

# West Hill Parish Council (WHPC) - 6<sup>th</sup> December 2022

## AGENDA 22/358-2

### A Neighbourhood Plan for West Hill?

#### 1. Background

In July 2022 the Ottery St Mary Town Council (OStMTC) advised WHPC of their intention to review the existing joint Neighbourhood Plan for West Hill and Ottery St Mary that came into force in July 2018. OStMTC wish to undertake the review in conjunction with their regeneration plans.

See Appendix A for considerations by WHPC to date.

WHPC has been considering the options:

- 1.1 Not to agree for a review to go ahead, as both Councils were Qualifying Bodies for the current Neighbourhood Plan
- 1.2 To undertake a review of the Neighbourhood Plan jointly with OStMTC
- 1.3 To seek to define West Hill as a separate Neighbourhood Area, so each Council can move forward to develop new Neighbourhood Plans for each parish.

2. **A briefing note** (See Appendix B) was prepared for Councillors prior to the informal workshop held on the 8<sup>th</sup> November 2022. This workshop had input from a National Neighbourhood Plan Champion and from a resident member of the WHPC Strategic Planning Working Group who had been a significant contributor to the existing Neighbourhood Plan.

#### 3. Recommendation

The Councillors at the Workshop recommend to WHPC that the Council decides Option 1.3 supra – for WHPC to develop a separate Neighbourhood Plan tailored to the specific and individual needs of the West Hill parish and residents.

Such a decision is based on a recognition of the distinct differences between to two council areas. It will enable consideration of community facilities and services, design and climate change issues, economy and employment, housing and housing needs, infrastructure and access, natural environment etc specific to West Hill, undertaken in conjunction with the community.

#### 4. Decisions

- 4.1 WHPC to resolve to create a Neighbourhood Plan for West Hill.
- 4.2 To notify OStMTC of the decision and make it clear that WHPC would wish to collaborate on matters that are mutually beneficial eg setting settlement boundaries to maintain green spaces between the communities.
- 4.3 WHPC to agree to apply to East Devon District Council to define a new Neighbourhood Area for West Hill, separate from OStM. (Appendix C)
- 4.4 To delegate to the WHPC Strategic Planning Working Group the establishment of a project programme for the next six months, reverting to full Council for agreement, financial considerations, when necessary.
- 4.5 To establish/agree a budget for the Neighbourhood Plan project (£5k - £7k):
  - a. To confirm funds allocated for 2022-23
  - b. To inform the decision on the precept for 2023-24.

## APPENDIX A

### Previous WHPC considerations:

#### **22/235(4) August 2022 meeting**

Neighbourhood Plan: Ottery St Mary are seeking to review the current West Hill and Ottery St Mary Neighbourhood Plan.

Action: WHPC Strategic Planning Working Group to consider the implications and prepare a paper for Cllrs consideration in September

#### **22/271(3) September 2022 meeting:**

To receive a verbal update on the request from Ottery St Mary Town Council who propose a review of the current Ottery St Mary & West Hill Neighbourhood Plan.

Cllr DC explained the current Neighbourhood Plan (NP) covers West Hill and Ottery St Mary (OSM) and was established before West Hill Parish Council was created. OSM Town Council recently advised WHPC of their intention to review or replace the existing plan. WHPC was asked to consider whether it wished to work with OSMTC to review the Plan.

WHPC's Working Group has met with OSMTC reps to better understand their intentions and outline timescales.

Cllr DC reported that the WHPC working group had identified many complex issues associated with the proposal and had sought advice from EDDC's Neighbourhood Planning Officer. She in turn has sought Legal Advice. This was expected in the coming weeks and would be reported at the next WHPC meeting.

#### **22/300(2) October 2022 meeting**

To receive a verbal update on the request from Ottery St Mary Town Council who propose a review of the current Ottery St Mary & West Hill Neighbourhood Plan.

As previously reported Ottery St Mary Town Council (OSMTC) intends to review the current joint Neighbourhood Plan developed prior to the formation of WHPC. Cllr DC stated that WHPC will have to make a choice whether to review the existing plan jointly with OSMTC or to develop a new plan solely for West Hill. Cllrs were advised that it was a complex, lengthy process requiring significant levels of resources and Cllrs had to be mindful of the impact on the new Council to be elected in May 2023.

Cllrs DC reported that OSMTC had requested WHPC's decision before 1st November.

It was resolved

- To hold an informal meeting for Councillors to receive details of the process and the options available. If possible to invite a person with experience of Neighbourhood Planning issues.
- To consider legal advice on the status of the plan if the two Councils work towards separate Neighbourhood Plans.
- To bring a paper to the December WHPC meeting for decision
- To write to OSMTC to advise them WHPC cannot meet their deadline

#### **8<sup>th</sup> November – Councillor workshop**

Attended by Cllrs DC, AC, AT, MP; Dr M Hall (member WHPC Strategic Planning Working Group); and a National Neighbourhood Planning Champion with experience of supporting councils in developing Neighbourhood Plans locally.

Councillors were provided with a pre briefing paper (See Appendix B).

