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The Emerging New Local Plan and the Relationship with Neighbourhood Plans

Report summary:

Since the introduction of neighbourhood plans through the Localism Act 2011, more than half of East Devon's town/parish areas have taken up the opportunity to be designated as a Neighbourhood Plan area. To date, approximately half of those have progressed through the neighbourhood planning process to achieve a 'made' or adopted Plan, with a significant number of plans still emerging and at varying stages of development. Once 'made', neighbourhood plans form part of the approved statutory development plan, sitting alongside our adopted Local Plan for East Devon, and containing local (non-strategic) planning policies used in determining planning applications within their areas. This paper sets out more detail on neighbouring planning and neighbourhood plans in the District and identifies potential implications of/considerations for the relationship with the emerging new Local Plan. It also seeks member guidance as to the relative priority to be given to neighbourhood plans in the development of the strategy and policies of the new Local Plan, and the expected extent and nature of engagement with neighbourhood planning communities throughout that process, given the Local Plan timetable.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- (1) That Committee note the role, coverage and state of play of neighbourhood planning in the district and the relationship with the Local Plan (adopted and emerging)
- (2) That Committee consider and comment on the discussion points set out in section 4 of the report
- (3) That Committee endorse the undertaking of a detailed analysis of existing neighbourhood plans to inform the preparation of the Local Plan, the findings of which to be reported to a future meeting
- (4) That Committee endorse the development of a communications plan for liaison with neighbourhood planning communities throughout the Local Plan production, to be brought back to a future meeting for member approval

Reason for recommendation:

To assist with discharging our statutory duty as Local Planning Authority to assist communities in the preparation and modification of neighbourhood development plans and in recognition of the significant level of community-led neighbourhood planning activity in the district, which is likely to be impacted to some degree by the decision to replace the adopted Local Plan. In particular, to inform further development work over the coming months regarding the desired approach to

engagement with neighbourhood planning bodies/groups, the extent to which neighbourhood plans should influence the new Local Plan strategy / policy, and their role in its delivery.

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Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; There are reputational risks for the Council arising from potential damage to the trust/relationship that has been built between the District Council and our neighbourhood planning communities over many years through our support for neighbourhood planning, if the Council does not, and/or is not seen to, be giving neighbourhood plans due regard in the development of the new Local Plan. There are also risks relating to the ability of communities to make plans which influence and guide development in their areas and to the value of those in future decision making if the relationship between the new Local Plan and neighbourhood plans is not clear.

Links to background information – [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2019\)](#); [National Planning Practice Guidance on Neighbourhood Planning \(2020\)](#); [Planning for the Future White Paper](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#);

Link to [Council Plan](#):

Priorities (check which apply):

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Report in full

1. Overview of Neighbourhood Planning

1.1. Neighbourhood planning was introduced to the statutory development plan system through the Localism Act 2011, allowing Qualifying Bodies (typically town & parish councils) to formulate Neighbourhood Development Plans and Neighbourhood Development Orders which can guide, shape and influence development in their areas. Neighbourhood plans go through a similar production process to that of a Local Plan, including evidence gathering to underpin content, several rounds of formal consultation and an independent examination. They are typically developed with significant community involvement, and are subject to a

local referendum requiring a majority vote in favour, before they can go on to be formally 'made' (adopted) by the Local Planning Authority as part of the development plan.

- 1.2. In order to be found 'sound' at examination, neighbourhood plans are tested for compliance with a number of 'basic conditions', including having regard to national policy and general conformity to local strategic policy. Once 'made', neighbourhood plan policies are given their full weight as part of the development plan, with planning applications expected to be determined in accordance with their policies, unless material considerations indicate otherwise. An overview of the neighbourhood plan making process is given in Annex 1.
- 1.3. Although take up has been variable across the country, there are now approximately 1,000 'made' neighbourhood plans in England and over 1700 more communities have embarked on the process of neighbourhood planning. The Government White Paper last year on the future of planning, and associated consultations and pilots since, strongly indicate that the Government intends to retain, as well as re-focus, the role of neighbourhood plans within the planning system. The likely direction of travel is a reduced emphasis on general development management policies, and a greater emphasis on their ability to identify and bring forward development sites, particularly for housing, and to influence the design of development, particularly through design guides and codes.

