



## **North Devon Council**

Report Date: Wednesday, 19 July 2023

Topic: Braunton Neighbourhood Plan

Report by: Senior Planning Policy Officer

### **1. INTRODUCTION**

- 1.1. Braunton Parish Council, as a Qualifying Body, has prepared a Neighbourhood Plan for the parish of Braunton. 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 Braunton 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 Braunton.
- 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 Braunton Neighbourhood Plan is provided at Appendix 3 of this report

### **2. RECOMMENDATIONS**

- 2.1. Accept the recommendations and modifications proposed by the examiner in relation to the Braunton Neighbourhood Plan, as set out in the examiner’s report (Appendix 1);
- 2.2. Amend the Braunton Neighbourhood Plan to include:
  - (a) the Proposed Modifications set out by the examiner in his report (Appendix to the examiner’s report); and
  - (b) 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 Braunton 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 Braunton Neighbourhood Area (Civil Parish of Braunton); and

2.5. Publish the above decisions and associated reasons in a formal Decision Statement (draft Statement provided at Appendix 3).

### 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 Braunton 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 Braunton was formally designated as a Neighbourhood Area for the purposes of neighbourhood planning by resolution of this Council on 28<sup>th</sup> June 2016. 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. Braunton Parish Council consulted upon a pre-submission draft of the Neighbourhood Plan between 14<sup>th</sup> March and 29<sup>th</sup> April 2022. At this stage the Council provided a comprehensive 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 14<sup>th</sup> November 2022.

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 12<sup>th</sup> December 2022 to the 6<sup>th</sup> February 2023. 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 May 2023, this Council, with the agreement of the Qualifying Body, appointed Mr Andrew Ashcroft BA (Hons) M.A. DMS M.R.T.P.I 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 11 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 1) was received by the Council and the Qualifying Body on 6th July 2023, 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. 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 7th July is the 10th August 2023.
- 4.12. The detail of each of the examiner's recommended Proposed Modifications are set out in Appendix 1 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.
- 4.13. 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.
- 4.14. 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. Braunton Parish Council did however consider the recommendations of the examiner's report at its Full Council meeting on 11th July 2023. The Parish Council considered and accepted all of the examiner's recommendations and proposed modifications.
- 4.15. 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.
- 4.16. It should be noted that the examiner commends the Parish Council for their efforts on the neighbourhood plan: "The wider community and BPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda. "

- 4.17. 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 Braunton Neighbourhood Plan would be c £13,500 whilst the appointment of the independent examiner cost c.£7,200. 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 Braunton 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 Braunton Neighbourhood Plan; including 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 and contained within the existing staff budgets.
- 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 Braunton Neighbourhood Plan Supporting Document included its own Equality Impact Assessment. It concluded (paragraphs 5.6-6.2) that *"All of the Braunton Parish NP policy areas are considered to have overall a positive impact on those with protected characteristics. There are no individual policies that are considered likely to have a negative impact. The Braunton Parish NP provides a suite of aims and policies to respond to the vision for the benefit of the local community including those with protected characteristics. In preparing the Braunton Parish NP, Braunton Parish*



*Council and the NP Steering Group have sought to engage widely with all of the local community. They have gone beyond minimum consultation requirements to gather the views of the community.”*

## 7. ENVIRONMENTAL ASSESSMENT

7.1. The environmental implications of the plan have considered in the Basic Conditions Statement prepared by Braunton Parish Council. This sets out that the neighbourhood plan complies with the strategic environmental objectives of the Local Plan. In addition, North Devon Council has prepared a Strategic Environment Assessment of the Neighbourhood Plan for the Examiner’s consideration. The Examiner has not raised concerns with the outcomes of these documents.

## 8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

- 8.1.1. Improving customer focus – providing support to Braunton Parish community in preparing specific planning policies for the parish.
- 8.1.2. Regeneration or economic development – planning policies, which relate to economic development are included in the neighbourhood plan.

## 9. CONSTITUTIONAL CONTEXT

9.1. Article of Part 2 Article 4.3.1(c)

## 10. STATEMENT OF CONFIDENTIALITY

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

## 11. BACKGROUND PAPERS

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) Braunton Parish Neighbourhood Plan 2018to 2031
- b) Braunton Parish Council Basic Conditions Statement (November 2022);
- c) Braunton Neighbourhood Plan Consultation Statement;
- d) Braunton draft Neighbourhood Plan Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment (HRA) Screening Report (November 2022)
- e) Braunton Neighbourhood Plan Area Design Code and Guidelines (February 2022);



- f) Local Green Spaces – Supporting Evidence (November 2022)
- g) Braunton Parish Council Equalities Impact Assessment (November 2022);
- h) Braunton Housing Needs Assessment (March 2022);
- i) Braunton Parish Council's responses to the Examiner's clarification note
- j) Neighbourhood Planning (General) Regulations 2012 (as amended)
- k) National Planning Policy Framework (2021)

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Elizabeth Dee, Senior Planning Policy Officer.