

Report for: Planning Environment and Sustainability PDG

Date of Meeting:	26 th November 2024
Subject:	Willand Neighbourhood Plan – decision on Examiner’s report
Cabinet Member:	Councillor Steven Keable, Cabinet Member for Planning and Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place
Exempt:	None
Wards Affected:	Lower Culm Ward and Halberton Ward (a part of this ward is within Willand Parish)
Enclosures:	Appendix 1 – Willand Parish Neighbourhood Plan 2020 – 2033; A Report to Mid Devon District Council on the Examination of the Willand Parish Neighbourhood Plan Appendix 2 – Decision Statement Appendix 3 – Willand Neighbourhood Plan Appendix 4 – Equalities Impact Assessment screening

Section 1 – Summary and Recommendation(s)

The Willand Neighbourhood Plan has been examined by an independent Examiner and Mid Devon District Council received the final Examiner’s report on 6th August 2024. There is now a need for the Council to consider the Examiner’s recommended modifications and reach a decision whether the Willand Neighbourhood Plan with the Examiner’s recommended modifications be agreed, and that the plan proceeds to a local referendum.

Recommendation(s):

The Planning Environment and Sustainability PDG recommends to Cabinet that:

- (i) the Examiner’s modifications (Table 3) and the factual corrections (Table 2) be agreed, and that subject to these modifications the Willand Neighbourhood Plan is determined to meet the Basic Conditions (as**

defined in the Town and Country Planning Act 1990 Schedule 4B) and other legislative requirements;

- (ii) the Decision Statement attached at Appendix 2 be approved to be published on the Council's website; and**
- (iii) the Willand Neighbourhood Plan (at Appendix 3) as modified with the Examiner's modifications and factual corrections, proceeds to a local Referendum based on the boundary of the Willand Neighbourhood Area as recommended by the Examiner.**

Section 2 – Report

1.0 Introduction

1.1 The Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (as amended) introduced powers to allow 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.

Willand Neighbourhood Plan

1.2 The Willand Neighbourhood Plan has been prepared by the Neighbourhood Plan Steering group for Willand Parish Council. It Includes:

- A vision statement for Willand
- 7 topics:
Sustainable Development; Community; Green Infrastructure; Transport, Accessibility and Connectivity; Economy and Employment; Heritage; Housing.

The neighbourhood plan includes 16 policies covering a range of planning matters. It recognises the need for reduction of carbon emissions to net zero and identifies areas of biodiversity, geodiversity and habitat for protection. The neighbourhood plan does not identify any sites for housing.

Strategic Environmental Assessment and Habitat Regulation Assessment

- 1.3 The Willand Neighbourhood Plan has been subject to a Strategic Environmental Assessment and Habitat Regulation Assessment screening undertaken by the Council (2023).

Stages in production of a neighbourhood plan

- 1.4 There are a number of key stages in the production of a neighbourhood plan and these can be summarised as follows in relation to the preparation of the Willand Neighbourhood Plan:

Table 1 – key stages in the production of a neighbourhood plan

Key stage	Action	Date
1. Neighbourhood Area designation	Willand Neighbourhood Plan Area designation requested by Willand Parish Council and approved by Mid Devon District Council. This sets the area the Neighbourhood Plan will apply to.	21 st June 2023
2. Pre-Submission Consultation	Regulation 14 consultation (minimum 6 weeks) organised by Willand Parish Council.	9 th July 2023 – 20 th August 2023
3. Submission	Willand Parish Council submitted the Willand Neighbourhood Plan to Mid Devon District Council.	Plan submitted 13 th February 2024 Formal confirmation by MDDC 12 th March 2024
4. Publication	Regulation 16 consultation (minimum 6 weeks) organised by Mid Devon District Council.	12 th March 2024 – 24 th April 2024
5. Examination	Independent Examiner reviews the Plan against the statutory Basic Conditions. The Examiner either recommends that a Neighbourhood plan does not proceed to Referendum, or can proceed Referendum, with or without modifications, and recommends the extent of the area the Referendum applies to.	Final version received 6 th August 2024