2. Neighbourhood Planning in East Devon

Coverage

- 2.1. East Devon has a particularly high level of activity and progress in neighbourhood planning, relative to the national picture, as well as regionally and locally. This is in part at least due to the proactive support given to neighbourhood planning by the District Council since its inception, including the creation and dedication of a full time post to support communities through the process. Communities have continued to work hard to progress neighbourhood plans throughout the pandemic, making adjustments to community consultation through digital communication and access to documents, and making hard copies available as required.
- 2.2. Over half the parishes in the district have embarked on the neighbourhood planning process, and we now have 21 plans which are 'made' (18 no.) or recommended to be made imminently, having successfully passed referendum in May 2021 (3 no.). Turnout at neighbourhood plan referendums in East Devon has generally been higher than the national average, which shows a good degree of community awareness, engagement and support.
- 2.3. In addition to our made plans, there are at least a further 10 communities with plans actively being progressed, including two which have been formally submitted to us for the final round of consultation and on to examination, and 3 which have recently completed the formal pre-submission stage consultation. Nine more parishes have a designated 'Neighbourhood Area' (the first stage in the neighbourhood planning process), some of these have not progressed further and others have paused for various reasons, several of which are seeking to re-commence work. The appended map (Annex 2), which is also available as an interactive version on our webpages, shows the state of play and coverage across the district. For clarity, parishes with a made or actively emerging neighbourhood plan at pre-Submission consultation stage or beyond are listed in Figure 1 below:

Figure 1: Made and Advanced Neighbourhood Plans

<u>Neighbourhood Plan Area</u>	<u>Status (Year of Making, in date order)</u>
Lympstone	Made (2015)
Bishops Clyst (Clyst St Mary & Sowton)	Made (2017)
Budleigh Salterton	Made (2017)
Chardstock	Made (2017)
Dunkeswell	Made (2017)
East Budleigh and Bicton	Made (2017)
Stockland	Made (2017)
Uplyme	Made (2017)
Yarcombe	Made (2017)
Feniton	Made (2018)
Rockbeare	Made (2018)
Ottery St Mary & West Hill	Made (2018)
Beer	Made (2019)
Clyst St George	Made (2019)
Exmouth	Made (2019)
Sid Valley	Made (2019)
Payhembury	Made (2019)
Membury	Made (2020)
Farringdon	Recommended to be made June 2021
Newton Poppleford & Harpford	Recommended to be made June 2021
Otterton	Recommended to be made June 2021
Colyton	Submitted – at Reg 16 Consultation stage
Dalwood	Submitted – at Reg 16 Consultation stage
Broadclyst	Pre-Submission Reg 14 consultation stage
Kilmington	Pre-Submission Reg 14 consultation stage
Luppitt	Pre-Submission Reg 14 consultation stage
Monkton	Pre-Submission Reg 14 consultation stage

Content and Application

- 2.4. All neighbourhood plans provide a useful point of reference through description and evidence of needs and issues identified as important in their area. In turn, this underpins a vision setting out how the community would like to see their area evolve over the plan period, and a set of aims, objectives, planning policies, and often, community actions, designed to deliver it. Neighbourhood plans therefore provide a wealth of information about the communities

who have prepared them, (at least at a point in time), which provide guidance to developers and decision makers alike.

2.5. Whilst all of our made and emerging neighbourhood plans are unique to the geographical areas/communities they cover, as land use planning documents, they typically cover similar topics/themes as the Local Plan, including:

- housing
- employment
- natural environment/landscape
- built environment/design/heritage
- community services and facilities
- transport & access/connectivity

and often/increasingly,

- climate change and/or renewable energy.

