of a NP?** Our research shows that other parishes believe an NP could range from as little as £1,000 to over £20,000. The truth is that it probably lies somewhere in the middle and so our estimate is that a Newton & Noss NP could cost in the region of £10,000. This might comprise:

Overall management (Printing, hall hire etc)	£1,500 (est)
Housing Needs Survey	£3,000 (est)
Website design	£500 (est)
Sustainability Appraisal (not necessarily needed <sup>17</sup> )	£5,000 <sup>16</sup> (est)
Habitats Regulations Assessment <sup>18</sup> Strategic Environmental Assessment <sup>19</sup>	) The need will only be clear in ) the latter stages of an NP

b. **What Government and SHDC funding is available?** The timescale for this Study has not allowed for comprehensive research of all potential funding sources, but the following represents a reasonable judgement:

<sup>14</sup> This includes the costs of the Independent Examination, the Referendum, consultancy fees, the purchase of an interactive mapping system and the staff costs of Exmoor NPA officers.

<sup>15</sup> This covers all normal expenditure: Housing Needs Survey, printing, publicity, hall-hire, web design and the Sustainability Appraisal.

<sup>16</sup> Ball-park figure provided by SHDC

<sup>17</sup> A Sustainability Appraisal might be required if the NP allocated sites for development. This could be carried out by appropriately qualified members of the Project Team but it might best be done by an independent consultant, hence the cost. By the time it is known whether an Appraisal is needed, SHDC will have an agreed framework to work to which will keep the cost down.

<sup>18</sup> An HRA is only required if a proposed development has potential for significant impacts on nature conservation sites that are of European importance, the so-called *Natura 2000* sites.

<sup>19</sup> An SEA is only required if an NP is proposing development which could have a significant environmental impact. An example would be a large housing project which could result in a significant impact on rare wildlife of the area or have a significant change on landscape character.

(1) Locality. The Government's Locality budget offers grants of up to £7,000 per neighbourhood planning group. Within South Hams, the confirmed recipients are Ivybridge, Salcombe and Ugborough. Bickleigh has applied and is waiting to hear. A study of the application regulations shows that there is no reason why a bid for a Newton & Noss NP would not be successful as long as specific expenditure (eg a Housing Needs Survey) could be identified that would justify the £7,000. It is not a grant to be frittered away indiscriminately.

(2) SHDC. SHDC has a statutory duty to provide support to all NP groups including, most importantly, all the funding for (and organisation of) the Independent Examination and the Referendum. More general support is principally limited to technical advice and officers' time. There is a protocol in place which includes the assigning of a link officer from the Strategic Planning section. He/she will coordinate SHDC responses to all reasonable requests for assistance. However, the level and speed of response may vary depending on the workload for the new Local Plan at the time and whether SHDC was faced with an avalanche of new NPs.

c. **How can the gap be filled?** Although it is not possible at this stage to quantify the precise size of the gap, our judgement is that it is entirely manageable particularly if a £7,000 Locality grant is secured. A modest amount of local fund-raising, perhaps £3,000, should be achievable and would demonstrate a good level of local commitment to the NP, thereby strengthening the case for public money. Initial discussions have shown that the following might provide local funding sources:

Parish Council. Most parishes we have spoken to expect to receive a modest contribution from their PC, perhaps to cover printing and hall hire etc.

Revelstoke Trust

RYDA

Newton & Noss Network. The Network has no funds available at the present time however that may change during the preparation of an NP.

## **HOW COULD THE WORK BE ORGANISED?**

45. Having studied the way in which other Parishes are going about the construction of their NPs, we are recommending that our Process should follow that illustrated by the diagram at Annex D. We consider it important that an early task of both the Steering Group and the Project Team should be to review the Process, ratify it for utility in light of the amount of active support that the project is attracting and agree milestones/delivery dates before proceeding.

46. The diagram pulls together all the elements described in this Section. Particular points to be noted are:

- a. The 8 stages of the recommended CPRE Process referred to at Paragraph 33 above are shown in green on the diagram.
- b. The main principle that we are proposing is that of parallel activity through the use of the SSAs. This is intended to ensure that the project is completed as fast as possible commensurate with the maintenance of quality. We have observed that some other parishes are running out of enthusiasm as they encounter delays. Parallel activity will necessitate a strong co-ordinating function by the Project Team.
- c. Finding individuals to undertake all the SSAs that are proposed will involve a sizeable work force. However, assistance has been offered from some quarters already, even before we have had the opportunity to canvass support widely. This includes:
  - Harbour Study: The Harbour Authority
  - Health and Wellbeing: disability support group
  - Environment: U3A Environment Group
- d. Both to promote a sense of urgency and assist co-ordination, we believe clear unambiguous milestones (shown as numbered circles) are essential. However, these must also be realistic and achievable.
- e. Regular monitoring by the Steering Group and thus reporting to the PC through the SG Chair is also essential because we cannot afford to rework ground already covered, should approval not be forthcoming. This will involve clear direction including the parameters and limits of tasks before they are undertaken. Participation by the Steering Group/Parish Council is shown on the diagram in pink.
- f. We have ensured that public involvement is not neglected in the Process. However, we take the view that the use of questionnaires has to be carefully managed. We are therefore proposing that the number should be minimised by using one questionnaire for all SSAs, rather than encouraging each SSA Team to circulate its own. However there will be exceptions; for instance the Housing Needs Survey, by its nature, is likely to require a high level of consultation with the public. As a practical expedient it will also be necessary to expedite the HNS if we are to take advantage of any support offered by Plymouth University.