Key stage	Action	Date
6. Plan Proposal Decision	Mid Devon District Council considers the Examiner's Report, including the recommended modifications and if satisfied with the Plan proposal agrees for it to proceed to Referendum.	7 th January 2025 (Cabinet)
7. Referendum	Organised and funded by Mid Devon District Council. Where if more than 50% of those voting are in favour of the Neighbourhood Plan, it comes into force as part of the statutory development plan, and must be 'made' by the Council.	27 th February 2025

The examination

- 1.5 Following the Regulation 16 consultation, an Independent Examiner was appointed by Mid Devon District Council, with the consent of the Parish Council, to carry out the examination of the Neighbourhood Plan. The Examiner, Liz Beth examined the Plan by written representations, and undertook an unaccompanied site visit of the Neighbourhood Plan area.
- 1.6 The role of the Examiner is to check (as required under Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990) whether the Neighbourhood Plan meets certain legal requirements:
- the policies relate to the development and use of land for a designated neighbourhood plan area;
 - the policies in the plan meet the requirements of Section 38 of the Planning and Compulsory Purchase Act (that is, it specifies the period to which it has effect, does not include provision about excluded development and does not relate to more than one neighbourhood area);
 - the plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body, in this case by Willand Parish Council.
- 1.7 The Examiner must consider a variety of matters, including whether the submitted plan meets the 'Basic Conditions' set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. A plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area;
- the making of the neighbourhood plan does not breach, and is otherwise compatible with retained European Union (EU) obligations; and
- such other prescribed conditions which include those set out in the following regulations.

1.8 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions. These are:

- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, and
- having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as it is not about a neighbourhood development order).

Examiner's report

1.9 The Examiner has now examined the Willand Neighbourhood Plan and has issued their report (see **Appendix 1**). The Examiner has concluded that, subject to the modifications set out in her report, the Willand Neighbourhood Plan meets the basic conditions and other statutory requirements, and has recommended that subject to the modifications set out in her report the Willand Neighbourhood Plan should proceed to referendum.

1.10 The Examiner is also required to consider whether the referendum should be extended beyond the Willand parish area. The Examiner is satisfied that the Referendum Area should be the same as the Plan Area. The Plan should proceed to referendum based on the neighbourhood area approved by Mid Devon District Council on 21st June 2023.

The role of the Mid Devon District Council as the local planning authority

1.11 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 a decision on the Examiner's report, making arrangements for the referendum, and bringing the neighbourhood plan into force.

- 1.12 Once the Council has received the Examiner's report it must decide what action to take. Regulation 18 of the Neighbourhood Plan (General) Regulations 2012 (as amended) provides that once the Local Planning Authority (LPA) has made one of the following decisions, it must publish the decision with the reasons for such, include details for inspection of the decision statement and in the case of (c) below, the Examiner's report:
- (a) to decline to consider a plan proposal;
 - (b) to refuse a plan proposal;
 - (c) what action to take in response to the recommendations of an examiner made in a report;
 - (d) what modifications, if any, they are to make to the draft plan;
 - (e) whether to extend the area to which the referendum (or referendums are) to take place; or
 - (f) that they are not satisfied with the plan proposal.
- 1.13 There are no grounds to decline to consider the Neighbourhood Plan under part (a), since this is not a repeat proposal (i.e. where the same or similar proposal has been refused by the Council within the previous 2 years or where a referendum relating to a proposal that is the same as or similar has been held and 50% or less than 50% of those voting voted in favour, and the Council considers no significant change in national policy and advice in Secretary of State guidance of relevance to the proposal, or the strategic policies of the development plan for the area of the authority have occurred since the refusal or referendum).
- 1.14 There are no grounds to refuse to consider the Plan under part (b), since the legislative requirements have been met. This is in terms of the parish council being authorised to act, the neighbourhood plan's submission, the neighbourhood plan's scope and definition, and the correct procedures in relation to the pre-submission consultation and publicity being followed.
- 1.15 In relation to part (c), the Examiner has made a series of recommendations. The Council needs to consider what action to take in relation to these. This is discussed in section 2 of this report. The Council must also consider, under part (d) whether there are any other modifications which are required to ensure the basic conditions are met; to ensure the Neighbourhood Plan is compatible with the Convention rights, to ensure the requirements of legislation are met, and to correct errors. If the Council proposes to make a decision which differs from that recommended by the Examiner, and the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the Council as to a particular fact, then a six week period must be given for people to make representations. If the Council considers it appropriate, then the issue can be referred to further examination.¹
- 1.16 Officers consider that the plan meets the requirements under part (d) but recommend that a number of further modifications are needed in addition to those recommended by the Examiner. These further modifications are

