

EXECUTIVE

LEADER: Cllr Jeremy Christophers

PORTFOLIO HOLDER: Cllr John Goodey

DATE: 5th April 2018

REPORT OF: Simon Thornley, Business Manager, Strategic Place

SUBJECT: Adoption/Making of Ogwell
Neighbourhood Development Plan

PART I

RECOMMENDATIONS

The Executive is recommended to

Resolve

That the Ogwell Neighbourhood Development Plan is 'Made' and is brought into force as part of the suite of Teignbridge Local Development Plan Documents as a material consideration in planning terms relating to the Ogwell Parish Area.

1. PURPOSE

- 1.1 The purpose of this report is to inform the Executive of the results of the referenda on the Ogwell Neighbourhood Development Plan and to bring the Plan into force by making/adopting it as part of the Development Plan for the District. This will ensure that this neighbourhood plan forms a material consideration in the determination of planning applications for this parish. (Note that neighbourhood plans are 'Made' which has essentially the same meaning as when a Local Plan is 'adopted'). This accords with the provisions of the Planning and Compulsory Purchase Act 2004 Section 38A(4) as amended.
- 1.2 A copy of the Ogwell Neighbourhood Plan is available online at: www.teignbridge.gov.uk/ogwellnp

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2. BACKGROUND

- 2.1 The Localism Act and associated regulations provide the legal framework for the production of Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders. These formed part of the suite of planning powers devolved to town and parish councils and neighbourhood forums under the 2011 Localism Act.
- 2.2 Following designation of Ogwell Parish area in on 17th May 2015, the Parish Council began work on their neighbourhood plan. The development of the plan was informed by extensive community and stakeholder engagement, formally and informally throughout the process.
- 2.3 Following two formal consultation periods (Pre-submission & Submission), the plan was submitted to the District Council and then subjected to an independent examination to assess whether it met the 'Basic Conditions'. Successful examination on the plan led to the separate referendum in which the decision to adopt/make the neighbourhood plan was put to a local vote on 15th February 2018.
- 2.4 On a 24.9% turnout, 91% of those casting their ballot voted yes to the question: (the wording of which is prescribed in the regulations)
- Do you want Teignbridge District Council to use the Neighbourhood Plan for Ogwell Parish to help it decide planning applications in the neighbourhood area?*
- 2.5 With the successful referendum, Teignbridge Council must 'make'/adopt the neighbourhood plan unless doing so would breach or would otherwise be incompatible with any EU obligation or any Convention Rights under the Human Rights Act. No such conflict has been identified by the neighbourhood plan examiners or by Officers of the Council. In addition the Habitat Regulation Assessments and Strategic Environmental Assessment Screening reports did not identify any likely significant effects on the Environment. As such no conflict or breach with the above has been identified and the Neighbourhood Plan should be 'made'.

3. MAIN IMPLICATIONS

- 3.1 The Neighbourhood plan contains a range of locally produced policies, now formally endorsed by the voters of the respective parishes, to help guide the decision making process. Statute provides that planning applications should be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. Once the Neighbourhood Plan is 'made/adopted it becomes formally part of the Development Plan for the parish (alongside the Teignbridge Local Plan), and will therefore have a significant role in the decision-making on planning applications within the parish.

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- 3.2 In normal circumstances, Parish and Town Councils receive 15% of the receipts from the Community Infrastructure Levy raised within their area. Where there is a 'made' neighbourhood plan, this increases to 25%.
- 3.3 A proportion of the costs accrued by the District Council in the development of Neighbourhood Plans are covered by Government funding.

4. GROUPS CONSULTED

- 4.1 The regulations require Neighbourhood Development Plans to be locally informed and led. Therefore the production of a Consultation Statement is prescribed by the regulations and assessed by an independent examiner. In addition two prescribed stages of public and stakeholder consultation are required before the plan is examined and can proceed to referendum.

The Ogwell Consultation Statement is available to view at: www.teignbridge.gov.uk/ogwellnp.

5. TIME-SCALE

- 5.1 Immediate

6. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)

10.00 a.m. on 5th April 2018

Simon Thornley
Business Manager, Strategic Place

Cllr John Goodey
Portfolio Holder for Community
Neighbourhoods

BELOW TO BE FILLED IN BY REPORT AUTHOR:

Wards affected	Ogwell
Contact for any more information	Simon Thornley 01626 215706 or Alexis Marsh on 07827 552497.
Background Papers (For Part I reports only)	N
Key Decision	Y
In Forward Plan	Y
In O&S Work Programme	N
Appendices attached:	None