## **HOW WOULD THE NEIGHBOURHOOD PLAN BE GOVERNED?**

47. Governance has already been referred to in Paragraph 43b(1), however for the avoidance of any doubt about the importance of the role of the PC in the production of an NP, it is briefly expanded upon here. The essential point is that the PC must have full ownership of the NP. It and it alone is the 'qualifying body' that ultimately must sign off the Plan before it goes to SHDC and on to Examination. However, the structure which is recommended in Paragraph 43b - Steering Group, Project Team, SSA Teams - allows the Full Council to have a more hands-off approach but still give strategic direction to the project. It is up to the PC how it wishes to exercise that

governance function but it is suggested that the essential requirement is to have active members on the Steering Group (which ideally should be chaired by a councillor) and have 'The Neighbourhood Plan' as a standing item on the PC's agenda at least every month so that the Chair of the Steering Group can regularly update the Council.

## **HOW WOULD THE COMMUNITY BE INVOLVED?**

48. Genuine community engagement lies at the core of an NP in order to ensure that firstly every section of the community has a chance to provide their input and secondly that the final Plan has broad community support. The entire process has to be transparent. The Examiner will be looking for tangible evidence that community involvement did take place and one must be mindful that the Plan has to be approved by referendum before it can be adopted. This is unlikely to be successful if the wider community has not been carried along throughout the project.

49. If the PC decides to proceed with an NP, an early task will be to draft a community engagement strategy. We think that the following will be essential elements:

- a. Public Meetings. If the other means of communication are used properly, public meetings need only be very occasional, when there is a requirement for a mass consultation. However, we do strongly urge that the project is kicked off with a community-wide meeting so that the NP process can be explained at the start. Such a meeting also has the significant advantage that it can also be a call for volunteers who are enthused by the project.
- b. Parish Magazine, 'Up the Creek', Flyers, Public Notices etc.
- c. Website. A discrete website is probably the most important means of communication. That is certainly the view of other parishes. The obvious place would be to have dedicated pages on the PC website. Most importantly, the maintenance of these pages must not overburden the Parish Clerk and so should be the exclusive responsibility of a member of the Project Team.
- d. An Email Register. Experience of others shows that electronic communication has to be the prime means and so a separate NP email register should be set up.
- e. Buddy/Buddy System. Not everyone has email and they must not be left out. How to communicate with them will be a vital consideration in the strategy, but one option might be a buddy/buddy arrangement whereby those with email offer to be responsible for passing information to non-email friends or neighbours.
- f. 'Ideas Bucket'. It is important that everyone feels able to put forward suggestions/proposals to the NP. An 'ideas bucket' might be an electronic or a physical receptacle (or both) which will allow ideas to be fed into the Project Team for consideration and further research if appropriate.

g. Questionnaires. It is inevitable that questionnaires will form part of the community communication. 'Questionnaire-fatigue' has to be avoided so perhaps no more than 2 might be needed. A Housing Needs Survey will certainly form the basis of one; the other might be timed when the final Plan is beginning to crystallise, and confirmation of continuing community support is required. However many are needed, it will be essential that the wording and questions are thoroughly tested in advance so that the results are statistically reliable and unchallengeable. The Rural Housing Enabler from the Community Council of Devon will be able to provide a template questionnaire for a Housing Needs Survey.

## **HOW LONG MIGHT A NEIGHBOURHOOD PLAN TAKE TO COMPLETE?**

50. This question is almost impossible to answer with any degree of great accuracy because it depends on how comprehensive the community wishes the NP to be. However, the straightforward answer is that it is likely to take between 1 and 2 years. As an example, the Lynton and Lynmouth NP was completed in just 14 months from the LPA formal acceptance of the NP application through to adoption: the area was designated in October 2012; the Independent Examination was in July/August 2013; the Referendum in November; and the NP was adopted in December 2013. Ugborough on the other hand has been at it for 2 years and are not yet at draft plan stage. (This is mainly because they made challengeable errors in their first public consultation and are having to repeat it, thereby the project seems to have lost some momentum.) The key lessons identified in this Study are: the importance of keeping the NP as straightforward as possible; avoiding any errors in process; and keeping the momentum going.

51. The advice to the PC from this Study is that it should be assumed that an NP for the Parish would take 24 months as long as the project is tightly managed and driven hard.