## A Neighbourhood Plan for West Hill?

A joint Neighbourhood Plan (NP) for West Hill and Ottery St Mary came into force in July 2018. The NP is available on the Parish Council website [West Hill + Ottery St Mary Neighbourhood Plan 2018](#).

In July 2022 OSMTC advised WHPC of their intention to review the existing NP in conjunction with their regeneration plans.

This document provides an overview of

- What is a Neighbourhood Plan?
  - High level overview of the process to develop an NP.
  - WHPC Decision to be made at the 6<sup>th</sup> December meeting
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## What is a Neighbourhood Plan?

### 1. What is a Neighbourhood Plan?

A Neighbourhood Plan gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided. Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

### 2. What can communities use a Neighbourhood Plan for?

Local communities can choose to set planning policies through a neighbourhood plan that forms part of the development plan used in determining planning applications.

Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Communities may decide that they could achieve the outcomes they want to see through other planning routes, such as incorporating their proposals for the neighbourhood into the local plan, or through other planning mechanisms such as Local Development Orders and supplementary planning documents or through pre-application consultation on development proposals. Communities and local planning authorities should discuss the different choices communities have to achieving their ambitions for their neighbourhood.

### 3. What are the benefits to a community of developing a Neighbourhood Plan?

Neighbourhood planning enables communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. This is because the local plan is prepared by the local planning authority. Decisions on planning applications will be made using both the local plan and the neighbourhood plan, and any other material considerations.

Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified

local need and make sense for local people. They can put in place planning policies that will help deliver that vision or grant planning permission for the development they want to see.

To help deliver their vision, communities that take a proactive approach by drawing up a neighbourhood plan or Order and secure the consent of local people in a referendum, **will benefit from 25% of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area**, where their authority collects contributions using this method.

#### 4. What should a Neighbourhood Plan address?

A Neighbourhood Plan should support the delivery of strategic policies set out in

- **the Local Plan** or
- **spatial development strategy** (strategic policies for the development and use of land in the area they cover)

and should shape and direct development that is outside of those strategic policies. Within this broad context, the specific planning topics that a neighbourhood plan covers is for the local community to determine.

A Neighbourhood Plan should, however, contain policies for the development and use of land. This is because the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).

Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable, and it should be made clear in the document that they will not form part of the statutory development plan.

#### 5. How can Neighbourhood Plans support the provision of affordable homes for sale?

Neighbourhood Plans can support the provision of affordable homes for sale that meet the needs of local people by including relevant policies and site allocations. Depending on the content of relevant strategic policies in the local plan or spatial development strategy, neighbourhood plans may be able to vary the types of affordable housing that will be expected, or to allocate additional sites that will provide affordable housing, where this will better meet the needs of the neighbourhood area.

#### 6. How should a community ensure its Neighbourhood Plan is deliverable?

Plans should be prepared positively, in a way that is aspirational but deliverable. Strategic policies in the local plan or spatial development strategy should set out the contributions expected from development. This should include the levels and types of affordable housing required, along with other infrastructure. Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy. Further guidance on viability is available.

#### 7. Does a Neighbourhood Plan have the same legal status as the Local Plan?

A neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## 8. Stages of Neighbourhood Planning

Developing a Neighbourhood Plan is a lengthy, multi-step process, shaped by community consultation. The final draft version is examined in great detail by an Independent Planning Inspector. Their final report recommends whether the council can adopt the plan. Once adopted, the NP will be used to make decisions on all planning applications.

It's best practice to review NPs on a 5-10 year basis as they can become out of date. An overview of the process:

### Neighbourhood Plan Process



Neighbourhood Plan for West Hill?

In July 2022 OSMTC advised WHPC of their intention to review the existing NP. Their main priority is to develop a Masterplan for Ottery in conjunction with their regeneration plans. They have already appointed consultants, who have advised that a review of the NP is needed.

Agreement from WHPC is needed for the review to go ahead, as both Councils were Qualifying Bodies for the current NP.

WHPC will take this decision at the 6<sup>th</sup> December Council meeting.

Assuming WHPC agree to a review, there are two main options:

- To undertake a review of the NP jointly with OSMTC
- To split the Neighbourhood Area and OSMTC and WHPC each develop a new NP for their own parish

While a new NP is being prepared, the old NP continues to carry weight, although it will become increasingly out of date. Once a new NP is “made”, the old NP is no longer valid. If two separate NPs are being produced, when the first one is made, the whole of the old NP will become invalidated, so the other parish will not have a valid NP until theirs is also made. Ideally the timescale of the two separate Plan preparations should be co-ordinated.

The process, and implications for WHPC, are different for the two options:

#### **Joint Plan with OSMTC:**

- The Neighbourhood Area is already defined, so all that is needed to start the process is for OSMTC & WHPC to notify EDDC of their joint intention to start an NP review.
- Grant funding – one Locality Grant will be available (currently up to £10,000). Additional grant funding (up to £8,000) may be available if additional site allocations are included. Grant schemes for post-April 2023 are not yet published.
- A joint steering group to be set up, with representatives from both parish/town councils and members of the public
- There needs to be agreed terms of reference, including:
  - how the NP development will be funded between the two parishes
  - how decision-making will work between the two parishes

This stage could be tricky and there are a lot of implications. Arguably this work should be done before agreeing to a joint review, as there may be deal-breaker issues involved.

