



North Devon Council

Report Date: 12th January 2022

Topic: Making of the Georgeham Neighbourhood Plan

Report by: Senior Planning Policy Officer

1. INTRODUCTION

1.1. This report provides Members with the results of the referendum undertaken for the Georgeham Neighbourhood Plan and recommends that it should progress to be “made” (adopted).

1.2. The referendum for the neighbourhood plan took place on 24th November 2021, and delivered a positive outcome that will enable the document to be “made” and thus form part of the local Development Plan.

2. RECOMMENDATIONS

The Council is recommended, in respect of the Georgeham Neighbourhood Plan:

a) to note the referendum results of 24th November 2021, where 90.36% of those who voted were in favour of the Georgeham Neighbourhood Plan;

b) to formally “make” the Georgeham Neighbourhood Plan that was subject to referendum on 24th November 2021 as part of the statutory development plan for North Devon District Council; and

c) agree to delegate the publication and circulation of the Decision Statement (draft attached at appendix 2) to the Head of Place, Property and Regeneration

3. REASONS FOR RECOMMENDATIONS

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

4. REPORT

4.1. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth for their local area. One of the key aspects of neighbourhood planning is that communities can choose to set planning policies through a neighbourhood plan that are then used in determining planning applications in their area. Once a neighbourhood plan is legally brought into force it becomes part of the local Development Plan.

4.2. Neighbourhood plans are statutory planning documents which can establish general planning policies for the development and use of land in a

neighbourhood. 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.

4.3. In respect of background to the neighbourhood plans it was designated as a neighbourhood area by this Council in December 2015. 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 1st February and 5th April 2021 with the Council providing a further response to the consultation.

4.4. 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 9th May 2021

Formal consultation (Regulation 16) was then undertaken by this Council, on the Submission version of the Neighbourhood Plan during the period 27th May to 9th July 2021

4.5. Following the consultations, in agreement with Georgeham Parish Council, this Council appointed an independent examiner to examine the Neighbourhood Plan. The examination was conducted by written representations with the examiner concluding, in a report provided to this Council and the respective Qualifying body, that all necessary procedural and technical requirements had been appropriately addressed, with recommendations that subject to the application of the proposed modifications, as set out in the examiner's report, the Neighbourhood Plan should proceed to referendum.

This Council considered the outcomes of the examination on 5th October 2021. The Council determined that the Neighbourhood Plan (as modified by the examiner) should proceed to referendum. The Referendum versions of the Neighbourhood Plans was then published alongside the decision statement required under Regulation 18(2)(a) of the Neighbourhood Planning (General) Regulations (2012).

- 4.6. The referendum was held on 24th November 2021. Voters were asked the following question: “Do you want North Devon District Council to use the neighbourhood plan for Georgeham parish to help it decide planning applications in the neighbourhood area?”
- 4.7. All residents on the Council’s electoral register within the referendum areas were entitled to vote. There is no minimum turnout for a referendum to be valid and the neighbourhood plan is required to obtain 50% plus 1 of those who voted in the referendum to vote “yes” for the outcome to be positive. If there is a majority “no” or a tied vote, then the neighbourhood plan cannot come into force. The verification statements and full results from the referendums are attached as appendix 1.
- 4.8. The electorate for the referendum was 1116; at the referendum 384 ballot papers were issued (a turnout of 34%). From the 384 ballot papers issued 347 (90.36%) voted in favour of the Neighbourhood Plan and 37 (9.64%) voted against.
- 4.9. As a result of legislative changes made in 2017(Section 3 of the 2017 Neighbourhood Planning Act), a neighbourhood plan comes into force as part of the statutory Development Plan once it has received majority support at a referendum. The Georgeham Neighbourhood Plans has this status.
- 4.10. The Council is still however required to formally “make” the Neighbourhood Plans for them to continue to have effect and must do so within a prescribed eight-week period from the day after the referendum. The Council’s formal consideration of this matter addresses this requirement.
- 4.11. Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) requires the Council to “make” a neighbourhood plan if more than half of those voting in the applicable referendum have voted in favour of the neighbourhood plan.
- 4.12. The Council is not subject to this duty if the making of the neighbourhood plan would breach or otherwise be incompatible with any EU (this remains a requirement post Brexit) or human rights obligations. There is no known breach or incompatibility, as an issue this was a matter for consideration through the referenced examinations. Officers consider that the neighbourhood plan can be formally “made”. If the Council decide not to formally “make” the Neighbourhood Plan, then they would cease to have effect as part of the Development Plan.

4.13. As soon as possible following a decision to “make” a neighbourhood plan, the Council must publish a decision statement, stating that the neighbourhood plan has been “made” and the reasons why. A draft decision statement is appended to this report.

4.14. A copy of the decision statement must be sent to the Qualifying body (Georgeham Parish Council) and anyone who has been asked to be notified of the decision. The Council must publish where and when the decision statement can be inspected. The Council is also required to publish the Neighbourhood Plans on its website and notify any person who has asked to be notified of their making and where they can be inspected.

4.15. The Referendum versions of the Neighbourhood Plans are provided on the Council’s website, as set out in the supporting information to this report. Some limited rebranding and textual updates may be required to reflect the status change of the documents if they are “made”.

5. RESOURCE IMPLICATIONS

5.1. The Localism Act 2011 places a duty on local authorities to support the delivery of neighbourhood plans, which includes the financial burdens associated with undertaking examinations and referendums. The approximate combined costs for the examination and referendum for the Georgeham Neighbourhood Plan was £3557.63

5.2. In respect of funding to assist with the Council’s obligations to support neighbourhood planning, to date £5,000 has been received for the designation of the Neighbourhood Areas and a further £20,000 will be received by this Council following the Council’s decision to proceed to referendum.

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 – Declaration of Result of Poll for Neighbourhood Planning Referendum for Georgeham

2 – Georgeham Neighbourhood Plan draft Decision Statement