## **SECTION D – CONCLUSIONS AND RECOMMENDATIONS**

### **WHAT ARE THE ADVANTAGES AND DISADVANTAGES OF A NEWTON & NOSS NEIGHBOURHOOD PLAN?**

52. The Study has either confirmed or identified several advantages and disadvantages of a Newton & Noss NP:

a. Advantages. An NP would:

(1) Provide SHDC Development Management (both Members and officers) with clear, unequivocal local planning policies which, when adopted as part of the SHDC Development Plan, could not be ignored without risk of legal challenge. Without them, there will be a vacuum below District strategic-level policies, and the Parish would struggle to mount any defence it wished to against a development which it did not support but which met the broader-based, high-level National and District policies.



- (2) Give the community a significant say in the future of their Parish.
- (3) Provide opportunities for a comprehensive assessment of a number of inter-related issues.
- (4) Open up the possibility of more funding for the community eg the Community Infrastructure Levy (CIL). This is a new levy that LAs in England and Wales can choose to charge on new developments in their area<sup>20</sup>. The charges are set by the LA and paid to the LA by the landowner or developer. For parishes which have an NP, 25% of the CIL collected for a particular development is payable to the parish. For parishes without an NP, 15% is payable, giving the NP parish a 10% advantage. The SHDC position on CIL is awaiting clarification as part of the Local Plan process. The financial benefits to communities from CIL are clearly related to the amount of development that is proposed, so areas that expect limited growth will experience limited benefit. It is also unclear in the long-term if LPAs will be able to continue to collect s106 contributions alongside CIL. S106s are applied on a site-specific basis, and might be the most effective way of securing development-related benefits in rural areas.
- (5) Build local community consensus around planning matters. Of course, it is unrealistic to expect 100% of the community to agree with everything in the NP but at least everyone will have had an opportunity to have their say, all issues will have been properly debated and the outcome will be a democratic decision.
- (6) Give greater protection to areas which the community wishes to see preserved eg green spaces, heritage buildings etc.
- (7) Allow the community to develop broad design guidance, perhaps in the form of a 'Style Guide'. This would allow the community to dictate certain characteristics it would prefer to see.
- (8) Have a major say as to where development is acceptable and, just as importantly, where it is not acceptable.

b. Disadvantages. It is the view of the Study Team that there are two disadvantages in carrying out an NP

- (1) The amount of work involved and the resultant risk that the project might run out of steam before completion.
- (2) The concern that an NP might turn out to be divisive. Planning and development usually produces advocates and opponents and so there is a risk that elements in the community might adopt unnecessarily forthright and irreconcilable positions.

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<sup>20</sup> <https://www.gov.uk/government/policies/giving-communities-more-power-in-planning-local-development/supporting-pages/community-infrastructure-levy>

## WHAT ARE THE CONCLUSIONS AND RECOMMENDATION OF THE SCOPING STUDY?

53. The Study has confirmed that there are 3 main issues that determine whether it would be wise for the Newton & Noss PC to initiate a Neighbourhood Plan. They are: filling the policy gap; the cost of an NP; and the manpower required.

54. **The Policy Gap.** From the meetings and discussions with other parishes, there is not a universally held view on the need for development policies below the District Local Plan. The parishes (and towns) which have either already completed an NP or are in the process of developing an NP, clearly believe that there is a need. There are 7 such parishes/towns in South Hams (Bickleigh, Harberton, Ivybridge, Malborough, Totnes/Dartington, Salcombe and Ugborough). However, there are 2 parishes (Brixton and Yealmpton) which do not see a need for an NP, and both cite the fact that local issues would be covered in the new SHDC Local Plan. SHDC have confirmed that this will definitely not be the case (see Paragraph 22) and so it is a false premise that SHDC will do it all. Once the new SHDC Local Plan has been adopted, there will be no local-specific policies. Wembury on the other hand also sees a need for local development policies, but decided against an NP because of concern that SHDC would not be able to provide the necessary support to make it happen. The Parish Plan is of no use either regarding policy, as even the updated Newton & Noss Plan of 2009 is already 5 years old, pre-dates the NPPF and has virtually no planning weight in any case. The view of those parishes undertaking an NP is that they will be highly vulnerable to unmerited and unwanted development without an NP as there is little to defend against it. The Study Team have come to the same conclusion. Therefore, it is the view of this Study that, if the local community wishes to have any meaningful say in the development future of the Parish, an NP is the only way of providing it.