¹ Regulations 12 and 13 of Schedule 4B of the Town and Country Planning Act 1990

permitted through Sch 4B 12(6)(e) of the Town and Country Planning Act 1990 “modifications for the purpose of correcting errors” and include factual corrections made by Willand Parish Council (the Neighbourhood Plan group) to reflect that this is the referendum version of the neighbourhood plan.

1.17 The following table sets out officers’ recommendations which factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group) are agreed as “modifications for the purpose of correcting errors” in the neighbourhood plan (**Table 2**) together with the reasons why. Where such modifications are agreed these will need to be included in the Decision Statement, together with the Examiner’s recommended modifications.

1.18 The factual corrections set out in **Table 2** below are minor and would not amend or alter the policies of the neighbourhood plan, or involve a decision which differs from that recommended by the Examiner. As such there is no requirement to consult on these corrections since they are factual only.

Table 2 – Recommendations to agree factual corrections to the plan proposed by Willand Parish Council (the Neighbourhood Plan group) as modifications for the purpose of correcting errors to the neighbourhood plan

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Throughout the Neighbourhood Plan the ‘header’ as well as the ‘subtitle’ have been amended to clarify that this is the referendum version of the Neighbourhood Plan.	Replace the word ‘Submission’ with the word ‘Referendum’	Agreed. These are factual corrections to make clear this is the referendum version of the neighbourhood plan.
Page 2, list of Dates of versions	Add ‘Referendum version September 2024’ to the list of Dates of versions.	Agreed. This is a factual correction to make clear that this is the referendum version of the neighbourhood plan.
Section 1.5 How Have We Got Here?, Page 12, first paragraph	Take out the word ‘Submission’.	Agreed. This is a factual correction as the inclusion of the word ‘submission’ is no longer needed.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Section 1.5 How Have We Got Here?, Page 12, second paragraph	Remove the words ‘will be’ and replace with the words ‘have been’.	Agreed. This is a factual correction to make clear the consultations have already taken place.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Section 1.6 Next Steps, Page 12, first paragraph	<p>Replace the word 'Submission' with the word 'Referendum'</p> <p>Remove the words 'submitted to Mid-Devon District Council for further consultation and independent Examination' and replace with the words 'subject to independent Examination'</p> <p>Remove the sentence 'If the Examination finds that the Plan meets the required tests (called "Basic Conditions") the Plan can then proceed to a local Referendum in the Parish which will determine whether the Plan should be made (or adopted) for use in the planning system' and replace with the sentence 'If the local Referendum in the Parish results in a vote in favour of "making" (or adopting) this Plan, it can then be used formally in the planning system'.</p>	<p>Agreed.</p> <p>The replacement of the word 'Submission' with the word 'Referendum' is a factual correction to make clear this is the referendum version of the neighbourhood plan.</p> <p>The removal of the words 'submitted to Mid-Devon District Council for further consultation and independent Examination' and replacement with the words 'subject to independent Examination' is a factual correction to reflect that the neighbourhood plan has been subject to independent examination.</p> <p>The removal of the sentence 'If the Examination finds that the Plan meets the required tests (called "Basic Conditions") the Plan can then proceed to a local Referendum in the Parish which will determine whether the Plan should be made (or adopted) for use in the planning system' and its replacement with the sentence 'If the local Referendum in the Parish results in a vote in favour of "making" (or adopting) this Plan, it can then be used formally in the planning system' is a factual correction to reflect that the neighbourhood plan has been subject to independent examination.</p>

