

Report for: Cabinet

Date of Meeting:	2 nd April 2024
Subject:	Silverton Neighbourhood Plan – adoption of Silverton Neighbourhood Plan
Cabinet Member:	Councillor Steve Keable, Cabinet Member for Planning and Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place
Exempt:	None
Wards Affected:	Silverton Ward
Enclosures:	Appendix 1 – Silverton Neighbourhood Plan: Appendix 2 – Decision Statement

Section 1 – Summary and Recommendation(s)

The Silverton Neighbourhood Plan has successfully passed a local referendum. The Council now has to ‘make’ (adopt) the Silverton Neighbourhood Plan in order to meet the requirements of the relevant Acts and Regulations.

Recommendation(s):

That Cabinet recommends to Council that:

- 1. the Silverton Neighbourhood Plan (Appendix 1) is ‘made’ (adopted) and brought into force as part of the statutory development plan for the Silverton area;**
- 2. the Silverton Neighbourhood Plan Adoption Decision Statement (Appendix 2) is published to meet the publicity requirements in the Regulations.**

Section 2 – Report

1.0 Introduction

- 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. The Neighbourhood Plan can be used to inform planning applications in the neighbourhood area submitted to the local planning authority for determination and the decisions made on these. 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.

- 1.2 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.
- 1.3 There are currently seven designated neighbourhood areas in Mid Devon, for which the preparation for Neighbourhood Plans has reached various stages.
 - Cullompton Neighbourhood Plan – adopted / 'made' 1st July 2021.
 - Crediton Neighbourhood Plan – adopted / 'made' 26th October 2022.
 - Tiverton Neighbourhood Plan – adopted / 'made' 14th December 2022.
 - Willand Neighbourhood Plan – Regulation 16 consultation stage.
 - Newton St Cyres Neighbourhood Plan – Neighbourhood Area designated December 2021.
 - Lapford Neighbourhood Plan – Neighbourhood Area designated September 2023.
 - The Silverton Neighbourhood Plan, awaiting decision to 'make' (adopt) following a local referendum - which is the subject of this report.

The role of the Council

- 1.4 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 of, 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.

- 1.5 This report seeks Council approval to bring the neighbourhood plan into force through its formal adoption i.e. that the Silverton Neighbourhood Plan is 'made'.

2.0 Silverton Neighbourhood Plan

About the Plan

- 2.1 The Silverton Neighbourhood Plan has been prepared by the Silverton Neighbourhood Planning Group and the period to which it relates is 2013 – 2033.

- 2.2 The Silverton Neighbourhood Plan includes:

- A vision statement for Silverton
- 6 Sections:
Natural Environment; Built Environment; Housing; Business and Jobs;
Traffic and Travel; Community Spaces and Activities.

Each section has identified a series of objectives which support the delivery of the vision, but which do not constitute planning policies. The neighbourhood plan includes 23 policies covering a range of planning matters. The neighbourhood plan identifies a few housing sites that are available and have potential for development. It also recognises the need for reduction of carbon emissions to net zero.

Examination

- 2.3 The Silverton Neighbourhood Plan has been subject to an independent examination. The Examiner's report has concluded that, subject to the modifications set out in his report, the Silverton Neighbourhood Plan met the basic conditions and other statutory requirements and can proceed to a Referendum in the Silverton Neighbourhood Area (Silverton parish).

Referendum

- 2.4 On the 12th December 2023 (minute 80) the Council's Cabinet agreed that the Silverton Neighbourhood Plan (subject to the Examiner's modifications) proceed to a local referendum, and that a Decision Statement be approved. The Decision Statement was published on the Council's website and to meet the publicity requirements in the Regulations.
- 2.5 The local referendum for the Silverton Neighbourhood Plan was held on Thursday 29th February 2024.

2.6 In accordance with the Neighbourhood Planning regulations the referendum asked persons eligible to vote within the neighbourhood plan area (Silverton Parish) the following question:

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

2.7 The result of the referendum was as follows:

Ballot papers	Votes Recorded
Number cast in favour of a Yes	459
Number cast in favour of a No	37
Number of spoilt ballot papers	11
Total number of votes cast	507
Electorate:1,636	Turnout: 31%

2.8 Since 90.53% of voters are in favour of the Silverton Neighbourhood Plan the plan becomes part of the statutory development plan for the area and the Council must bring it into force through the plan being ‘made’ (adopted).

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 remaining EU obligations or any human rights obligations. 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. There is no opportunity at this stage to seek to amend the contents of the plan or make further representations to it.

3.3 It is recommended that the Plan is ‘made’ and the Adoption Decision Statement (**Appendix 2**) is published to meet the publicity requirements in the Regulations.

4.0 Groups Consulted

4.1 The Planning Policy Advisory Group was consulted on 11th March, and has endorsed the recommendations in this report and the decision to adopt the Silverton Neighbourhood Plan following its successful referendum.

5.0 Next steps

5.1 The Silverton Neighbourhood Plan (**Appendix 1**) and the Adoption Decision Statement (**Appendix 2**) will be published on the Council's website and made available to the public.

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

5.3 Requests for printed copies of the Silverton Neighbourhood Plan should be made to Silverton Parish Council.

Financial Implications

There are no direct financial implications from adopting the Silverton Neighbourhood Plan. However, the process leading to the adoption of a Neighbourhood Plan has had 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 a burdens payment from the Government to help meet these costs to the sum of £5,000¹ for the area designation process, and is now eligible to claim £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 Silverton Parish 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. There

¹ Local Planning Authorities can claim £5,000 for the first five neighbourhood areas designated only.

is a need for the Council to 'make' (adopt) the Silverton Neighbourhood Plan, following its local referendum, under Section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended) and to publish a statement setting out the decision and the reasons for making this decision under the Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

Risk Assessment

None identified.

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. The Silverton Neighbourhood Plan includes policies that can have positive (beneficial) impacts to climate change, including Policy TR02 for the creation of a safe pedestrian and cycle link between the village and the A396 which can reduce the need to travel by private car, Policy TR04 Off road parking which supports charging points for electric vehicles, and Policy EN04 to reduce local flood risk through development.

Equality Impact Assessment

The Council has previously determined 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' and that the Silverton Neighbourhood Plan complies with provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004'. 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 Silverton 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.

The Silverton Neighbourhood Plan has been subject to a screening exercise to determine whether its content is relevant to equalities, and if so, whether a full Equality Impact Assessment should be conducted. The screening exercise has found the policies of the Silverton Neighbourhood Plan will have neutral equalities impacts on all protected characteristics. The screening exercise has concluded the Silverton Neighbourhood Plan is not recommended for a full Equalities Impact Assessment.

Relationship to Corporate Plan

Now that it has been approved by referendum, the Silverton 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'.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 19 March 2024

Statutory Officer: Maria De Leburne
Agreed on behalf of the Monitoring Officer
Date: 19 March 2024

Chief Officer: Richard Marsh
Agreed by or on behalf of the Corporate Director
Date: 18 March 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 07 March 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Tristan Peat, Forward Planning Team Leader,
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Background Papers :

Appendix 1 – Silverton Neighbourhood Plan referendum version

Appendix 2 – Silverton Neighbourhood Plan – Adoption Decision Statement