55. **The Cost.** Realistic costs have not been easy to come by. The only completed NP in Devon at Lynton cost around £9,300. Because it was a 'pathfinder', it had considerable financial support from Government and Local Authorities and so every single cost was eventually covered by grant funding. Much of this funding is no longer available. Of those parishes who are still working on their NP, it would be fair to say that few have carried out a rigorous assessment of the potential cost. Harberton have even said that they could get away with spending about £1,000 but our view is that this would be far from adequate. Our best estimate is that a completed NP would cost in the region of £10,000 (breakdown at Paragraph 44a). Costs could rise substantially if either, or both, a Habitats Regulations Assessment (HRA) and a Strategic Environmental Assessment (SEA) were required. By definition, the HRA is unlikely and the SEA would only be required if the NP recommended a large housing project which would have a substantial impact on landscape character. The view of the Study is that neither need to be factored into the costs of a Newton & Noss NP. That leaves a ball-park cost of up to £10,000. A grant from the Locality budget of up to £7,000 should be available to the Parish, leaving a shortfall of about £3,000. The Study believes that this could almost certainly be covered by grants from local organisations or, failing that, fund-raising. The conclusion is that the costs on an NP are entirely manageable.

56. **The Manpower Required.** There is no doubt that manpower is more problematic at this stage because it has not been possible to test the volunteer waters. The experience of other parishes is that an NP can be completed with a team of about 15-20. This Study has suggested in Paragraph 43 a more luxurious number at up to 25. There is no doubt that the Parish could complete an NP with less people, but we recommend 25 as a target as that would get more people actively engaged in the project; it would spread the workload; and reduce the risk of the project running out of steam because of the burden being placed on the few. The critical question is: what is the minimum number needed? Lynton used c35; Harberton and Ugborough are using a core team of about 8; Bickleigh aimed for 20 but now have about 10; whilst Malborough are planning on about 15. Because it is manpower – or lack of it – that presents the greatest risk to an NP, it is our view that the PC needs to issue a call to arms, probably via a public meeting and other means of communication, as soon as is practicable after any decision to proceed. The response to the call for volunteers to help with this Study plus the help already offered by the Harbour Authority and other local groups without the need for extensive canvassing is encouraging.

57. **Recommendation.** The Study concludes that an NP is essential if we are to have any say at all in the community's development in the coming years. We do not believe that the potential financial cost of an NP is an obstacle. We do acknowledge however that a lack of sufficient manpower remains a high risk factor at present. The history of volunteering in the community is a strong one though and with the right leadership and promotion, we are confident that the risk can be minimised. It is the unanimous recommendation of the Study Team that the PC should proceed with an NP as soon as possible.

## SECTION E - WHAT ARE THE NEXT STEPS?

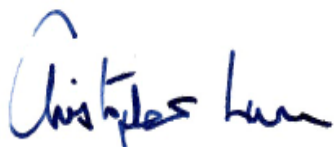
58. **A Decision to Proceed.** If the PC decides to proceed with an NP, the following actions by the PC are required:

- a. Decide on the Neighbourhood Area. Advice and a recommendation are given in Paragraphs 37-40 and Annex E.
- b. Agree and submit the NP Application Form at Annex F to SHDC so that the intention to proceed can be registered.
- c. Set up and chair a public meeting with the twin aims of explaining Neighbourhood Plans to a wider audience and calling for volunteers.
- d. Appoint members of the Steering Committee.
- e. Appoint the Project Team Leader.
- f. Ensure that discussions with Plymouth University take place by May 2014 regarding student assistance for a Housing Needs Survey in Summer 2014. This would best be done by the Project Team if it was set up by then but, failing that, the PC might need to initiate it in order to make sure the opportunity is not lost.

g. Begin to develop a community engagement strategy. Again, this would best be done jointly by the PC and the Project Team, assuming the latter was set up quickly.

59. **A Decision Not to Proceed.** If the PC decides not to proceed with an NP, it is recommended that it explains its reasons in an open letter to the community. Unless this is done, it is feared that the issue will not be properly put to bed.

Signed and dated on behalf of all the Scoping Study members listed at Paragraph 6.



Christopher Lunn

12th February 2014

List of Annexes:

- A. Scoping Study Terms of Reference
- B. Parish Council Visit Responses
- C. National and District Planning Policy
- D. A Neighbourhood Plan Production Process
- E. Proposed Neighbourhood Plan Area
- F. Completed SHDC Form

## **INITIAL DRAFT TERMS OF REFERENCE FOR A NEIGHBOURHOOD PLAN SCOPING STUDY**

1. **Purpose of a Scoping Study.** To identify a preferred methodology for the drafting of a Neighbourhood Plan for the Parish, and the resources required. The Study will recommend whether it is believed that the task can be completed satisfactorily.

2. **Contents.** Subject to any inputs from the Parish Council, it is envisaged that the Study will cover among other things:

- Aim and scope of a Neighbourhood Plan
- Plan parameters and content subjects. The latter could include:
  - Housing Needs Survey
  - Building Control
  - Style Guide
  - Environment
  - Harbour
  - Infrastructure (roads, drainage, transport)
  - Affordable housing
  - Employment
  - Legacy buildings and heritage
- Stability of local planning policy and compliance
- Neighbourhood Plan management and oversight
- Community engagement
- Referendum
- Financial support
- IT support
- Identification and availability of appropriate skills within the community

3. **Study Methodology.** The Study will use commercial project management techniques and will involve:

- Consultation with other Newton & Noss community organisations
- Consultation with other parishes in South Hams and the surrounding area
- Review of existing Parish Plans
- Advice from Plymouth University, School of Geography, Earth and Environmental Sciences
- Consultation with SHDC
- Consultation with parishioners

4. **Deliverables.** The end product will be a short written paper and a presentation/discussion at a meeting of the Parish Council called for the purpose.

