



## **North Devon Council**

Report Date: 5<sup>th</sup> October 2021

Topic: Georgeham Neighbourhood Plan

Report by: Senior Planning Policy Officer

### **1. INTRODUCTION**

1.1. Georgeham Parish Council, as a Qualifying Body, has prepared a Neighbourhood Plan for the parish of Georgeham. The draft Neighbourhood Plan was recently subject to examination and the Council is now required to formally consider the next steps. This report seeks approval to modify the submission version of the Georgeham Neighbourhood Plan in accordance with the recommendations of an independent examiner, and then to proceed to a local referendum that would determine if the Neighbourhood Plan should be “made” (adopted). If “made”, the Neighbourhood Plan will form part of the Council’s statutory development plan and be used alongside the North Devon and Torridge Local Plan (2011-2031) in determining planning applications in the parish of Georgeham.

1.2. Under the Neighbourhood Planning (General) Regulations 2012 (as amended) (the “neighbourhood planning regulations”) councils are formally required to make a decision on the neighbourhood plan and to publish a “Decision Statement” at this stage of the process, setting out what actions they propose to take in response to an examiner’s recommendations. A draft Decision Statement for the Georgeham Neighbourhood Plan is provided at Appendix C of this report.

### **2. RECOMMENDATIONS**

2.1. Accept the recommendations and modifications proposed by the examiner in relation to the Georgeham Neighbourhood Plan, as set out in the examiner’s report (Appendix A);

2.2. Amend the Georgeham Neighbourhood Plan to include:

- a) the Proposed Modifications set out by the examiner in his report (Appendix to the examiner’s report);
- b) the minor modifications identified in this report (Appendix B); and
- c) any further changes of a minor nature necessary to address typographic, spelling and grammatical errors, improve clarity, adjustment to ensure plan wide consistency of terminology, presentational improvements, factual updates and updated information with regard to the status of the Neighbourhood Plan;

- 2.3. Agree that the Georgeham Neighbourhood Plan, as amended, proceeds to referendum, at a date yet to be determined;
- 2.4. That the geographical area for the referendum is the Georgeham Neighbourhood Area (Civil Parish of Georgeham); and
- 2.5. Publish the above decisions and associated reasons in a formal Decision Statement (draft Statement provided at Appendix C).

### 3. REASONS FOR RECOMMENDATIONS

- 3.1. To comply with the requirements of the current neighbourhood planning legislation.

### 4. REPORT

4.1. Neighbourhood plans are statutory planning documents which can establish planning policies for the development and use of land in a local area such as a parish or town. Neighbourhood planning aims to help local communities play a direct role in planning the areas in which they live and work and the Council has a statutory duty to assist communities in doing so.

4.2. The responsibility for preparing a neighbourhood plan resides with the designated “Qualifying Body”, being Georgeham Parish Council in this instance, however the local planning authority (this Council) has a range of legislative responsibilities that it is required to discharge in support of neighbourhood planning, including:

- a duty to support the Qualifying Body in the Neighbourhood Planning activity;
- formally consulting on the submission draft of the Neighbourhood Plan;
- arranging for the independent examination of the Neighbourhood Plan;
- considering whether the Neighbourhood Plan meets the prescribed legislative requirements;
- arranging and carrying out a referendum on the draft Neighbourhood Plan;
- ensuring the Neighbourhood Plan is “made” (adopted) if successful at referendum.

4.3. The Parish of Georgeham was formally designated as a Neighbourhood Area for the purposes of neighbourhood planning by resolution of this Council in December 2015. The “Qualifying Body” (the Parish Council) embarked on the

process of preparing the neighbourhood plan, carrying out an extensive programme of work and engagement with the local community.

