

SOUTH HAMS DISTRICT COUNCIL

NAME OF COMMITTEE	Executive
DATE	11 December 2014
REPORT TITLE	Applications to designate Neighbourhood Plan areas for Dartmouth and Stoke Gabriel parishes
REPORT OF	Strategic Planning Officer
WARDS AFFECTED	Dartmouth and Kingswear, Dartmouth Townstal, East Dart and adjacent wards

Summary of report:

Dartmouth Town Council and Stoke Gabriel Parish Council have submitted applications to the Council to designate Neighbourhood Plan areas in their parishes.

The applications have been advertised for a six week period (5 September – 18 October 2014), during which comments have been invited about whether the two proposed plan areas are appropriate.

Financial implications:

The financial implications of the duty to support the preparation of a Neighbourhood Plan will be neutral, due to the Council being able to claim back associated costs as detailed in paragraph 4.3.

Where applications for plan areas are successful, the Council can bid for central government funding up to £5,000 per plan to help cover the associated costs of preparation. The Council intends to submit a bid in respect of these Neighbourhood Plan areas within three months of a decision to approve them.

RECOMMENDATIONS:

It is recommended that Executive:

1. Approves the designation of Dartmouth and Stoke Gabriel parish boundaries for the purposes of preparing their respective Neighbourhood Plans.
2. Supports a bid for central government funding to help cover the costs associated with preparing these Neighbourhood Plans.

Officer contact:

Graham Swiss
Strategic Planning Officer
01803 861290

1. BACKGROUND

1.1 The Localism Act and National Planning Policy Framework (NPPF) both came into effect in 2012. These encourage and support communities to prepare plans for their area.

1.2 The Council has adopted a Neighbourhood Planning Protocol which provides clear information on the procedures that will guide the neighbourhood planning process.

1.3 The first step in the neighbourhood planning process is to designate a plan area. This requires communities to make an application to the Council. Such applications are then subject to a six week period during which those who live, work or carry out business in the area are invited to comment on whether the proposed area is appropriate. There are other opportunities during the neighbourhood planning process to put forward ideas about what the plan should contain.

1.4 This Executive report considers applications to designate two Neighbourhood Plan areas. They are to be assessed against the following five criteria set out in the Neighbourhood Planning Protocol:

1. The applicant is an appropriate body with responsibility for leading the plan process (i.e. a town or parish council);
2. Terms of Reference for the group have been prepared and signed by all members of the group;
3. The proposed area is suitable and reasons have been adequately demonstrated if it does not follow the boundaries of existing parishes;
4. The plan area does not overlap any other designated Neighbourhood Plan area; and,
5. The plan area does not prejudice other Neighbourhood Plan areas coming forward in the future.

2. ISSUES FOR CONSIDERATION

2.1 Dartmouth Town Council and Stoke Gabriel Parish Council both submitted an application to the Council to designate the area they intend their Neighbourhood Plan to cover. In both cases the proposed area covers the extent of the parish boundary. These are shown as part of the applications appended to this report.

2.2 The applications are accompanied by a set of Terms of Reference (ToR) for the groups that will be responsible for leading the processes in Dartmouth and Stoke Gabriel, and these have been endorsed by the respective town and parish councils that are proposing the areas for designation. The two sets of ToR are also included in the appendices.

2.3 Details of the applications have been displayed in Dartmouth and Stoke Gabriel and the town and parish councils were asked to publicise the proposed designations. Details have also been available on the district council's and town/parish councils' web pages.

Dartmouth responses:

2.4 Responses to the proposed plan area have been received from the AONB Unit, English Heritage, the Environment Agency, Natural England, the Police Architectural Liaison Officer (ALO) and South West Water. No objections to the proposed plan area were received.

2.5 A brief summary of the responses follows:

- The AONB Unit welcomes the application, refers to the statutory duty of regard for the AONB and recommends contact with the AONB team at an early stage in the NP preparation process.
- English Heritage has no objection to the proposal.
- The Environment Agency has no objections to the application and highlights the environmental constraints within the parish that will need to be considered as the NP progresses.
- Natural England does not have any comments on the extent of the NP area. Protected landscapes, protected species, wildlife sites, agricultural land and opportunities for enhancing the natural environment are highlighted as issues that the NP may need to take in to account.
- The Police ALO has no comments at this stage.
- South West Water has no specific comments at this stage.

Stoke Gabriel responses:

2.6 Responses to the proposed plan area have been received from the AONB Unit, English Heritage, the Environment Agency, Natural England, the Police Architectural Liaison Officer (ALO), South West Water, Cornworthy Parish Council and the Paignton Neighbourhood Forum. No objections to the proposed plan area were received.

