

CABINET

8TH JUNE 2021

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

CULLOMPTON NEIGHBOURHOOD PLAN

Cabinet Member(s): Cllr Richard Chesterton, Cabinet Member for Planning and Economic Regeneration

Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report: To make (adopt) the Cullompton Neighbourhood Plan in order to meet the requirements of the relevant Acts and Regulations.

RECOMMENDATION:

That Cabinet recommends to Council that:

the Cullompton Neighbourhood Plan (Appendix 1) is ‘made’ (adopted) and brought into force as part of the statutory development plan for the area.

Financial Implications: There are no direct financial implications from adopting the Cullompton Neighbourhood Plan. However, the process leading to the adoption of a Neighbourhood Plan has financial implications. The costs of support in terms of advice and technical support, examination and referendum must be met by Mid Devon District Council. The Council has received burdens payments from the Government to help meet these costs to the sum of £5,000 for the area designation process and £20,000 to cover costs associated with the Examination and Referendum. Since the Council has resolved (at its meeting on 6th January 2021, Minute 270) not to progress a Community Infrastructure Levy for Mid Devon there will be no neighbourhood proportion of a Community Infrastructure Levy to be passed to Cullompton Town Council.

Legal Implications: Changes made to section 38 of the Planning and Compulsory Purchase Act 2004 (through provision 3 of the Neighbourhood Planning Act 2017) mean a neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum, rather than when it is made (adopted) by the relevant authority. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Policies of the Neighbourhood Plan will be used alongside policies in the adopted Mid Devon Local Plan, the Devon Minerals and Waste Plans, to help guide planning applications submitted to the Council for determination and the decisions made on these.

Risk Assessment: None identified.

Budget and Policy Framework: No direct budget implications. Now that the Neighbourhood Plan has been approved by referendum, it forms part of the Council's policy framework for decision-making purposes on land use planning matters.

Equality Impact Assessment: The Decision Statement for the Cullompton Neighbourhood Plan (see **Appendix 3**) concludes that 'the Plan, as modified, meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990'. Therefore, the Council has concluded that the 'making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area, which were subject to a full Equalities Impact Assessment. On this basis, the Cullompton Neighbourhood Plan will not in itself lead to any impacts on the equality strands protected under the Equality Act 2010 (the "protected characteristics") over and above those considered and addressed through the Local Plan Equalities Impact Assessment.

Relationship to Corporate Plan: now that it has been approved by referendum, the Cullompton Neighbourhood Plan forms part of the statutory development plan for Mid Devon and the strategy for guiding new development in the district, allocate sites for housing and economic development, the provision of infrastructure, as well as policies for the protection of the environment and managing development. The plan will help meet the Corporate Plan priorities: 'Homes', 'Environment', 'Community' and 'Economy'.

Impact on Climate Change: The preparation of development plans is a key method for climate change mitigation and environmental protection, through appropriate policies and development strategy.

1.0 Introduction/Background

About neighbourhood plans

- 1.1 The Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (as amended) introduced powers to allowing qualifying bodies (parish councils, or neighbourhood forums in areas without parish councils) to produce neighbourhood plans and Neighbourhood Development Orders. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Stages in production of a neighbourhood plan

- 1.2 There are a number of key stage in the production of a neighbourhood plan and these can be summarised as:

- Designating a neighbourhood area
- Preparing a draft neighbourhood plan
- Pre-submission publicity and consultation
- Submission of a neighbourhood plan to the local planning authority
- Independent examination
- Referendum
- Bringing the neighbourhood plan into force

The role of the Council

- 1.3 The Council, as the Local Planning Authority must take decisions at key stages in the neighbourhood planning process and within specified time limits, and has a duty to provide advice or assistance to a parish council as it considers appropriate for the purpose or, or in connection with, facilitating the making of proposals in relation to the neighbourhood plan. This includes providing comments on 'general conformity' of the neighbourhood plan policies with the strategic policies of the Local Plan, advising on neighbourhood plan requirements (including Strategic Environmental Assessment 'SEA' and Habitat Regulations Assessment 'HRA'), undertaking post-submission consultation on the neighbourhood plan (Regulation 16 consultation), the appointment of an independent examiner, making arrangements for the referendum, and bringing the neighbourhood plan into force.