- 4.4. In November 2018 Georgeham Parish Council consulted upon a pre-submission draft of the Neighbourhood Plan. At this stage, the Council provided a comprehensive response to the consultation, supported by the commissioning of an independent ‘health check’ to identify any potential issues or areas of concern. Having considered all representations received, the Parish Council decided to review the content of the Plan to improve clarity and presentation. Following a delay in 2020 due to the pandemic, a formal Pre-Submission consultation was undertaken in accordance with Regulation 14 of the neighbourhood planning regulations between 1<sup>st</sup> February and 5<sup>th</sup> April 2021 with the Council providing a further response to the consultation.
- 4.5. Following the Parish Council’s consideration of all the representations received, the Neighbourhood Plan, along with necessary supporting documentation, was submitted formally to this Council on 9<sup>th</sup> May 2021.
- 4.6. Following a series of checks, this Council undertook formal consultation on the submission Neighbourhood Plan in accordance with Regulation 16 of the neighbourhood planning regulations during the period 27<sup>th</sup> May to 9<sup>th</sup> July 2021. The Council provided a comprehensive and constructive, without prejudice, response to the consultation with a view to highlighting matters that would benefit from being addressed prior to the Neighbourhood Plan being ‘made’.
- 4.7. In July 2021, this Council, with the agreement of the Qualifying Body, appointed Mr Andrew Mead BSc (Hons) MRTPI MIQ of Intelligent Plans and Examinations (IPE) Ltd to carry out the independent examination of the Neighbourhood Plan. The purpose of the examination being to determine whether the Neighbourhood Plan should, with or without changes, be recommended to proceed to referendum. In doing so the examiner was required to consider whether:
- the Neighbourhood Plan meets the “Basic Conditions”;
  - it has been prepared by and submitted for examination by a Qualifying Body and the area has been properly designated;
  - it sets out policies in relation to the development and use of land
  - it specifies the period to which it relates;
  - it does not include provisions for ‘excluded development’;
  - it is the only neighbourhood plan for the area and doesn’t relate to land outside of the designated area;

- the referendum boundary should be extended beyond the area of the Neighbourhood Plan; and
- the Neighbourhood Plan is compatible with the Human Rights Convention.

4.8. The Basic Conditions as set out in the Town and Country Planning Act 1990 (as amended) are that a neighbourhood plan should:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies in the development plan for the area;
- be compatible with and not breach EU regulations; and
- meet any prescribed conditions and comply with prescribed matters; which in this case are to comply with requirements associated to habitat regulations and environmental impact assessments.

4.9. From a review of the 19 responses received to the consultation on the submission Neighbourhood Plan, the examiner considered that public hearings were not required and that the examination could be conducted through written representations. During the examination process, the examiner engaged with the Qualifying Body and the local planning authority in order to seek their views on a number of matters raised during the consultation.

4.10. The final examiner's report (Appendix A) was received by the Council and the Qualifying Body on 13 September 2021, being published on the Council's website shortly thereafter. The report concludes that all necessary procedural and technical requirements have been appropriately addressed and recommends that, subject to the application of the Proposed Modifications that the examiner sets out as part of his Report, that the Neighbourhood Plan should proceed to referendum.

4.11. It should be noted that after the submission of the Neighbourhood Plan and prior to the publication of the examiner's report, a revised version of the National Planning Policy Framework was published on 20<sup>th</sup> July 2021 alongside a new National Model Design Code. The examiner wrote to both the Qualifying Body and the Council to ask if any modifications in relation to the non-strategic matters covered by the Neighbourhood Plan were necessary as a result of the publication. Neither the Council or the Parish Council considered that modifications were necessary.

- 4.12. In addition it should be noted that the examiner's report references the revised 2021 NPPF whereas the Basic Conditions Statement submitted by the Qualifying Body refers to the 2019 NPPF. However, the Council are content that the submission document aligns with the most up-to-date national planning policy framework, albeit that the relevant paragraph numbers have subsequently changed.
- 4.13. Section 12(2) of Schedule 4B of the Town and Country Planning Act 1990 requires that the local planning authority consider each of the recommendations made within the examiner's report (and the reasons for them) and decide what action to take in response to each recommendation. Regulation 17A of the Neighbourhood Planning Regulations requires that these decisions be made by a prescribed date; with that date being the last day of five weeks beginning with the day immediately following that upon which they received the report of the examiner, or an alternate date where this is agreed by the local planning authority and the qualifying body. Five weeks from 13<sup>th</sup> September is 18<sup>th</sup> October.
- 4.14. The detail of each of the examiner's recommended Proposed Modifications are set out in Appendix A of the examiner's report. Officers support all of the Proposed Modifications recommended by the examiner in his report and accept the associated reasons for making such modifications. It is therefore recommended that all of the Proposed Modifications recommended by the examiner are agreed and incorporated into the neighbourhood plan, subject to the following considerations.
- 4.15. Section 12(6) of Schedule 4B of the Town and Country Planning Act 1990 sets out the extent of the modifications that a local planning authority may make to a neighbourhood plan that has been submitted to them by a Qualifying Body. These are effectively limited to those required in order to address the matters identified as being able to be considered by the examiner above, along with ability to correct errors.
- 4.16. Further changes of a minor nature can also additionally be applied to the Neighbourhood Plan, however these are limited to matters that cover typographic, spelling and grammatical corrections, adjustment to ensure plan wide consistency of terminology, presentational improvements, factual updates and updated information with regard to the status of the Neighbourhood Plan. These do not however alter the provisions of the policies of the Neighbourhood Plan nor their application and are within the scope of what is enabled by legislation. Appendix B details the identified proposed minor modifications.