2.7 A brief summary of the responses follows:

- The AONB Unit welcomes the application, refers to the statutory duty of regard for the AONB and recommends contact with the AONB team at an early stage in the NP preparation process.
- English Heritage has no objection to the proposal.
- The Environment Agency has no objections to the application and highlights the environmental constraints within the parish that will need to be considered as the NP progresses.
- Natural England does not have any comments on the extent of the NP area. Protected landscapes, protected species, wildlife sites, agricultural land and opportunities for enhancing the natural environment are highlighted as issues that the NP may need to take in to account.
- The Police ALO has no comments at this stage.
- South West Water has no specific comments at this stage.
- Cornworthy Parish Council expresses serious concern about any development close to the river Dart.
- The Paignton Neighbourhood Forum fully supports the proposed NP area and looks forward to joint-working on any cross-boundary matters.

3. LEGAL IMPLICATIONS

3.1 The Localism Act and National Planning Policy Framework make provision for communities to prepare plans that influence planning and development in their area.

3.2 These two applications are also made in accordance with the Council's adopted Neighbourhood Planning Protocol.

3.3 The Town and Country Planning, England, Neighbourhood Planning (General) Regulations 2012 set out the procedures which govern the processes of neighbourhood planning.

4. FINANCIAL IMPLICATIONS

4.1 The financial implications of the duty to support the preparation of a Neighbourhood Plan will be neutral, due to the Council being able to claim back associated costs as detailed in paragraph 4.3.

4.2 When applications for plan areas are approved, the Council can bid for central government funding of up to £5,000 per area to support the communities in the preparation of their plans. If the bids are successful, the money will be held by the Council to cover any costs incurred as a result of supporting the communities with the progression of their plans. The Council intends to submit bids in this respect within the three month period following Executive.

4.3 For Member's information, the government has set out a programme of financial support for local authorities' neighbourhood planning activities during 2014/15. The authority is able to claim for financial support for up to 30 designations over the two year period. There are various payment stages to reflect the work involved. These are as follows:

- o The first payment of £5,000 will be made following designation of a Neighbourhood Plan area.
- o A second payment of £5,000 will be made when the local planning authority publicises the Neighbourhood Plan prior to examination.
- o The third payment of £20,000 will be made on successful completion of the examination and any other further steps that may be needed for the plan to come into legal force, including the mandatory referendum.

5. RISK MANAGEMENT

5.1 The risk management implications are shown at the end of this report in the Strategic Risks Template.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	All
Statutory powers:	National Planning Policy Framework (NPPF) 2012 Localism Act 2011 Town and Country Planning, England Neighbourhood Planning (General) Regulations 2012
Considerations of equality and human rights:	This report seeks to ensure that communities are enabled to prepare community-led plans for their areas and that the process undertaken is fair, transparent and inclusive for everyone.
Biodiversity considerations:	There are no direct biodiversity implications arising from the report.

Sustainability considerations:	The designations will enable the communities to prepare a plan to secure a sustainable future for their areas.
Crime and disorder implications:	There are no proposals contained within this report that have direct crime and disorder implications to consider.
Background papers:	Neighbourhood Planning Protocol

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Lack of plan to guide local development initiatives in Dartmouth and Stoke Gabriel	If the plan areas are not designated then Dartmouth Town Council and Stoke Gabriel Parish Councils cannot progress work on their Neighbourhood Plans. Without a plan in place, decisions relating to development in these communities will defer to national and district wide planning policies, which seek to secure sustainable development.	2	2	4	↑	Approve the designation of the Neighbourhood Plan areas	Strategic Planning