2.6. It is perhaps not surprising that plans are more typically protectionist in nature. Many identify and protect specific valued community assets which provides an extension to that afforded nationally or by local plan policy, including of community facilities, non-designated heritage assets and Local Green Spaces. A relatively small number of plans have / are seeking to allocate small-medium size development sites, particularly for housing to enable local people to remain in the community, including provision for affordable homes and self-build. Some of these neighbourhood planning communities have set up/are setting up Community Land Trusts as a vehicle for delivery and ensuring community benefit in perpetuity, for example at Beer. A made neighbourhood plan also gives the parish in question an enhanced level of Community Infrastructure Levy (25% rather than the standard 15%) to spend on projects in their community.

2.7. Whilst there has not been specific/systematic monitoring of the implementation of neighbourhood plans in planning decisions at the District level, neighbourhood plan policies are referred to by parish/town councils, and other stakeholders, in responding to consultations on planning applications, and development management officers routinely do the same in their officer reports. There have also been cases where neighbourhood plan policies have been cited and upheld on appeal.

3. Relationship between Neighbourhood Plans and the Local Plan

National Framework

3.1 The role, scope and remit of neighbourhood development plans in relation to Local Plans is set out clearly in legislation, the National Planning Policy Framework (NPPF) and Planning Practice Guidance. In general terms, neighbourhood plans are required to be in general conformity with the adopted Local Plan strategy and strategic policies, and are specifically required not to promote “less development than set out in the strategic policies for the area or undermine those strategic policies” (NPPF, paragraph 29).

3.2 As with the Local Plan, neighbourhood plans carry more weight as a material planning consideration the further they are through the production process. Ultimately, non-strategic policies in a made neighbourhood plan are afforded “precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict” (NPPF, paragraph 30). This would therefore currently apply to all of our made neighbourhood plans (technically excepting Lympstone which was made prior to the adoption of the current Local Plan but was prepared in anticipation and in general conformity with it).

- 3.3 The new Local Plan (once adopted) will, however, take precedence over any neighbourhood plan made prior to this, in so far as there is any conflict between the two. Furthermore, by having been developed in conformity with the previous (current) adopted Local Plan, made and still emerging neighbourhood plans risk being considered out of date by developers and decision makers alike, despite remaining as part of the statutory development plan for their full plan period (typically until 2031). Compounding this is the fact that:
- there is no statutory requirement to review made neighbourhood plans, unlike the 5 year review for Local Plans, and that;
 - the NPPF only gives protection to neighbourhood plans that are less than 2 years old for the purposes of the application of the presumption in favour of sustainable development relating to planning applications for housing, where there is a conflict with the neighbourhood plan (NPPF, paragraph 14).
- 3.4 In common with the picture nationally, there are very few plans in east Devon that have been reviewed, and none which have been updated since they were made, and less than a third of our made/recommended to be made plans are less than 2 years old. Neighbourhood planning communities are understandably nervous about the implication of / risk to their neighbourhood plans of a new Local Plan, not least because of the significant amount of hard work, over many years that communities have invested in developing these plans.

Review Process

- 3.5 For made neighbourhood plans, the Government introduced amendments to the Regulations in 2018 to allow for modifications to neighbourhood plans. However, this only allows for very “minor modifications”, particularly aimed at correcting errors, to be dealt with in a ‘light touch’ way by agreement between the Qualifying Body (town/parish council) and the Local Planning Authority. It may be possible that referencing of Local Plan policy could be updated through this route, but this is only likely to be possible where policies have not changed.
- 3.6 More ‘material modifications’ require either a repeat of the Regulation 14 & 16 consultations and examination stages, or where modifications are deemed to ‘change the nature of the plan, the additional step of a further local referendum. This is likely to be frustrating to those who have committed considerable time and effort to secure their made neighbourhood plans, particularly in very recent times, and it will be for individual communities to decide when/if there is an appropriate trigger to review and update their plans. This review/modifications process would attract Government funding via Locality (up to £10,000 per neighbourhood plan) for communities, and also neighbourhood plans would also be able to benefit from the latest and up to date evidence available collected to inform the Local Plan.
- 3.7 For emerging neighbourhood plans, it is worth noting that they will not be tested for conformity with emerging Local Plan policy. However, the reasoning and evidence informing the Local Plan process is likely to be relevant to the ‘basic conditions’ test. Therefore, emerging plans may be in the somewhat more complex situation of needing to demonstrate general conformity with the adopted Local Plan, and taking account of the most up to date evidence underpinning the emerging new Local Plan. There is likely to become a point at which it is sensible to pause further work on the preparation of emerging neighbourhood plans, but it is not considered this will be our advice for some time, given that a new Local Plan is still several years away. However, the National Planning Practice Guidance (NPPG) sets an expectation that the Local Planning Authority will:
- i. discuss with those preparing neighbourhood plans, the relationship between policies in the emerging Local Plan, emerging neighbourhood plans, and the adopted development plan, and consider this in the light of national policy and guidance;
 - ii. share evidence;
 - iii. aim to agree a way forward and resolve any issues ahead of examination.

