

Georgeham Neighbourhood Plan 2021 – 2031

Decision Statement under Regulation 18(2) of The Neighbourhood Planning (General) Regulations 2012 (as amended)

Summary

1. Following an independent examination undertaken by written representations, North Devon Council confirms that the Georgeham Neighbourhood Plan proceed to referendum,
2. This Decision Statement will be available on North Devon Council's website at www.northdevon.gov.uk/.

Background

3. The designated neighbourhood area for the Georgeham Neighbourhood Plan comprises the Civil Parish of Georgeham. On 7 December 2015, North Devon Council ("the Council") formally approved the designation of the Georgeham Neighbourhood Area, following an application by Georgeham Parish Council ("the Parish Council"), in accordance with the Neighbourhood Planning (General) Regulations 2012.
4. As a "Qualifying Body"¹ the Parish Council submitted the draft Georgeham Neighbourhood Plan (the "Neighbourhood Plan"), in May 2021, along with supporting documents, to the Council for consultation, independent examination and the remaining stages of the draft documents preparation in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).
5. The Council then published the Neighbourhood Plan and supporting documents, as required by Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and invited representations to be made over the period 27th May to 9th July 2021.
6. In July 2021, the Council appointed an independent examiner, Mr Andrew Mead BSc (Hons) MRTPI MIQ of Intelligent Plans and Examinations (IPE) Ltd, to examine the Neighbourhood Plan and to establish whether it met the Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, along with other prescribed statutory requirements and to recommend whether it should proceed to a referendum.
7. The examination took place over the period July to September 2021 and the Council received the final Report of Examination on 13th September 2021; with the report being published on the Council's

¹ A definition of "qualifying body" is provided at section 38A(12) of the Planning and Compulsory Purchase Act 2004 (as inserted by paragraph 7 of the Localism Act 2011)

website shortly thereafter. The examiner dealt with the examination by means of written representations, as he did not feel there was the need for any hearings. The Report of Examination recommended specific modifications to the Neighbourhood Plan and concluded that the Neighbourhood Plan, as modified, could proceed to referendum. It also recommended that the boundary of the referendum area should follow the boundary of the designated Neighbourhood Area (the Civil Parish of Georgeham).

8. Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the Council to decide whether to reject a neighbourhood plan proposal or to progress the plan to a referendum, what the referendum area should be, what modifications (if any) to make to the neighbourhood plan and what action to take in response to the examiner's recommendations.

Recommendations, Decisions and Reasons

9. The Council agrees with the recommendations in the Report of Examination and the reasons set out for those recommendations. It has decided to modify the Neighbourhood Plan as per these recommendations, by applying the Proposed Modifications set out in the Report of Examination (Table 1).
10. The Council is also amending the Neighbourhood Plan to correct errors of a minor nature that the report did not address²; these being limited to those 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.
11. The Council considers that the Neighbourhood Plan, as amended, will meet all of the Basic Conditions and other associated legislative requirements and that its preparation has been in accordance with the necessary procedural requirements.
12. The Council has also decided to progress the modified Neighbourhood Plan to a referendum of eligible registered voters and that this should extend to the area subject to the Georgeham Neighbourhood Area designation. The Council considered whether the area covered by the referendum should be extended beyond the designated Neighbourhood Area and find no basis to do so. The date of the referendum is to be decided in due course.

² Modifications made in accordance with paragraph 12(6) of Schedule 4B of the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004)

13. These decisions were made at a meeting of the Council on 05 October 2021.

Documents and Further Information

14. The following documents are available on the Council's website at:

www.northdevon.gov.uk

- A copy of this Decision Statement
- Report of Examination on the Georgeham Neighbourhood Plan 2021 to 2031
- Proposed Referendum Draft of the Georgeham Parish Neighbourhood Plan

Date: 5 October 2021

Table 1: Proposed Modifications arising from Examiner’s Report

Proposed modification no. (PM)	Neighbourhood PlanPage no./other reference	Modification	Reason for Modification
PM1	Policy SC3	Add a final sentence: “Opportunities to deliver new or enhanced rights of way identified on the Aspirational Map will be supported.”	To assist with deliverability
PM2	Policy H1	Delete the first two sentence of the policy and replace with: “The development of new housing within the Plan area will be permitted for principal residence occupancy only, supported by the most effective legally binding method to ensure principal residence occupancy. New housing includes like for like replacement dwellings. Occupiers of homes, etc....”.	To ensure the consistent application of the policy
PM3	Policy BE9	Add a footnote to explain “existing complex”: “Such as a cluster of holiday cottages which may wish to add or extend facilities like a games room or covered swimming pool; or building a sports pavilion at a playing field.”	To remove ambiguity from the policy
PM4	Policy NE3	Delete the title and replace with: “Local Green Spaces” . Delete the policy and replace with:	To provide clarity and to ensure the policy has regard to national policy.

Proposed modification no. (PM)	Neighbourhood PlanPage no./other reference	Modification	Reason for Modification
		<p>“Local Green Spaces (LGS) are defined at: The Rabbit Field, Croyde; Croyde Village Green; Croyde Village Car Park; Georgeham Recreation Ground and Georgeham Glebefield and Green. Policies for managing development within the LGS should be consistent with those for the Green Belt and development should not be approved except in very special circumstances. (See the Local Green Space Compliance Policy Statement, etc ...)”.</p>	
PM5	Policy NE4	<p>Delete criterion a) from the policy and add to the objectives in paragraph 6.3.1:</p> <p>“h) Pursue the highest aspirational standards of energy efficient guidelines applicable at the time of submitting the planning application.”</p> <p>Delete the title and replace with: “Small Scale Energy Efficiency”.</p>	To remove ambiguity and provide for effective development management.
PM6	Policy ED2	Criterion a) insert: “... an existing agricultural complex ...”.	To provide clarification
PM7	Policy ED2	<p>Delete criterion b) and replace with:</p> <p>“b) the proposal would not have an unacceptable impact on local roads and opportunities are taken for sustainable travel.”</p>	To have regard to the National Planning Policy Framework

Proposed modification no. (PM)	Neighbourhood PlanPage no./other reference	Modification	Reason for Modification
PM8	Policy ED4	Amend criterion c) to: "... whether it is a temporary or permanent facility , ...".	For clarity