4.17. The decision on whether to progress with the Neighbourhood Plan and whether to accept the examiner's recommendations resides with the local planning authority at this stage of the process and not with the Qualifying Body. Georgeham Parish Council did however consider the recommendations of the examiner's report at its Full Council meeting on 22<sup>nd</sup> September 2021. The Parish Council considered and accepted all of the examiner's recommendations and proposed modifications.

4.18. The neighbourhood plans will be given significant weight once a Decision Statement for the neighbourhood plan has been published. Hence, subject to a positive outcome on this matter before you and upon the associated publication for the Decision Statement, the neighbourhood plan will be able to begin to have effect on relevant planning decisions.

4.19. It should be noted that the examiner commends the Parish Council for their efforts on the neighbourhood plan:

*"The Parish Council and voluntary contributors are to be commended for their efforts in producing a comprehensive Plan which is professionally presented with excellent accompanying documentation and a format which is worthy of its role as part of the Development Plan. It is an extremely well structured and informative Plan which I enjoyed examining. The associated papers were exemplary. The high quality of the Plan is demonstrated by the small number of recommended modifications (necessary to meet the Basic Conditions) to only seven of the twenty six policies. With those modifications, the GPNP will make a positive contribution to the Development Plan for the area and should enable the unique coastal and rural character and appearance of Georgeham Parish to be maintained."*

4.20. Officers would concur with the sentiments of the examiner and join him in commending the efforts of the Parish Council and the wider local community for their efforts in successfully progressing the development of the neighbourhood plan to this important milestone.

## 5. RESOURCE IMPLICATIONS

5.1. The Council is responsible for a range of specific costs associated to the progression and making of Neighbourhood Plans, including the examination and referendum.

5.2. The Council's Electoral Services Team have indicated that the direct financial costs of conducting the referendum for the Georgeham Neighbourhood Plan would be c.£3,000 whilst the appointment of the independent examiner cost c.£5,727. The designation of the first five neighbourhood areas in the North



Devon Local Planning Authority Area attracted a grant of £5,000 per area as a “pump-priming” fund from Central Government to support neighbourhood planning activity (£25,000 in total). Additionally, the Council will be eligible to seek a further grant of £20,000 from Central Government specifically in response to the progression of the Georgeham Neighbourhood Plan upon the publication of the formal Decision Statement and subject to the Council resolving to send the Neighbourhood Plan forward to referendum. Officers will make necessary arrangements to secure the grant funding at the appropriate time.

5.3. The available grant funding is anticipated to be sufficient to cover the specific direct financial costs to the Council associated to supporting the progression of the Georgeham Neighbourhood Plan; including the earlier procurement of an independent health check on the draft plan, the appointment of the independent examiner and the direct costs of the referendum. This above does not however take account of the wider staffing and operational costs associated with completing these neighbourhood planning activities, which are conducted as part of the wider work programmes of the planning policy and Electoral services teams.

5.4. It should be noted that Qualifying Bodies are eligible for alternate funding to support the preparation of their neighbourhood plans.

## 6. EQUALITIES ASSESSMENT

6.1. The submitted Georgeham Neighbourhood Plan Supporting Document included its own Equality Impact Assessment (section C of the Supplementary Policy Documents). It concluded (paragraph 8.3) that “*where policies in the Plan do have an impact on groups with protected characteristics, it is overwhelmingly a positive or neutral impact and not a negative one. The range of policies and proposals will benefit many parts of the local community including those with protected characteristics: older people, young people, mothers to be and young children, disabled people and those with limited mobility.*”

## 7. CONSTITUTIONAL CONTEXT

7.1. Article of Part 2 Article 4.3.1(c)

7.2. Referred or delegated power?: Referred power



## 8. STATEMENT OF CONFIDENTIALITY

8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 9. BACKGROUND PAPERS

9.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

- a) Georgeham Parish Neighbourhood Plan 2021-2031 (May 2021)
- b) Georgeham Neighbourhood Plan Supporting Document (May 2021)
- c) Report on the Georgeham Parish Neighbourhood Plan 2021 to 2031
- d) Neighbourhood Planning (General) Regulations 2012 (as amended)
- e) National Planning Policy Framework (2019 and 2021)

## 10. STATEMENT OF INTERNAL ADVICE

10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

## APPENDICES

- 1 – Examiner's report
- 2 – Minor Modifications
- 3 – Draft Decision Statement