3.8 Nationally, a layer of complexity and uncertainty is added by the anticipated significant changes to the planning system stemming from the Planning White Paper last year. In terms of neighbourhood planning, the District Council welcomed the Government's stated intention to retain neighbourhood planning, referred to above, in our response to Government. However, we also expressed concern that (1) the introduction of national development management policies and national design code may undermine the role of neighbourhood plans, and (2) that the desired shift away from words/documents to digital maps and data is likely to present challenges for some of our communities / residents.

Adopted Local Plan Approach

3.9 The approach taken in the adopted Local Plan to neighbourhood plans has not been to allocate housing development to villages and not require Neighbourhood Plans to plan for development – but instead to allow neighbourhood plans to bring forward development if the plan makers want to and can demonstrate good, evidence-based reasons to do so. The role is set out in the Local Plan via the following strategic policies:

- a. Strategy 6 Development Within Built Up Area Boundaries (BUABs)
- b. Strategy 7 Development in the Open Countryside
- c. Strategy 27 Development at Smaller Towns and Larger Villages
- d. Strategy 35 regarding exception sites

3.10 Through Strategy 6, the Local Plan set BUABs for our main towns and made provision (with Strategy 27) for BUABs to be identified for small towns and larger villages through the Villages Plan (adopted 2018), where development would normally be permitted, subject to various criteria. Beyond these areas, and outside the strategic allocations, land is considered to be open countryside and considered against Strategy 7, where development is not normally permitted.

3.11 Strategy 6 however, makes provision, in conjunction with Strategy 7, 27 and 35, for neighbourhood plans to bring forward developments sites as 'exceptions' to these policies, stating, "*Where a local community prepare a Neighbourhood Plan they may specifically allocate sites and/or include criteria based on other policies for promoting development/land uses beyond the boundary. Such 'outside of boundaries' policy provision would supersede relevant constraint considerations set out in 'Strategy 7 - Development in the Countryside' and also other relevant constraint policies*".

3.12 The proviso set out in Strategy 27 is that in allowing communities the ability to deviate from the development allowed for by the Local Plan, by producing a neighbourhood plan, they are required to justify "how and why, in a local context, the development will promote the objectives of sustainable development". Furthermore, Strategy 35, which is commonly cited and referred to in our neighbourhood plans, sets out the relevant circumstances/requirements for bringing forward 'exception sites', defining these as schemes of up to 15 homes, which should include 66% affordable provision.

3.13 Beyond housing strategy, the Local Plan also explicitly set out, via Strategy 39, a presumption in favour of "sustainable development for community-led initiatives for renewable and low carbon energy, including developments [...] being taken forward through neighbourhood planning".

3.14 In terms of non-strategic development managements policies, the Local Plan affirms the national guidance acknowledging that, "through a Neighbourhood Plan a Parish Council or relevant neighbourhood group can produce a local plan for their area that supersedes some or all of the policies in this part of the local plan." The need to reference neighbourhood plans is also reiterated in design policy (D1) and the Local Plan supporting text relating to

protection of open spaces, explicitly delegates the designation of “Local Green Spaces” under the NPPF to neighbourhood plans should they choose to do so.