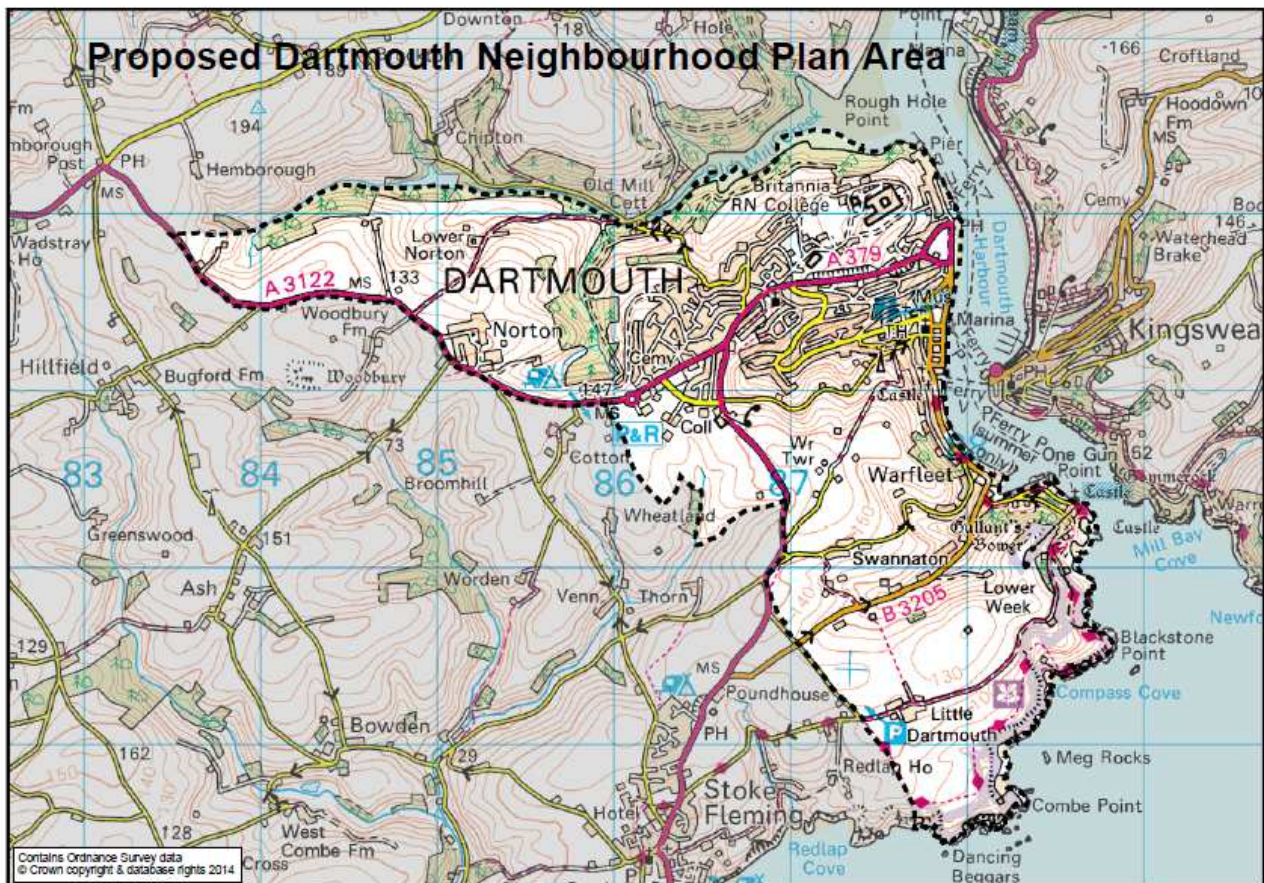
Direction of travel symbols ↓ ↑ ⇄

Appendices

Appendices attached:

Appendix A: Application form and terms of reference for Dartmouth Neighbourhood Plan
Appendix B: Application form and terms of reference for Stoke Gabriel Neighbourhood Plan

Appendix A



Designation of Plan Area Application Form



South Hams
District Council

Name of Applicant - *Must be a Parish or Town Council*

Dartmouth Town Council

Contact Details - *Please supply contact details of project lead*

Name: Cllr Tony Fyson

Address: 51 Above Town
Dartmouth
TQ6 9RQ

Email: anthony.fyson@gmail.com

Tel: 1,803,834,184

Name of proposed plan area

Dartmouth Town

Map of proposed plan area

Please supply a separate map showing the boundaries of the proposed plan area

Statement confirming why the proposed plan area is appropriate

Please explain why the plan area is an appropriate designation, continue on a separate sheet if necessary.

Dartmouth is a relatively isolated settlement in two distinct parts - the old port area by the river and more recent development on the high land around the even older settlement core at Townstal. Our plan will aim to serve the interests of both areas through unifying, integrated, development proposals that recognise the special needs and potentialities of the whole community and the established character of its built forms and spaces.

Type of plan proposed - *Please tick*

- Neighbourhood Development Plan Community Plan Plan-It Lite
 Neighbourhood Development Order Community Right to Build Order

Group Terms of Reference

Please supply a separate sheet detailing the Group's Terms of Reference

Please return to the Strategic Planning Team,
South Hams District Council, Follaton House,
Plymouth Road, Totnes, Devon, TQ9 5 NE.

Submit

Dartmouth Town Council - Neighbourhood Development Plan

Terms of Reference of the Working Group

The Neighbourhood Plan Working Group is a project-based team and not a standing committee of the Council. It will report regularly to the Full Council, which at significant stages of its work will be asked to debate and comment on its recommendations. Its terms of reference must meet the requirements of South Hams District Council, which has issued a template to guide – but not to dictate – the content of the terms. The ultimate goal is a plan reflecting expressed community aspirations which is endorsed by the Town and the District Councils, by an independent examiner and by a majority vote in a referendum of the town's electorate.

Membership: In the first instance, 5 Councillors including the Mayor and Deputy Mayor. The Group may subsequently invite participation, either temporary or permanent, of members of the public and representatives of local organisations, up to a maximum of ten additional people at any one time.

