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Please find below a summary of key legal matters should the Parish chose to pursue a Neighbourhood Plan. These have been extracted from the legislation and regulations.

1. Responsibilities

The legislation clearly sets out that a Neighbourhood Plan is a Community Led Policy document. The relevant body (in this case Ruishton and Thornfalcon Parish Council) is responsible for making sure that the Plan is Sound. This includes: having appropriate detailed evidence base, relevant inclusive consultation, being in conformity with local planning policy and regulations.

The Local Planning Authority (in this case Taunton Deane Borough Council) is responsible for legal elements of the designation, pre-examination inspection and its compliance consultation, examination and referendum.

2. Registering your intentions with the District Council

Under the regulations you need to register your intention to produce a Neighbourhood Plan which the Council will advertise for a minimum of six weeks consultation, to bring it to the attention of people residing and working in the area. Following this the Council will rule on whether the nominated neighbourhood area and relevant body is permitted to progress a neighbourhood plan. The Council will then publish its decision.

To advertise the application the Council would need a letter detailing the scope and content of the Plan, process and timetable. A map showing the area to be covered by the Neighbourhood Plan is also required.

There are a number of examples on the internet of designation request letters, and I would recommend that you look at these. At the very least it would help to have the following:

- **About your Village and Community** (i.e. where is it, what's its population, how does it relate to surrounding settlements, what businesses does it have, what services and facilities are there)
- **Relationship between your Village and the TDBC Core Strategy** (The settlements in the Parish of Ruishton and Thornfalcon are not allocated for development, therefore its important to look at the Visions, Core Policies, Spatial Policies and Development Management Policies – particularly DM2, DM1). One or more of the areas being considered for the Boroughs strategic employment site may fall within the Parish, this should be referenced.
- **Status and Adoption of Neighbourhood Plan** (i.e. subject to successful outcome of referendum the Plan will be adopted by TDBC. Dependant on compliance with Localism Act, final document may achieve formal status as part of Statutory Development Plan or Supplementary Planning Document)
- **Neighbourhood Plan Timetable** (i.e. set out the structure of the preparation of the plan; including key elements such as formation of the steering group, application for designation, community consultation, scope of works, timetable)

for each element – DCLG are estimating plans taking around 2 years to complete);

- **Scope of Neighbourhood Plan** (i.e. The exact scope, form and content of the Plan determined through stakeholder and public engagement, it may address: Identification of any smaller scale allocations as appropriate (including alterations to the existing settlement boundary), affordable housing, employment, protection of recreational open space, protection of community assets, small scale employment, etc)
- **Examination and Referendum** (i.e. With TDBC we propose to engage an appropriately qualified independent inspector who will undertake a public examination into the soundness of the Plan; within the existing and emerging statutory planning framework. The output of the examination would be a non-binding report in line with procedures outlined in the Localism Bill. Following any amendments deemed necessary, the Plan would then be put to a public referendum. The Steering Group, Parish and District Council would together discuss and determine the best means by which to undertake the referendum).
- **The decision to undertake a Neighbourhood Plan** (i.e. the Parish Council voted at their March 2012 meeting to support this application to Taunton Deane Council and is fully committed to the work it requires).

A map of the Neighbourhood Area should be included with the letter. The map should have a red line boundary which denoted the extent of the Neighbourhood Plan Area. Written justification of the areas included in the proposed area designation is also required.

TDBC will advertise the request for designation, details of which will be on its website and open for six weeks consultation. After this time TDBC will issue a decision on the designations conformity.

3. Neighbourhood Plan Steering Group

It's important that you secure a broad membership for the Neighbourhood Plan Steering Group. Who has a range of connections within your community? Who has a broad range of contacts in your community? Who has specific skills which can help with your Neighbourhood Plan?

It's important that you document who is on the steering group and why. It establishes transparency and will help prove evidence that the steering group is representative of the community at examination.

4. The development of a Neighbourhood Plan

The relevant body is responsible for the development of a Neighbourhood Plan including all supporting evidence that is required to make the Plan Sound at Examination. The scope and complexity of this evidence is determined by the content of the Plan.

TDBC is happy to share any relevant evidence base with you; examples of this material include, inter alia, growth forecasts, accommodation assessments, employment land review, landscape character area appraisals, etc.

The Relevant Body may also be required to produce a Sustainability Appraisal, Statement of Consultation and Sustainable Environmental Assessment on its Plan.

It is important that the relevant body undertake consultation on their emerging Plan, often called pre-submission consultation, before submitting it to TDBC for the next regulatory stage of the Plans progression.

5. Pre-examination consultation

When the relevant body is satisfied that it has a sound Neighbourhood Plan they are required to submit it to the Local Authority. TDBC will check its compliance with the Acts and Regulations and host statutory consultation on this.

6. Examination

TDBC is responsible for organising, coordinating and paying for the examination. The Examiner will set the length and scope of the examination. The Examination could be written representations and/or public hearings. The Examiner will issue a report following the representations/hearings including whether it is sound and can progress to a referendum, and if there should be changes to the Plan prior to that.

7. Referendum

TDBC is responsible for organising and co-ordinating the referendum. A person is entitled to vote in the referendum if they reside in the area and are on the electoral role for the purpose of the Borough Council elections. If your Neighbourhood Plan is a "Business Area Plan" the rules are slightly different.

If more than half of those voting have voted in favour of the plan it can progress to Adoption. If in the case of an area covering both neighbourhood and business area in only one of the referenda returns a vote of more than half of those voting in favour of the plan, it is the authorities discretion as to whether the Plan is adopted.

8. Adoption

Unless TDBC believes that the Neighbourhood Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights it must adopt the Neighbourhood Development Plan

9. Support from TDBC

Under the regulations the Council's only statutory obligations to support a Neighbourhood Plan is at Designation, assisting with statutory technical supporting documentation, inspecting plan before Examination, Examination and Referendum. The Council will help, beyond the statutory minimum, where we can but communities must be realistic about the type and amount of support officers can provide.

Central Government currently has two funding streams open; a grant or direct support scheme. This is being delivered through Locality and details of the scheme can be found at: <http://mycommunityrights.org.uk/neighbourhood-planning>

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