- 3.15 Whether the emerging new Local Plan continues with this overall approach needs to be given early consideration, and an initial steer is sought by members. In considering this, it may be worth being aware that the original strategy in the Local Plan, before it was removed due to insufficient evidence at the examination, was for villages to provide a small % of the housing needs requirement. This small-scale development was actually received well by the vast majority of communities and could be reconsidered going forward, if it can be robustly evidenced.

Feedback on the new Emerging New Local Plan

- 3.16 Feedback was reported to Strategic Planning Committee earlier in this agenda to the Issues and Options consultation in response to the question “how should we make best use of existing neighbourhood plans to inform the new Local Plan?”

- 3.17 In summary, a spectrum of views were received ranging from:

- i. giving neighbourhood plans a basic level of consideration, in acknowledgment of their statutory role and remit, but developing the Local Plan strategy independently in the knowledge they will need to conform (more typically expressed by those with a commercial interest)

through to;

- ii. neighbourhood plans must be fully endorsed, incorporated into and paramount in the development of the new Local Plan (more typically expressed by those directly and indirectly involved in neighbourhood planning some way).

- 3.18 The need to refer to what neighbourhood plans say was also a common point made in response to many of the questions in the issues and options consultation, including in thinking about where to put development, and how to tackle various issues, such as the future policy for town centres.

- 3.19 The key message taken from the responses as a whole was that a mechanism must be found to ensure that neighbourhood plans are taken account of to both inform the emerging Local Plan, and to identify early potential conflict with it, in an open, transparent and constructive way. Also recognising that deviation would be justifiable to ensure conformity with national policy, to respond to new evidence, and where major changes in local plan strategy and policy are necessitated.

- 3.20 Taking this middle ground stance, the starting point, as was expressed in the consultation responses, would be:

- i. research to gain a detailed understanding of the content and evidence base provided by neighbourhood plans (not least because of the democratic process through which they have been/are being development)

- ii. endeavouring to enable them to remain in alignment as far as /wherever possible /practicable with the new Local Plan.

- 3.21 There were limited specific suggestions for practical action in responses given to the consultation question, but those most frequently suggestions, are shown in Figure 2 below, with a proposed response:

Figure 2. Practical Suggestions from the Issues & Options Consultation

Suggestion	Initial Officer Response
i. Undertake a thorough review of neighbourhood plans including objectives, policies, designations, allocations, key themes, issues – and differences	Agree – suggest existing staff resource from the Planning Policy team undertake this research to provide evidence for the new Local Plan work, including where this is overlap and where there are gaps in policy coverage. Report to future meeting.
ii. Engage with NP groups throughout and identify early any likely conflicts with emerging Local Plan policy and work collaboratively to find way forward	<p>Agree – this is in line with the expectation on us set out in the NPPG and is in line with our long-standing support to NP.</p> <p>Initial exploratory discussion webinar held with neighbourhood planning groups on 25th May 2021, with agreement of Cllr Dan Ledger as Portfolio Holder (see paragraph 3.22 below).</p> <p>Seek advice from Members on communication and engagement going forward/throughout and draft a Communications Plan for agreement to implement the agreed approach. Report to future meeting.</p>
iii. Recognise, clearly define and utilise the role of neighbourhood plans in the Local Plan strategy and delivery of objectives - including to help provide development that is sustainable and will support sustainability of our settlements	Agree – as far as possible with seeking to avoid unnecessary conflict, seek to reinforce neighbourhood plans, but also need to be able to deviate where newer evidence or national policy/direction or major changes to Local Plan strategy are identified.
iv. Engagement with neighbourhood planning groups through master planning of sites in their areas	Agree in principle – based on previous support from Members to a focus on design coding for specific sites and to engage communities in this work. To be explored further as the Local Plan progresses.