5. **Timescale.** Assuming agreement is reached to start immediately, the Study will be completed within 10 working weeks (to allow for a stand-down for the Christmas/New Year period).
6. **Study Membership.** The RYDA Committee will draw in individuals within the community for advice and support, as appropriate. A member of the Parish Council would be an important, if not essential, member of the team.
7. **Costs.** All costs of the Scoping Study will fall to the RYDA.

**PARISH/TOWN COUNCIL VISIT RESPONSES**

The Scoping Study Team decided to visit all parishes in South Hams currently in the process of undertaking an NP. In addition, it was also decided to visit one Town Council in North Devon, being one of only two in Devon to have completed a Plan (the other being a Ward in Exeter). Although there are 4 towns in SHDC doing an NP at present, it was decided not to visit them because of the differences in both scale and composition. A pre-determined set of questions was used in order ensure a consistent approach and comprehensive cover. A full post-visit report for each visit has been retained and can be made available if required. The table below provides an extract of the main questions that were asked and the answers provided.

<b>Organisations currently doing an NP</b>	<b>Bickleigh PC</b>	<b>Harberton PC</b>	<b>Lynton &amp; Lynmouth Town Council</b>	<b>Malborough PC</b>	<b>Ugborough PC</b>
<b>(a)</b>	<b>(b)</b>	<b>(c)</b>	<b>(d)</b>	<b>(e)</b>	<b>(f)</b>
<b>Area</b>	Whole Parish. Other options were considered but quickly dismissed.	Whole Parish. The initial intention was to include Harbertonford only, but other communities asked to be included when the advantages were realised	Whole Parish. Other options considered but quickly discarded.	Whole Parish. Had considered joining with Salcombe but latter had already started its NP. Also considered joining with neighbouring parish of South Huish but did not because they (South Huish) are a less active Parish.	SW half of Parish only ie Ugborough plus 4 smaller settlements. This is because the Parish covers 2 LAs and they chose to do the area within SHDC only. Expressed the view that we should probably do whole Parish
<b>Purpose of NP</b>	Partly because of a 500-unit housing allocation for the Plymouth Fringe and partly because of an expectation that Plymouth will expand northwards, the Parish wants to have a strong say as to where any development might be sited in the Parish over the next 15 years.	a. Residents disagreed with the SHDC plan to site a single estate of some 50 residences close to but outside the village development boundary of Harbertonford. b. They also wished to dictate the route of any future bypass for the A381 around Harbertonford	a. To address the problem caused by having 2 separate sets of planning policies to work to (North Devon DC and Exmoor NP). b. To seek local ways to deliver affordable housing. c. To address business and community development	They had no specific objective in doing an NP. However all the recommendations in their Village Plan are in hand. They therefore felt it was time to 'repeat the exercise'. They also believed it necessary to have an NP to fill a policy vacuum that was not currently fulfilled by the	They believe that it is important that the community should shape its own future. Their NP is not 'threat-driven' and they are keeping an open mind about its eventual contents and outcome. However, there was a large development

				SHDC Local Plan. They therefore felt vulnerable to unwanted development.  (Note: they mistakenly believed that the SHDC Local Plan was no longer in force.)	planned by SHDC which was rejected by the Planning Inspectorate. There is a strong anti-development faction in the community. Issues include provision of affordable housing, village shop, parking problem and a recreational area – all in Ugborough.
<b>Timescale</b>	Not clearly defined yet but a 2-year timescale is anticipated.	No specific timetable has been drawn up and there is no target completion date. However, they are 'already behind'.	2 years.	They predict a 2 year task but this view is influenced by a mistaken view that they must wait for the next SHDC Local Plan to be adopted.	They had set a 2 year timescale but almost immediately fell nearly 6 months behind (See other comments below) They now have no predicted end date
<b>Team</b>	Their ideal number is 30, but they could only attract 20 volunteers. This has dropped to 10 but they are actively recruiting again.	There is a core team of about 6 to 8 but within this, just 2 people are doing the bulk of the work. Four of the core team are Parish Councillors.	Up to 40. A steering group of c10; a project team of c 10; and about 25 Neighbourhood Reps.	They are still building the team as the application to SHDC was only approved in Dec 13. They believe they need a team of 15. There will be 2 Parish Councillors on that team and the project manager is currently the Parish Clerk. They are not sure that the latter is sustainable because of the Clerk's limited working hours.	Core team was initially 8 but has now fallen to 5 or 6. About 40 people have been actively involved though. They wanted participants to sign a confidentiality agreement but a number refused to do so. The idea was therefore dropped. The leader is a chartered surveyor and is being employed to do the job. However, he is