Terms of Reference: To deliver a Neighbourhood Development Plan for the town of Dartmouth by

- a) Enabling production of a Neighbourhood Development Plan developed and endorsed by the people of Dartmouth, to guide the future of the town's physical development and conservation and thus its social and economic prosperity.
- b) Determining the project plan, timescales and necessary grant applications
- c) Publicising the exercise to achieve maximum public involvement
- d) Gathering evidence from all quarters including individuals as well as voluntary organisations and official bodies and the member organisations of the Community Forum, using all methods including public meetings, written communications, appearances in person and informal roundtable discussions.
- e) Making use of the guidance provided by SHDC in the form of technical advice, including evidence gathering, sustainability appraisal, housing needs, methods of community consultation and involvement and funding support
- f) Guiding the progress of the Plan through town and district appraisal, independent examination and public referendum
- g) Operating in a public and open manner, with regular meetings open to public observation and, as appropriate, to public participation with full minutes kept and publicised
- h) Inviting all participants to observe the Town Council's code of conduct for meetings

Timetable: Group Meetings at least monthly over an anticipated two-year period

Quorum required 3 members of the group

Designation of Plan Area Application Form



Name of Applicant - *Must be a Parish or Town Council*

Stoke Gabriel Parish Council

Contact Details - *Please supply contact details of project lead*

Name: Parish Clerk

Address: 12 Kings Rydon Close
Stoke Gabriel
Totnes, Devon, TQ9 6QG

Email: renwickrobinson@btinternet.com

Tel: 1,803,782,690

Name of proposed plan area

Stoke Gabriel Parish

Map of proposed plan area

Please supply a separate map showing the boundaries of the proposed plan area

Statement confirming why the proposed plan area is appropriate

Please explain why the plan area is an appropriate designation, continue on a separate sheet if necessary.

The proposed area is the Parish boundary. This will allow for the Neighbourhood Plan to not only concentrate on the Village centre, but also including its surrounding hamlets.

Type of plan proposed - *Please tick*

- Neighbourhood Development Plan Community Plan Plan-It Lite
 Neighbourhood Development Order Community Right to Build Order

Group Terms of Reference

Please supply a separate sheet detailing the Group's Terms of Reference

Please return to the Strategic Planning Team,
South Hams District Council, Follaton House,
Plymouth Road, Totnes, Devon, TQ9 5 NE.

Submit

Group Terms of Reference



South Hams
District Council

Name of Group

Stoke Gabriel Parish Council (SGPC)

Purpose of the Group - What is the main aim of the Group?

To deliver a Neighbourhood Plan for the Parish and surrounding hamlets of Stoke Gabriel

Objectives of the Group - What is the Group hoping to achieve? – Key Outputs

- 1) To investigate the opportunities offered by the Localism Act 2011 relative to Neighbourhood Planning for the parish of Stoke Gabriel
- 2) To apply for a Neighbourhood Plan
- 3) To facilitate the production of an NDP

Membership and Governance

Who are the Members of the Group?

What are the roles and responsibilities of individual Members?

Membership of the group to be known as the Steering group will include the following:

Parish Clerk	- Project Manager
Core Councillor	- Chair of Steering Group
Councillor	- Vice Chair of Steering Group
Parishioners	- four or five additional members

What arrangements are in place for bringing in replacement and/or additional Members?

Additional members will be co-opted to strengthen the group in respect of particular issues or opportunities identified in the course of the plan preparation

How will declaration of interests be managed?

Members will be requested to declare any pecuniary interests in particular issues or land as appropriate as a condition of their participation in the plan preparation

If voting is required, what voting arrangements are in place?

Voting if appropriate will be by a show of hands with the Chairman having a casting vote

Which decisions will be referred to the parish/town council?

Any decisions which cannot be made will be put to the full Parish Council for a decision

Submit

Reporting and Feedback	
	Information will be shared with the community through Parish Council meetings and the Parish Web site. Minutes of the Steering Group and workshops will be recorded and displayed on the Stoke Gabriel Parish Council notice boards and web site. Copies will be kept for public inspection by the Parish Clerk and Group Chairman
Resources and Finance	Resources and Finance Grant applications will be made to Locality and close liaison with SHDC will also be required to ensure Stoke Gabriel's fair share of centrally funded initiatives is obtained. The Parish Council will set the budget, endorse and monitor all expenditure. It will also manage cash flow and underwrite, to a maximum of £ 1,000.00, other discretionary expenditure.
Monitoring and Review	Monitoring and reviewing the project plan <u>itself</u> will set out clear timelines and objectives which will be continually monitored by the Steering group and Parish Council.
	Ongoing arrangements for the review and monitoring of the progress on the plan's implementation after adoption will be set out in the plan.