Neighbourhood planning in Mid Devon

- 1.4 Mid Devon is a fully parished district, where parish councils can choose to prepare a neighbourhood plan and can work with other members of the community who are interested in, or affected by, the neighbourhood planning proposals to allow them to play an active role in preparing a neighbourhood plan or Order.
- 1.5 Before a parish council in Mid Devon can prepare a neighbourhood plan it must apply to the Council as the local planning authority for a neighbourhood area to be designated. This must include a statement why the proposed neighbourhood area is an appropriate area.
- 1.6 There are currently four designated neighbourhood areas in Mid Devon where neighbourhood planning can take place:
- Tiverton Neighbourhood Area, designated on 12th November 2018
 - Cullompton Neighbourhood Area, designated on 30th April 2014
 - Silverton Neighbourhood Area, designated on 3rd July 2014
 - Crediton Neighbourhood Area, designated 2nd July 2014
- 1.7 Neighbourhood Plans are currently being prepared for all four designated areas and these have reached various stages of completion.

2.0 Cullompton Neighbourhood Plan

About the Plan

2.1 The Cullompton Neighbourhood Plan has been prepared by Cullompton Town Council and the period to which it relates is 2019 – 2033.

2.2 The Cullompton Neighbourhood Plan includes:

- A vision statement for Cullompton
- 7 topics:

Sustainable Development; Highways, Travel and Transport; Housing; Natural and Rural Environment; Town Centre, Heritage and Culture; Local Economy and Jobs; Community Wellbeing and Leisure.

Each topic has aims and objectives and the neighbourhood plan includes 39 policies covering a range of planning matters. The neighbourhood plan recognises that Cullompton will be the strategic focus of new development in Mid Devon, and it is supportive of the principle of the Culm Garden Village.

Strategic Environmental Assessment and Habitat Regulations Assessment

2.3 The Cullompton Neighbourhood Plan has been subject to a Strategic Environmental Assessment and Habitat Regulation Assessment screening undertaken by the Council (2015), and a subsequent Strategic Environmental Assessment by consultant AECOM in 2017 and updated in 2019.

Public consultation and submission

2.4 The Neighbourhood Plan has been subject to several rounds of public consultation providing an opportunity for residents in Cullompton parish to help shape its content.

2.5 Officers have provided comments to Cullompton Town Council on the 'general conformity' of the Neighbourhood Plan policies with the strategic policies of the Local Plan 2013 – 2033 at various stages of the plan's preparation.

2.6 The Cullompton Neighbourhood Plan was submitted to the Council on 5th April 2019. It was then subject to a 6-week post-submission consultation prior to being examined by an independent examiner. A number of representations were received during the consultation period and these were provided to an examiner together with relevant documents, including the:

- Cullompton Neighbourhood Plan
- Basic Conditions Statement
- Consultation Statement
- Strategic Environmental Assessment
- Habitat Regulations Assessment, and
- Local Green Space Report.

Examination

- 2.7 To meet the basic conditions the neighbourhood plan must have ‘regard to national policy and advice contained in guidance’, be ‘in general conformity with the strategic policies contained in the development plan for the area’, contribute to the ‘achievement of sustainable development’, have ‘special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses’, have ‘special regard to the desirability of preserving or enhancing the character or appearance of any conservation area’, ‘does not breach, and is otherwise compatible with, EU obligations’ and ‘does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017’.
- 2.8 The Examiner’s report was received on 1st July 2020. In her report the Examiner recommended a number of modifications to policies within the Cullompton Neighbourhood Plan in order that the plan and its policies met the ‘basic conditions’. The recommended modifications and reasons for these can be found in the Examiner’s Report (see **Appendix 2**).
- 2.9 The Examiner’s report has concluded that, subject to the recommended modifications, the Cullompton Neighbourhood Plan met the basic conditions and could proceed to a Referendum.

Referendum

- 2.10 The referendum for the Cullompton Neighbourhood Plan was held on Thursday 6th May 2021 at the same time as local elections for Devon County Council, District Council By-Elections, Town / Parish By-Elections and elections for the Police and Crime Commissioner.
- 2.11 The referendum documents published included:
- Referendum Version of the Neighbourhood Plan (see **Appendix 1**)
 - Report of the Independent Examiner (see **Appendix 2**)
 - Statement by the local authority that the draft plan meets the basic conditions and other necessary provisions (Decision Statement) (see **Appendix 3**)

And the following documents (links to these are provided at the end of this report)

- Summary of Representations submitted to the Independent Examiner
 - Cullompton Neighbourhood Plan Referendum Information Statement
 - Statement that sets out general information as to town and country planning including neighbourhood planning and the referendum (information for voters)
- 2.12 In accordance with the Neighbourhood Planning regulations the referendum asked persons eligible to vote within the neighbourhood plan area (Cullompton Parish) the following question:

“Do you want Mid Devon District Council to use the neighbourhood plan for Cullompton to help it decide planning applications in the neighbourhood area?”

