



North Devon Council

Report Date: Wednesday, 4 October 2023

Topic: Making of the Braunton Neighbourhood Plan

Report by: Head of Place, Property and Regeneration

1. INTRODUCTION

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

1.2. The referendum for the neighbourhood plan took place on 7th September 2023, and delivered a positive outcome that will enable the document to be “made” and thus form part of the local Development Plan.

2. RECOMMENDATIONS

2.1. The Council is recommended, in respect of the Braunton Neighbourhood Plan:

2.2. a) to note the referendum results of 7th September 2023, where 90% of those who voted were in favour of the Braunton Neighbourhood Plan;

2.3. b) to formally “make” the Braunton Neighbourhood Plan that was subject to referendum on 7th September 2023 as part of the statutory development plan for North Devon District Council; and

2.4. 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 June 2015. Between 14th March and 29th April 2022 Braunton Parish Council consulted upon a pre-submission draft of the Neighbourhood Plan. At this stage, the Council provided a comprehensive 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 14th November 2022.
- 4.5. Formal consultation (Regulation 16) was then undertaken by this Council, on the Submission version of the Neighbourhood Plan during the period 12th December 2022 to the 6th February 2023.
- 4.6. Following the consultations, in agreement with Braunton 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.
- 4.7. This Council considered the outcomes of the examination on 19th July 2023. 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).
- 4.8. The referendum was held on 7th September 2023. Voters were asked the following question: "Do you want North Devon District Council to use the neighbourhood plan for Braunton parish to help it decide planning applications in the neighbourhood area?"
- 4.9. 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 a.

- 4.10. The electorate for the referendum was 6428; at the referendum 1156 ballot papers were issued (a turnout of 17.9%). From the 1156 ballot papers issued 1042 (90.1%) voted in favour of the Neighbourhood Plan and 114 (9.9%) voted against.
- 4.11. 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 Braunton Neighbourhood Plans has this status.
- 4.12. 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.
- 4.13. 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.
- 4.14. 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.
- 4.15. 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.
- 4.16. A copy of the decision statement must be sent to the Qualifying body (Braunton 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.

4.17. 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 Braunton Neighbourhood Plan was £19,200

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 Braunton Neighbourhood Plan Supporting Documents 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 been 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 3 Annexe 1

9.2. Referred or delegated power? Referred

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 2018 to 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)
- Report on the Braunton Neighbourhood Plan 2018 – 2031
National Planning Policy Framework

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