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Section 1.8 Community projects and actions, Page 13, first paragraph	At the end of the paragraph add the sentence 'These community actions and projects are not planning policies and are set out at the very end of the Plan document.'	Agreed. This additional sentence explains that the community actions and projects have been moved to the end of neighbourhood plan, which follows the Examiner's recommended modification for sections within the document headed "Community Actions and Projects" (4.3; 5.6; 6.5 and 7.6) to be taken out of the main body of the plan and included as a separate item at the end of the Plan document.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Appendix 2 - Local Green Spaces	Include a preface to Appendix 2 to note that the Examiner’s recommendations introduced changes to the number and presentation of the LGS proposed in the Regulation 16 consultation version of the Plan that was submitted for its examination.	<p>Agreed.</p> <p>The inclusion of the preface will make clear that the Examiner’s recommendations introduced changes to the number and presentation of the LGS proposed in the Regulation 16 consultation version of the Plan that was submitted for its examination, as follows:</p> <p>“Preface, to note</p> <p>This appendix presents the original Local Green Spaces assessment submitted for the Regulation 16 consultation and Examination stage, for the record. However, it should be noted that the Examiner’s recommendations introduced changes to the number and presentation of the LGS proposed in that version of the Plan. The amendments made to the proposed LGS as a result of the Examiner’s recommendations are set out below (reproduced from Map 5 in the Referendum version of the Plan) for ease of reference. Map 5: Local Green Spaces (Referendum version of the Neighbourhood Plan).</p>

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Appendix 2 - Local Green Spaces	<p>Remove the text “N.B Many of these spaces have been previously identified as play spaces in the Willand Parish Register of Public Open Spaces and Children’s Play Areas and Equipment report. See file embedded below.”</p> <p>Remove the embedded file “Play Areas 20150221 Willand Register (2).I”</p>	<p>Agreed.</p> <p>The embedded file could not be opened in the submission version of the neighbourhood plan that was examined. The text and embedded file do not form part of the policies of the neighbourhood plan.</p> <p>Remove the text “N.B Many of these spaces have been previously identified as play spaces in the Willand Parish Register of Public Open Spaces and Children’s Play Areas and Equipment report. See file embedded below.”</p> <p>Remove the embedded file “Play Areas 20150221 Willand Register (2).I”</p>

- 1.19 The Local Authority must consider whether to extend the area to which the Referendum is held under part (e). This is discussed in section 3 of this report.
- 1.20 If the Local Authority is not satisfied that the plan meets the basic conditions, is not compatible with Convention rights or requirements of legislation are not met then they must refuse the Neighbourhood Plan under part (f). This is not the case with this Neighbourhood Plan.
- 1.21 The Neighbourhood Plan (General) Regulations 2012 state that a LPA must publish the actions which will be taken in response to the recommendations of the Examiner. This is known as a ‘Decision Statement’.

2.0 Consideration of the Examiner’s report and proposed modifications

- 2.1 The Examiner has recommended modifications to ensure that the Plan meets the basic conditions and have the clarity required by national guidance and ensure that the policies do what they are intended to do. These are set out in her report (see **Appendix 1**) and are also set out below in **Table 3**, together with the Council’s decisions that are recommended by Officers, and the reasons for these. The Examiner’s recommended modifications and the Council’s decisions and reasons (in **Table 3**) are set out in the Decision Statement attached at **Appendix 2**. The Decision Statement also includes the factual corrections proposed by the Willand Parish Council (the Neighbourhood Plan group) which are agreed as “modifications for the purpose of correcting errors” in the neighbourhood plan.

- 2.2 Having considered each of the recommendations made in the Examiner's Report and the reasons for them, Officers agree that the Examiner has undertaken a fair examination of the submitted Neighbourhood Plan, properly considering all duly made representations. Officers recommend that the Council agrees with all of the Examiner's modifications to the Neighbourhood Plan.
- 2.3 Willand Parish Council has been provided with the Examiner's report and has voted to proceed to referendum on the modified plan as per the examiner's recommendations. Willand Parish Council has amended the Neighbourhood Plan to include the Examiner's recommendations (set out in **Table 3**), and has provided a reformatted "referendum" version of the neighbourhood plan (**Appendix 3**).
- 2.4 Officers have considered whether any other modifications are required to ensure that the Neighbourhood Plan meets the required conditions. It is not considered that any additional modifications are required except the factual corrections proposed by the Willand Parish Council (the Neighbourhood Plan group) which are agreed as "modifications for the purpose of correcting errors" in the neighbourhood plan and are included in **Table 2** to this report
- 2.5 Officers consider that, subject to the Examiner's modifications the Willand Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended), is compatible with the Convention Rights and meets the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act (as amended).

