

**TAVISTOCK TOWN COUNCIL  
4<sup>th</sup> FEBRUARY, 2025**

**TAVISTOCK NEIGHBOURHOOD DEVELOPMENT PLAN**

**1. PURPOSE OF THE REPORT**

To consider the outcome of the examination of the draft Neighbourhood Development Plan and associated documents (submission version) for Tavistock following completion of examination and receipt of the Examiners Report.

**2. CORPORATE POLICY CONSIDERATIONS**

The development of a fit for purpose Neighbourhood Development Plan for Tavistock potentially engages policies D1, D3, D5, C1, C2, C3, C4, EN1, EN5, EN6, EN7, EN8, EC1, EC2, of the Tavistock Town Council's Strategic Plan 2024-2027.

**3. LEGAL AND RISK MANAGEMENT ISSUES**

Neighbourhood Development planning is a process originating from the Localism Act 2011 and thereby principally governed by the Town & Country Planning Act 1990 (as amended), Planning and Compulsory Purchase Act 2004 (as amended), and consequential regulations.

Insofar as Risk Management is concerned at this stage of the developmental process the principal potential risks include, but are not limited to failure to successfully proceed following referendum. As previously noted there are also potential 'Macro' risks associated with consequential impacts arising from any forthcoming change of Government Policy on Planning in relation to the Neighbourhood Development or wider planning processes. Accordingly, the Plan has been assessed by the Examiner against the policy framework in situ at the time it was written.

**4. RESOURCE ISSUES**

There are no new resource issues anticipated to arise from this report on the basis as set out. Subject to the utilisation of Grant Funding wherever possible the Council has made the Localism Budget available to meet associated costs. Progress against cost has been regularly reported to the DM&L Committee and Council alongside periodic programme reporting to/review by the Budget and Policy Committee.

**5. ENVIRONMENTAL ISSUES**

The environmental issues associated with a Neighbourhood Development Plan are necessarily contingent upon the content and scope of the plan on adoption. However, the emerging Tavistock Neighbourhood Development

Plan does seek to contribute toward the sustainable use and development of the built and natural environment of the Town, to enhance resilience and to reflect the views of the Community and other stakeholders who have contributed to its production within the current framework of the South West Devon Joint Local Plan and National Planning Policy Framework.

## **6. COMMUNICATION ISSUES**

There has been extensive consultation, communication and engagement in the development of the Tavistock Neighbourhood Development Plan which is set out, in more detail, in the associated Consultation Statement. In addition, there has been the involvement of the Local Planning Authority(ies) throughout to ensure support for plan content and compliance alongside ongoing reports to the organs of Council.

## **7. RECOMMENDATIONS**

That Council adopt those recommendations as set out in section 3 below.

### **1. BACKGROUND**

- 1.1 Council will recall that in July, inter alia, it endorsed progression of the Neighbourhood Development Plan and accompanying documents to proceed to Examination (Minute No. 94 refers).

### **2. CURRENT POSITION**

- 2.1 An independent Examiner, appointed by the Local Planning Authority has now considered the draft plan and associated documents by way of written representations. A copy of the Examiner's Report is attached (Appendix 1 refers).
- 2.2 By way of context an Examiner has three main options available in relation to the outcome of consideration – to recommend it to be submitted to referendum as proposed, recommend it be submitted subject to modifications, or to refuse the Plan.
- 2.3 In this case the Examiner has broadly welcomed the content of the Plan, subject to some modifications which are limited in number and scope and, on that basis, recommended it to proceed to Referendum. It therefore meets the 'basic conditions' compliance/conformity requirement. The modifications made have been reviewed by the Steering Group for accuracy only (eg to ensure that changes have not mis-denoted a site etc), and its views conveyed to the Examiner.
- 2.4 It is circulated to the Town Council, as qualifying body (QB) (see enclosed report) technically for information, and then the responsibility falls to the Local Planning Authority (LPA) to consider the Examiners recommendations and decide what action to take. If it (the LPA) is then

satisfied that the draft plan meets the basic conditions etc then it *must* proceed to referendum. The only changes the LPA can make are those necessary to secure compliance with the basic conditions.

- 2.5 It is the LPA that therefore has statutory responsibility at this stage for making the NDP and any associated formal decisions. It will publish a 'decision statement' on its website which it will also send to the Qualifying Body (TTC). Technically (if the LPA follows the Examiners recommendations) there is no need for the QB to be consulted, although on this occasion it has invited the Council to comment on whether it supports the progression of the Plan, as modified by the Examiner, to Referendum.
- 2.6 For clarity, the legal position is that the QB has no rights other than in very limited circumstances beyond that to 'be informed'. The only circumstances where it has a right to challenge are those where the LPA fails to follow the Examiners recommendations, or fails to determine matters in accordance with a statutory timeline. The opportunity to endorse the Plan, as modified, is therefore welcome.
- 2.7 There is a specific process that then applies to the LPA and its consideration/progression of the Plan which falls outside the scope of this report. Similarly, as the wider planning policy framework changes there will be opportunity to assess the extent /timing of future review(s).
- 2.8 For more information on the baseline documents the submission version Plan can be viewed at [Tavistock-Draft-Submission-Neighbourhood-Plan-v.4.6-17-07-24](#) (the plan proposal) and the Tavistock Design Guide at [Tavistock Design Codes and Guidelines Postreg14 Final](#) . Also available are links to procedural documents – the Consultation Statement [Tavistock-Neighbourhood-Plan-Draft-Consultation-Statement-20-07-24](#) and Basic Condition Statement [Tavistock-Neighbourhood-Plan-Submission-Draft-Basic-Conditions-Statement-v-1.2-15-07-24](#) and the SEA screening report [EE01 Tavistock-NP SEA-Screening-Opinion-V1.0\\_060324](#)

### **3. CONCLUSION & RECOMMENDATIONS**

- 3.1 The comments of the Examiner are positive and the modifications do not represent substantive change and, as such, this is an acknowledgement of the dedication and diligence of the Steering Group in their work.
- 3.2 In the circumstances, and whilst it is not a statutory procedural requirement, it is:

RECOMMENDED THAT Tavistock Town Council:

- a) welcome the report of the independent Examination of the Tavistock Neighbourhood Development Plan and associated documents; and
- b) advise it accepts the modifications recommended by the Examiner and commend same to the LPA for acceptance and progression to referendum.

3.3 The instructions of the Council are sought.

**CARL HEARN  
TOWN CLERK  
TAVISTOCK TOWN COUNCIL  
JANUARY 2025**