					also a local resident and Ugborough Councillor.
<b>Skills</b>	The only one singled out was someone with 'planning-speak'. Otherwise they were all generalists.	Few skills were expected of participants. IT, GIS mapping, local government knowledge, nature conservation legislation and common sense were cited.	Access to someone able to draft policy in planning language is essential.	Important that all team members have moderate IT skills. Otherwise not much. One legal expert and one webmaster would be very useful.	Not a lot required – a bit of IT, a lawyer, local government knowledge and common sense. The leader has much local government experience
<b>Cost</b>	Their rough estimate is up to £10K. They are waiting to hear if they have been successful with the £7K Locality bid. They are also hoping for Locality Direct Support.	Minimal so far. They predict that they may get away with c£1K. Expenses include hiring premises and projectors, search fees and printing.	The total cost of the NP was around £55,000. However, this included every cost that can be attributed to the NP eg Independent Examination, Referendum etc etc. It also includes the staff costs of Exmoor NPA (c£15,000), the purchase of an interactive mapping tool (£6,000) and consultants' fees for a site analysis (£15,000). (The broadly comparable costs to a Newton & Noss NP are £9,340.)	So far costs have been minimal but they were unable to forecast what the eventual total might be.	They benefited from a start-up grant of £20K and they will spend it! However, the view was that the cost could vary widely between Parishes depending on the extent of home-grown talent and the complexity of the NP.
<b>Engagement Strategy</b>	Will major on snail mail and the parish magazine and flyers. They have a dedicated page on the PC website but it is not currently populated. They would like to make use of email but have no database to even start from.	They have held public 'drop-in' meetings, with limited numbers attending. These are used to brainstorm issues. Very limited use of email but they have a good website. They rely on snail mail – parish magazine and flyers.	Every available means. Flyers, public meetings, extensive use of Neighbourhood Reps, website, email etc etc.	Planning a start-up meeting in Apr 14. Anticipate communicating with community via parish magazine and their website (which looks good, but too early to judge on content).	Have depended heavily on questionnaires delivered by snail mail. This has backfired because they were accused of bias in the questions asked and have had to re-run part of the

					exercise, thus losing 6 months. Little use made of emails (only 40 subscribers) and their website.
<b>Results to date</b>	Nil yet.	Have identified a number of small development sites mainly outside the village development boundary and chosen a possible bypass route. Have completed some negotiation with land owners.	First adopted NP in Devon	None yet	They have completed a first round of questionnaires and are now running 6 focus groups (Housing, parking, shop, open spaces, policy and play group). They will then have another questionnaire before pulling the output of all the groups together in the Plan. Have yet to decide how they will achieve this.
<b>Other comments</b>	<p>a. Very complimentary about the support they have received so far from SHDC.</p> <p>b. Intend to do a Housing Needs Survey but have not yet worked out how as it would have to include the neighbouring parts of urban Plymouth.</p> <p>c. Cllrs heavily involved in the Steering Group (50%) but are very keen that it is not seen as a PC-controlled project.</p>	<p>a. Initially had considerable difficulty engaging the community. This was attributed to too close association with normal PC business.</p> <p>b. Thought Scoping Study very good idea but had not done one themselves.</p> <p>c. Intend to circulate draft Plan twice with a round of drop-in meetings between them</p> <p>d. Having difficulty obtaining data through SHDC due to limited staff resources there.</p> <p>e. Making no special</p>	<p>a. Funding was no restriction because the Plan received c£50,000 in grants.</p> <p>b. A strong relationship with the LPA is vital.</p>	<p>a. The Project Team reports directly to the PC via the double-hatted Chair. Monthly reports. PC endorses all significant decisions but does not get involved in the detailed running of the Project.</p> <p>b. Have recommended taking advantage of the uplift in Community Infrastructure Levy (CIL) that is associated with an NP.</p> <p>c. They believe that the best way to deal with the fact that SHDC are now undertaking a Local Plan is</p>	<p>a. Great difficulty getting data out of SHDC. They are not unhelpful – just overworked. DCLG awards are available – see Localism Bill for details</p> <p>b. They got DCLG support and advice but this was rather general and non-specific</p> <p>c. In favour of Sustainability Assessments</p> <p>d. Linkdin provides a very useful</p>

		<p>provision to ensure that Examination and Referendum go smoothly.</p> <p>f. Are undertaking a tree survey.</p>		<p>to complete their NP only after the Local Plan has been adopted.</p> <p>Note: We are informed on good authority by both SHDC and Plymouth University that the view expressed by the Malborough NP Team that currently no established Local Plan exists at District level is erroneous</p>	<p>community chat group to help share common experiences and advice</p> <p>e. Their initial approach to the public was too formal and no volunteers came forward to help.</p> <p>f. Had trouble with rules of procedure (eg minute taking) Suggested this should be agreed with PC in advance and a 'clean break' policy would be ideal.</p> <p>g. Underestimated time required to deal with minority interests.</p>
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In addition, several other Parishes, including all those adjacent to Newton and Noss, were consulted either by a visit or telephone interview.