Table 3 – Examiner’s recommended modifications

Neighbourhood Plan Policy	Examiner’s recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>. The Examiners instructions for alterations <u>are underlined</u>.	Recommended Council decision and reason
Community Actions and Projects (paragraphs: 4.3; 5.6; 6.5 and 7.6)	<u>Sections within the document headed “Community Actions and Projects” (4.3; 5.6; 6.5 and 7.6) to be taken out of the main body of the plan and included as a separate item at the end of the Plan document.</u>	Agreed. This modification is needed to comply with national planning guidance for neighbourhood planning which makes clear wider community aspirations than those relating to the development and use of land would need to be clearly identifiable, for example set out in a companion document or annex and it should be made clear they will not form part of the statutory development plan.

<p>Policy COM3: Protecting Sports Facilities, Amenities and Assets</p>	<p><u>Policy COM3 to be amended as follows:</u></p> <ol style="list-style-type: none"> 1. Our main sport facilities and pitches are identified on Map 4 and are: <ol style="list-style-type: none"> i) Tennis Courts at Jubilee Field; ii) Digger (Fishing) Lakes; iii) the Willand Rovers Athletic Football Club ground. 2. Existing sports facilities and pitches will be protected from loss. Where loss of a facility or pitch is unavoidable, it will be supported only where: <ol style="list-style-type: none"> i) redevelopment of the existing site includes an alternative type of community use, space or access; ii) alternative replacement provision will normally be expected to be is made within the Plan area but in some circumstances replacement adjacent to Willand Parish may be acceptable if the site is still accessible to the residents of Willand, as defined in Local Plan guidance. Replacement shall be to an equal or and to a better quality and quantity than the facility and / or pitches being lost; iii) provision ensures community access through an community use agreement, s106 agreement or other enforceable legal agreement; iv) that the proposal demonstrates how it has taken into account the most up-to-date Local Planning Authority Playing Pitch Strategy and / or Sports Facility Strategy; and, v) proposals for replacement to mitigate loss should where possible comply with the guidance satisfactorily meet the most up-to-date policy requirements of Sport England and relevant sports governing bodies. 3. Where replacement cannot be achieved in line with 2ii) above, a financial contribution may be acceptable instead the Plan area, a section 106 planning obligation (financial contribution), in lieu of replacement, will be made to ensure that provision is enhanced at other existing facilities, amenities and assets, where possible within the Parish of Willand. 	<p>Agreed.</p> <p>The modification is needed in order to achieve general conformity with Policy DM24 of the Local Plan and meet the Basic Conditions.</p> <p>The modification of Clause 2(iii) will remove a requirement that is not appropriate for inclusion in a land use policy and so meet the legal requirements for a neighbourhood plan.</p>
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Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations <u>are underlined</u> .	Recommended Council decision and reason
Policy COM4: Enhancing Sports Facilities, Amenities and Assets	<u>Clause 2 of Policy COM4 to be amended as follows:</u> 2. If proposals for additional or improved facilities and/or pitches to accommodate demand arising from development proposals are not feasible or viable on-site, off-site provision or financial contributions towards provision should be made <i>in line with Policy COM3.</i> within the Plan area.	Agreed. The modification is needed in order to achieve general conformity with Policy DM24 of the Local Plan and meet the Basic Conditions.

<p>Policy GI1: Local Green Space</p>	<p><u>The first paragraph of Policy GI1 and clause 1 to be amended as follows:</u></p> <p>1. Our locally valued green spaces are identified on Map 7-5 (and Appendix 2) and are designated as Local Green Space in accordance with the requirements of the National Planning Policy Framework. These areas will be protected for their local environmental, heritage and / or recreational value. Willand's Local Green Spaces are:</p> <ul style="list-style-type: none"> i) Aspen Close / Myrtle Close; ii) Beech Close; iii) Chestnut Drive / Maple Close; iv) <i>Culm Valley Trail (North);</i> <u>North and South</u> v) Culm Valley Trail (South); vi) Greenwood; vii) Harpitt Close; viii) Jubilee Playing Field / Gables Lea; ix) Mallow Court; x) Orchard Way; xi) Rectory Close; xii) Rowan Lea; xiii) St Mary's Churchyard; xiv) South View Close; xv) Sycamore Close <i>and Beech Close;</i> xvi) Townlands; xvii) Victoria Close / Blenheim Drive <u>and xviii) Victoria Close;</u> xviii) Victoria Close; xix) Willand Allotments; 	<p>Agreed.</p> <p>The modification is needed for the policy to comply with NPPF paras 105-6.</p>
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Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations <u>are underlined</u> .	Recommended Council decision and reason
	<p>xx) Willand Moor Road / Buttercup Road; xxi) Willand Moor Road; xxii) Willand Moor Road / Poppy Close; xxiii) Willand Parish Cemetery; xxiv) Worcester Crescent.</p> <p><u>Numbering of designations (12 total) and boundaries to be amended in Policy GI1 and Map 5</u></p>	