- Appointing a consultant. OSMTC have already done this and there is a costed proposal (£4,530 for a baseline review and project plan, + estimated £24,475 for help with the new Plan process). WHPC have had no input into this, and WH has a very low priority in the work schedule – 3 days work - £1,650 for West Hill and villages (Tipton, Alfington). Consultancy costs could easily escalate in view of the complexity of the Plan. Additional specialised technical support would be likely to be needed.
- Undertake baseline review of current NP and develop project plan

These stages could probably be achieved within 6 months, but we would be close to the pre-election period and Council elections in 2023. Then work on Community Engagement etc, could start (phase 3 in the Process chart above). If all goes well, subsequent stages could be completed within 2 years, but it could easily be longer.

From experience with developing the current NP, it can be difficult to write Policies that apply to the whole Neighbourhood Area, and we would need a significant section for West Hill, which would need significant input from West Hill members.

#### **Two separate Plans for West Hill and Ottery:**

- Define new Neighbourhood Areas for Ottery and West Hill separately. This needs an application to EDDC, with justifications for the new areas. There is a consultation period and then EDDC approval (Cabinet). Probably takes 2-3 months but should be straightforward.

- Each parish can then apply for Grant Funding. Each would be eligible for the £10,000 Locality Grant + any other grant funding available (to be determined)
- WHPC will set up its own Steering Group/Working Group including some WHPC Cllrs and members of the public / stakeholders.
- Agree terms of reference – should be much simpler than those needed for a joint Plan.
- Agree what consultancy help is needed and appoint our own consultant(s).
- Review the current Plan to see what is working well, what areas need improvement / refinement
- Process phase 3 onwards is the same as for joint Plan

These initial stages will probably take more than 6 months, largely because of the time needed to designate the new Neighbourhood Areas – and this will run into the pre-election period and Council elections in May 2023. Realistically WHPC would probably only get to defining the Neighbourhood Area and would leave the subsequent stages to the new Council in May 2023, especially as for West Hill there are likely to be significant changes in Cllrs.

Progress through the actual Plan development should be simpler and swifter for West Hill on its own and all Policies & Actions would be West Hill-specific.

WHPC Strategic Planning Working Group

31<sup>st</sup> October 2022

The Neighbourhood Planning (General) Regulations 2012

## Application for Designation of a Neighbourhood Area



This information is intended to assist the Local Planning Authority in making a decision but please note that further information may be required.

### Which Town or Parish Council is applying to designate a neighbourhood area?

If more than one Town or Parish Council are working in partnership, please give details of all parties

contact details –

contact details –

contact details –

contact details –

Please confirm that all the parishes listed above agree to the application

Please confirm that the organisation/s or body/ies making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

### Please advise what, if any, discussion has taken place with neighbouring Parishes with a view to partnership working? Where applications include sites in adjoining Parishes their agreement should be sought.

### Please append a map identifying the area to which the area application relates.

### Please explain why this area is considered appropriate to be designated as a neighbourhood area

Signed

Date

Position

Organisation



The Neighbourhood Planning Regulations can be downloaded at:  
<http://www.legislation.gov.uk/uksi/2012/637/made>

**A summary of the next steps is provided below**

**Publicising an area application**

Once we have received your neighbourhood area application we must, as local planning authority, publicise the following on our website and in any other manner that we consider is likely to bring the application to the attention of people who live, work or carry out business in the area to which it relates -

- (a) a copy of the area application;
- (b) details of how to make representations; and
- (c) the date by which those representations must be received, being not less than 6 weeks from the date on which the area application is first publicised.

**To help us meet these requirements:**

**Are we able to publicise the application in any widely available local newsletters/magazines?** If so, please give contact details and advise how often the newsletter/magazine is published.

**Do you have Parish Noticeboards?** If so, please give contact details of the person responsible for their content.

**Are there any other means of communication which could be used to advertise the proposals eg local website, social media, local interest groups?** Please provide contact details.

**Publicising designation of a neighbourhood area**

As soon as possible **after designating a neighbourhood area**, we must publish the following on our website and in any other manner that we consider is likely to bring the application to the attention of people who live, work or carry out business in the area:

- (a) the name of the neighbourhood area;
- (b) a map which identifies the area; and
- (c) the name of the relevant body who applied for the designation.

If we **refuse to designate a neighbourhood area**, we must publish the following on our website and in any other manner that we consider is likely to bring the application to the attention of people who live, work or carry out business in the area

- (a) a document setting out the decision and a statement of our reasons for making that decision (“the decision document”); and
- (b) details of where and when the decision document may be inspected.

**Further information is available from:**

**Planning Policy, Economy Directorate**

**East Devon District Council**

**Knowle, Station Road, Sidmouth, Devon, EX10 8HL**

**01395 571533**