<b>Organisations not currently doing an NP</b>	<b>Brixton PC</b>	<b>Holbeton PC</b>	<b>Stoke Gabriel Plan Parish Group</b>	<b>Wembury PC</b>	<b>Yealmpton PC</b>
<b>Reason for decision</b>	Decided against in view of the cost and effort involved. Also believe the new SHDC Local Plan will cover all relevant local issues. Their future strategy will be to fight each individual development proposal individually as the	Currently have not yet signed up to an NP.	It would appear that Stoke Gabriel PC have not made a formal decision, although they have consulted parishioners and had a briefing from experts	The PC have debated the issue. They recognise a need for an NP but have decided not to do one.	Can see no advantage in doing a NP as they believe SHDC will be doing the work for them.

<p><b>Other comments</b></p>	<p>circumstances dictate</p> <p>a. They believe that the developments at Venn Farm and Sherford will meet all of their housing needs, making a NP redundant</p> <p>b. They do not believe they could raise the necessary support in the community to do the work.</p>	<p>A proposal to site a new development in Holbeton is causing a rethink. They "may well" decide that they need an NP and expect to make a decision this coming summer.</p>	<p>This very active pressure group have offered 2 reasons for PC reticence</p> <p>a. PC not in possession of all the facts and so do not fully understand the advantages.</p> <p>b. The PC are not confident that sufficient funding will be found.</p>	<p>It is understood that they believe they would be unable to complete an NP without considerable support from SHDC which will not be available. We are not aware what this support might entail.</p>	<p>a. They believe that an NP carries little weight and it may be over-ruled by the LA.</p> <p>b. They also believe that central government planning targets will also prevail irrespective of what is in an NP.</p>
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**NATIONAL AND DISTRICT PLANNING POLICY**

1. **National Policy.** The following are the significant statements from the National Planning Policy Framework(2012) concerning the compilation of Neighbourhood Plans:

- Paragraph 183      *"Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes...can use neighbourhood planning to:*
- *Set planning policies through neighbourhood plans to determine decisions on planning applications."*
- Paragraph 184      *"Neighbourhood plans must be in general conformity with the strategic policies in the Local Plan....Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine the strategic policies."*
- Paragraph 185      *"Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict."*
- Paragraph 11      *"Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise."<sup>21</sup>*
- Paragraph 7      *"There are three dimensions to sustainable development: economic, social and environmental:*
- *An economic role – contributing to building a strong responsive and competitive economy....*
  - *A social role – supporting strong, vibrant and healthy communities....*
  - *An environmental role – contributing to protecting and enhancing our natural, built and historic environment...."*

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<sup>21</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

- Paragraph 47      *"Local planning authorities should....identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land."*
- Paragraph 49      *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable sites."*

**2. District Policy.** The South Hams adopted Development Plans contains the following extant policy documents that relate to the production of a Neighbourhood Plan:

- 2006 Core Strategy
- 2006 Open Space, Sport and Recreation Supplementary Planning Document (SPD)
- 2008 Affordable Housing Development Plan Document (DPD)
- 2008 Affordable Housing Supplementary Planning Document (SPD)
- 2010 Development Plan Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD)

### **A NEIGHBOURHOOD PLAN PRODUCTION PROCESS**

1. The CPRE recommend the following 8 stage process for the production of an NP, of which the last three stages are obligatory:-

Stage 1 - Getting started

- Study and understand the national policy and Local Plan
- Involve the wider community as early as possible
- Prepare a programme for the NP

Stage 2 - Identifying the issues to address in the NP

- Building on the Parish Plan, identify:
  - The strengths and positive features of the Parish ie that which is valued and should be protected.
  - The negative features ie that which the community would like to get rid of or improve
  - What the Parish does not currently have but which the community would like

Stage 3 - Develop a vision and objectives

- The vision should be strategic and looking forward 15-20 years (of the period covered by the Local Plan)
- The objectives should be more specific and explain what the community wants to achieve,

Stage 4 - Generate options for the draft NP

Stage 5 - Prepare the draft NP

Stage 6 - Consultation and Submission

- This is the first mandatory stage and requires a formal public consultation. There are also statutory consultees such as the County Council, Natural England, the Environment Agency, English Heritage etc

Stage 7 - Independent Examination

- This is the second mandatory stage
- All the arrangements for this are made by the Local Planning Authority (SHDC).
- The examiner, who will be a highly experienced planning inspector taken from an approved list, is appointed by the LPA but he must be approved by the Parish Council.
- The main purpose of the examination is to ensure that the NP:
  - Meets EU obligations including Human Rights legislation
  - Has regard to national policies
  - Is in general conformity with the strategic policies of the Local Plan
  - Is compatible with any adjoining NPs
  - Contributes to the achievement of sustainable development
  - The inspector can make one of 3 recommendations:

- That the draft NP should proceed to a referendum
- That the draft NP should proceed to a referendum, subject to certain amendments
- That the draft NP should not proceed

Stage 8 - Referendum and adoption

- This is the third and final mandatory stage
- The LPA will organise and pay for a referendum
- All those on the Electoral Roll for the Parish are entitled to vote.
- A simple majority of votes (over 50% of those voting) in favour of the NP is sufficient for it to succeed
- Assuming a majority is reached, the LPA will adopt the NP as part of the District Development Plan, at which point it becomes law.