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations <u>are underlined</u> .	Recommended Council decision and reason
Policy G12: Locally Valued Areas of Biodiversity, Geodiversity and Habitat	<p><u>Policy G12 to be amended as follows:</u></p> <ol style="list-style-type: none"> 1. Our locally valued areas of biodiversity, geodiversity and habitat are identified on Map 6 and <i>the following are of particular significance: are:</i> <ol style="list-style-type: none"> i) Culm River Corridor; ii) Five Bridges / M5 Corridor; iii) Meadow Park / Maple Close / Rowan Lea Woodland; iv) Spratford Stream Corridor (North); v) Spratford Stream Corridor (South); vi) Tiverton Junction Woodland Belts; vii) Uffculme Road Woodland. 2. These Areas <i>shown on Map 6</i> will be protected (and enhanced where possible) as areas important in supporting wildlife habitats, biodiversity and geodiversity and their role within the wider network of green infrastructure. Significant harm will not be supported. Green corridors linking these areas will also be protected. 3. Proposals which result in the unavoidable significant harm to these areas <i>designated in clause 1 of this policy</i> (in whole or in part) will only be supported where i) The proposal is specific to that use and role of the site; and, ii) the area (quality, land area and habitat, biodiversity and geodiversity value) can be satisfactorily replaced within the Parish with net gains in biodiversity <i>to that feature</i>. 4. <i>Where appropriate</i>, proposals on or affecting these sites should demonstrate how they have responded to the requirements of this policy through an ecological assessment. 	<p>Agreed.</p> <p>The modification is needed for the policy to comply with NPPF para 186 and para 16d.</p> <p>The modification also adds clarity to the policy and removes the potential for unnecessarily placed undue burdens on the delivery of potential development proposals.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations <u>are underlined</u> .	Recommended Council decision and reason
Policy EE1: Small Employment Units and Hubs to Support the Local Economy	<p><u>Clause 1 of the Policy EE1 to be amended as follows:</u></p> <p>1. Development proposals for the creation of flexible work hubs, workshops and other business premises to support micro, small and medium sized local businesses will be supported within the settlement limit boundary, subject to other policies in the development plan, and where they do not have an unacceptable adverse effect on the local amenity enjoyed by existing neighbouring uses and residents. ...</p>	<p>Agreed.</p> <p>The modification is needed in order to achieve general conformity with Policy DM18 of the Local Plan and meet the Basic Conditions.</p>