Webinar Discussion

- 3.22 The webinar hosted by officers from the Planning Service was well attended by representatives from our neighbourhood planning communities, with 21 neighbourhood plan areas represented, covering both those with made and emerging plans. This was offered as an initial exploratory session to inform this paper. The dialogue was very open and constructive.
- 3.23 Officer presentations covered much of the content in earlier sections on the report so are not repeated here. In terms of highlighting ‘big issues’ regarding the relationship between the Local Plan and neighbourhood plans, it was presented at the webinar that particularly critical/key areas are likely to include:
- a. How new housing sites are allocated and the role of neighbourhood plans.
 - b. How to support local facilities and services to enable communities to remain sustainable.

- c. Whether we should be allocating land for small business units in rural areas and if so how?

3.24 It is unsurprising that the webinar discussion clearly indicated that distribution of development, housing numbers and provision of starter homes and affordable housing (in perpetuity), particularly for young people and families, are of the utmost concern. Key points covered included:

- i. Whether a continued reliance on 'exception sites' to deliver affordable housing in the rural area is an effective model to roll forward from the current Local Plan, and suggestion that the success or otherwise of this approach to date should be reviewed.
- ii. Desire for communities to be able to allocate/deliver and influence small-scale housing developments in their areas to meet local needs, including where communities are not currently assessed as 'sustainable' in the current Local Plan.
- iii. Support for community-led models of delivery and engagement in developing design codes.
- iv. Concern expressed about the issue of numbers of second homes in some communities, affecting available housing stock, and a suggestion that this be explored further as part of evidence gathering for the new Local Plan.
- v. Calls for the new Local Plan to be stronger and more robust in ensuring developers follow through on requirements/expectations, including to provide affordable housing and better design.
- vi. Aspiration for the new local plan to be setting a clear/ambitious framework for addressing the climate crisis, and enabling neighbourhood plans to have an impact in this area.
- vii. Importance of liaison and cooperation with neighbouring authorities on strategic and cross-boundary issues.
- viii. Need for guidance on how to take forward emerging neighbourhood plans, and when it would be appropriate to review made neighbourhood plans, in the context of the emerging Local Plan.

3.25 An initial steer from members on these issues would be helpful, but it is acknowledged that many need further consideration as a strategy for growth starts to emerge and the implications of that are considered.

4. Discussion Points

4.1 Flowing from the information set out above, it would seem to be clear that we need to find a way to give careful / due consideration to the impact of the new Local Plan on neighbourhood plans, and that as far as possible we need to engage with communities in an open, proactive and positive way. The initial webinar discussion has paved the way for this, but there is a need for a clearer 'roadmap' ahead.

4.2 Furthermore, we will need to support neighbourhood planning communities in reviewing their plans, as appropriate, as a result of the new LP, and it is almost certain that neighbourhood plans will need to be reviewed in light of whatever strategy is decided upon for the Local plan. To this end, it will be important to foresee potential conflicts early and identify the impact on plans. The timing of any update/modification will vary between plans and depending on the extent of any changes.