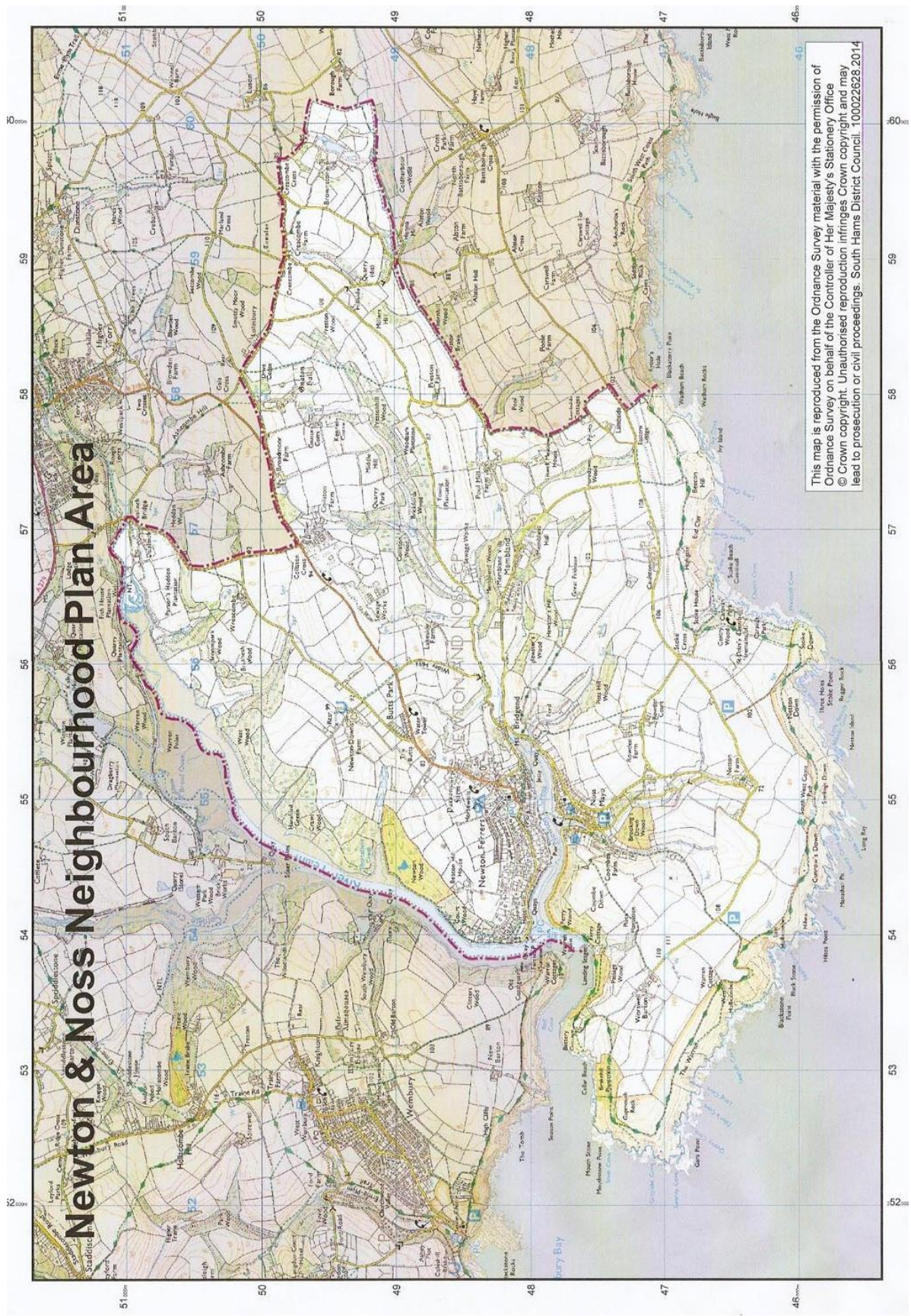
2. Based on the CPRE advice, the bespoke process map overleaf is recommended for a Newton & Noss NP. Some explanatory notes are at Paragraphs 43 and 44.



**PROPOSED NEIGHBOURHOOD PLAN AREA**

**(THE MAP OVERLEAF IS HELD UNDER CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES THE COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS)**

The text justifying the recommendation for the Neighbourhood Area is at Paragraphs 37-40.



**COMPLETED SHDC APPLICATION FORM**

The following SHDC application forms are attached:

- a. Designation of Plan Area.
- b. Neighbourhood Plan Group's Terms of Reference.