2.13 The result of the referendum was as follows:

	Votes Recorded
Number cast in favour of a Yes	2037 (87.3%)
Number cast in favour of a No	272 (11.7%)
Number of spoilt ballot papers	25
Total number of votes cast	2334
Electorate: 7840	Turnout: 29.77 %

2.14 Since 87.3 % of voters are in favour of the Cullompton Neighbourhood Plan the plan becomes part of the statutory development plan for the area and the Council must bring it into force.

3.0 Adoption of the Neighbourhood Plan

3.1 In accordance with Section 38(4) of the Planning and Compulsory Purchase Act 2004 (as amended) and regulation 25A of The Neighbourhood Planning (General) Regulations 2012 (as amended), the Council must make (adopt) the Plan as soon as reasonably practicable after the referendum is held and, in any event, not later than the last day of the period of 8 weeks from the day after the referendum is held.

3.2 However, the Council may refuse to make the Plan if it considers that making it would be a breach, or would otherwise be incompatible with, any EU obligations or any human rights obligations.

3.3 Council officers hold the view that the making of the Plan would not breach these obligations (as set out within the Council’s Decision Statement). The Council must decide whether to make, or refuse to make, the Plan. It is recommended that the Plan is ‘made’. There is no opportunity at this stage to seek to amend the contents of the plan or make further representations to it.

4.0 Groups Consulted

4.1 The Planning Policy Advisory Group met on 20th May. The group noted the contents of the report and has endorsed the recommendation.

5.0 Next steps

5.1 The Cullompton Neighbourhood Plan will be published on the Council’s website and made available to the public, together with a statement setting out the decision and the Council’s reasons for making that decision.

5.2 Cullompton Town Council will be responsible for any future review of the Cullompton Neighbourhood Plan, although there is no requirement to review or update a neighbourhood plan.

5.3 Requests for printed copies of the Cullompton Neighbourhood Plan should be made to Cullompton Town Council, although Mid Devon District Council will provide a copy of the Decision Statement (as per paragraph 5.1) to any person who has asked to be notified of the decision to make the neighbourhood plan.

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Circulation of the Report: Cabinet Member

List of Background Papers and relevant links:

Appendix 1 - Cullompton Neighbourhood Plan referendum version
<https://www.legislation.gov.uk/ukpga/2017/20/contents>

Appendix 2 - Independent Examiner's Report of the Cullompton Neighbourhood Plan
<https://www.middevon.gov.uk/media/352474/ii-examiners-final-report-into-the-cullompton-neighbourhood-plan.pdf>

Appendix 3 - Statement by the local authority that the draft plan meets the basic conditions and other necessary provisions (Decision Statement)
<https://www.middevon.gov.uk/media/352476/iv-decision-statement-cullompton-neighbourhood-plan.pdf>

Summary of Representations submitted to the Independent Examiner
<https://www.middevon.gov.uk/media/352475/iii-summary-of-representations-submitted-to-the-independent-examiner.pdf>

Cullompton Neighbourhood Plan Referendum Information Statement
<https://www.middevon.gov.uk/media/352472/cullompton-np-referendum-information-statement.pdf>

Statement that sets out general information as to town and country planning including neighbourhood planning and the referendum (information for voters)
<https://www.middevon.gov.uk/media/352477/v-general-information-on-town-and-country-planning.pdf>

The Neighbourhood Planning (General) Regulations 2012
[The Neighbourhood Planning \(General\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2012/24/contents)

Neighbourhood Planning Act 2017
<https://www.legislation.gov.uk/ukpga/2017/20/contents>

Town and Country Planning Act 1990 (as amended) schedule 4b
<https://www.legislation.gov.uk/ukpga/1990/8/schedule/4B>

Localism Act 2011 (see Chapter 3 Neighbourhood Planning)
<https://www.legislation.gov.uk/ukpga/2011/20/contents>

Planning and Compulsory Purchase Act 2004
<https://www.legislation.gov.uk/ukpga/2004/5/contents>