- 4.3 Members are also asked to consider and comment on the extent to which neighbourhood plans shape the Local Plan and the extent to which the Local Plan shapes neighbourhood plans. The legislation is clear that the Local Plan takes precedence and so should set the strategy for growth, but in officers opinion there is a wealth of knowledge, evidence and policies on many non-strategic matters that need to be fed up to help shape the Local Plan.
- 4.4 Overall, key considerations going forward will include:
- a. **Role & remit** – it is for the Local Plan to set the strategy for growth in the district and as such it will need to identify the site allocations needed to deliver that growth. However, there are options around whether smaller scale non-strategic growth allocations are left to neighbourhood plans and if so, how that is done. Alternatively, Members may seek to maintain the current approach whereby neighbourhood planning groups are free to allocate sites (or free to do so within parameters such as the current sustainability requirement) but these are additional to those planned for in the local plan and as such there is no requirement upon them to allocate sites. In either case, it is considered that the plan should show support for community-led development such as Community Land Trusts and Neighbourhood Development Orders
 - b. **Engagement** – whether Members are seeking to build-in time to allow for considerable community engagement accepting that this would extend the plan production timetable, or whether this should be kept to what can be achieved within the time constraints that exist. Members thoughts are sought on how, and to what extent, they wish to see engagement with neighbourhood planning groups, how they wish to see that undertaken and the role they see them playing. Members are also asked to consider whether it may be appropriate to provide a member champion to help support engagement with neighbourhood planning groups
 - c. **Incorporation vs enabling** – to what extent do Members wish to see made neighbourhood plans incorporated into the new Local Plan, for example by ‘saving’ some neighbourhood plan policies and/or including locally made designations, such as Local Green Spaces, into the Local Plan itself. Alternatively, should the focus be on lending support to the principle of local designations to be made via neighbourhood plans and devolving the responsibility for this to them.
 - d. **Conflicts** – To what extent should we be seeking to resolve conflicts – what will be the red lines? For example, assuming the new Local Plan will restrict housing in the countryside as part of the strategy, what status should housing allocations in neighbourhood plans that are contrary to the strategy have? Conversely, to what extent can and should attention be made to largely protectionist neighbourhood plans in areas identified as important for strategic growth. These issues will need further consideration as plan production work progresses and the impacts of an emerging strategy on neighbourhood plans can be better understood.
 - e. **Transition** - it is our proposed approach to continue to encourage work to progress emerging plans, providing advice and guidance on the relationship with the new Local Plan as this develops for as long as possible. To assist with these newer neighbourhood plans remaining as up to date as possible once the Local Plan is adopted, we would envisage advising emerging plans to avoid duplicating adopted Local Plan policy, and to focus on the key issues that are a priority in their community. Also, to avoid making direct references to Local Plan policies which it is anticipated should help with reducing the extent of updating needed later. Members are asked to confirm their support for this approach.

5. Next Steps

- 5.1 It is proposed that the starting point for taking forward a workstream relating to the relationship between the Local Plan and neighbourhood plans be the allocation of existing staff resources to undertaking a detailed review and analysis of our suite of made and emerging neighbourhood plans, and development of a communications plan for engagement with groups throughout the process to develop the new Local Plan. Members' agreement and guidance is sought to inform taking these forward and it is envisaged that both of these pieces of work will be reported to a future meeting(s).

Financial implications:

Central Government funding is available for Neighbourhood plans. This grant income covers not only examination fees but also all other associated costs such as employment, external consultants and all other supplies and services. Any residual funds at the end of the year are placed into an earmarked reserve and utilised to cover funding gaps in subsequent years.

Legal implications:

There are no legal implications other than as set out within the report.

Annex 1: Stages in the Neighbourhood Plan / Order Process

Adapted from a Plain England Guide to the Planning System (2015)

Stage 1: Identification and designation of a Neighbourhood Area

- Local community identify an appropriate boundary for neighbourhood planning
- Apply to local planning authority for the area to be designated
- Local planning authority publicise and consult on the application(s) and make a decision on the neighbourhood area

Stage 2: Initial evidence gathering and consultation and publicity

- Local community formulate vision and objectives, gather evidence and draft details of the proposals for a plan or order
- Consult on these proposals for a minimum of 6 weeks

Stage 3: Submission

- Neighbourhood plan or order proposal and required documents are submitted to the local planning authority
- The authority publicises the plan or order for a minimum of 6 weeks and invites representations
- The local planning authority arranges for an independent examination of the neighbourhood plan or order

Stage 4: Examination

- An independent examiner makes recommendations to the local planning authority on whether the draft neighbourhood plan or order meets basic conditions and other legal tests
- The local planning authority considers the report and decides whether the neighbourhood plan or order should proceed to referendum

Stage 5: Referendum and neighbourhood plan is made

- A referendum is held to ensure that the community decides whether a neighbourhood plan should be part of the development plan for the area
- If a majority of those who vote support the neighbourhood plan or order the authority must bring it into force (unless that would breach European or human rights obligations as retained in UK law)

Annex 2 Current Picture of Neighbourhood Planning in East Devon (as at May 2021):