3.0 Next steps and referendum

- 3.1 It is recommended the Planning Environment and Sustainability PDG notes the contents of this report and recommends to Cabinet that the Examiner's recommended modifications and the factual corrections proposed by the Willand Neighbourhood Plan group as "modifications for the purpose of correcting errors" in the neighbourhood plan are agreed and that the modified Neighbourhood Plan proceeds to a local Referendum. The Neighbourhood Plan incorporating the Examiner's modifications and the factual corrections is attached at **Appendix 3**.
- 3.2 It is recommended the Planning Environment and Sustainability PDG also recommends to Cabinet that the Decision Statement (see **Appendix 2**) is agreed and that this is published as soon as possible and publicised in a manner to meet publicity requirements in the Regulations.
- 3.3 In relation to the Referendum area, the Examiner has concluded the Willand Neighbourhood Plan has no policies or proposals that have significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. The Examiner has therefore recommended that the boundary for the purposes of any future referendum on the Willand Neighbourhood Development Plan 2020 – 2033 shall be the boundary of the designated Neighbourhood Area for the Plan. Officers agree with this recommendation and therefore recommend to Cabinet that the area for the Referendum should be the Willand Neighbourhood Plan Area as approved by Mid Devon District Council on 21st June 2023. The Neighbourhood Area covers the entirety of Willand Parish.
- 3.4 Once the Council has published the Decision Statement detailing its intention to send the Willand Neighbourhood Plan to a local Referendum, the Council's Development Management Team will be able to give significant weight to this plan when determining planning applications within the Willand Neighbourhood Plan Area.
- 3.5 Subject to the decision of Cabinet recommended in this report, arrangements will be made for the Referendum to be held in the Willand Neighbourhood Plan area (Willand Parish). This date will be Thursday 27th February 2025. This date will meet statutory requirements for the Referendum to be held within 56 working days following the publication of the Decision Statement and the date for the Referendum will be published not fewer than 28 days before the date on which the Referendum will be held.
- 3.6 To meet the requirements of the Localism Act 2011 the Referendum will pose the following question:

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

- 3.7 Following the Referendum, if more than 50% of those voting, vote ‘yes’ then the Neighbourhood Plan comes into force and must be ‘made’ within eight weeks of the Referendum.

Financial Implications

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 a burdens payment from the Government to help meet these costs to the sum of £5,000² for the area designation process, and will be eligible to claim £20,000 from when the Decision Statement is issued which details its intention to send the plan to referendum, 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 Willand Parish Council.

Legal Implications

The referendum is a statutory requirement, and will be subject to The Neighbourhood Planning (Referendums) Regulations 2012. 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 Willand 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 in the Willand Neighbourhood area (Willand parish).

² Local Planning Authorities can claim £5,000 for the first five neighbourhood areas designated only.

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 Willand Neighbourhood Plan includes policies that can have positive (beneficial) impacts to climate change, specifically through Policy SD2 Sustainable Design in New Developments which encourages sustainable urban drainage installed on site, incorporating on-site energy generation from renewable sources, and providing electric vehicle charging points for electric cars and bikes, Policy GI3 through retaining trees wherever possible for carbon sequestration, Policy TAC1 through improving transport, accessibility and connectivity, Policy TAC3 electric charging points for plug in vehicles, and Policy TAC4 e-cargo and electric vehicle hub.

Equalities Impact Assessment

The Decision Statement for the Willand Neighbourhood Plan (see **Appendix 2**) concludes that ‘the Willand Neighbourhood 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 Willand 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 Willand 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 Willand 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 Willand Neighbourhood Plan Policy TAC1 can have a positive impact in relation to ‘disability’ where development proposals should, where relevant, improve accessibility for all through consideration of disability access. All other policies in the plan will have neutral equalities impacts on all protected characteristics. The screening exercise has concluded the Willand Neighbourhood Plan is not recommended for a full Equalities Impact Assessment.

The Equalities Impact Assessment Screening is included in **Appendix 4** to this report.

Relationship to Corporate Plan

If the Willand Neighbourhood Plan is approved by referendum, it will form part of the statutory development plan for Mid Devon and the strategy for guiding new development in the district. The plan will help meet the Corporate Plan 2024 – 2028 themes:

- **Planning, Environment and Sustainability** – through Policy SD2 which requires development to respond positively to the challenge posed by climate change, and through Policy GI2 which identifies local valued areas of biodiversity, geodiversity and habitat.
- **Community, People and Equalities** – through involving and engaging with the community in Willand Parish in shaping the content of the neighbourhood plan and through a local referendum.
- **Economy and Assets** – through Policy EE1 which supports development proposals for the creation of flexible work hubs, workshops and other business premises to support micro, small and medium sized local businesses.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 12 November 2024

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 12 November 2024

Chief Officer: Richard Marsh

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 11th November 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 29 October 2024

Cabinet member notified: yes

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No

Section 4 - Contact Details and Background Papers

Contact:

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Mojca Sonjak, Forward Planning Assistant msonjak@middevon.gov.uk

Background papers:

Appendix 1 - Examiner's Report

Appendix 2 - Decision Statement for the Willand Neighbourhood Plan

Appendix 3 - Willand Neighbourhood Plan

Appendix 4 – Equalities Impact Assessment screening