



January 2025

## Willand Neighbourhood Plan

### Decision Statement: Willand Neighbourhood Plan proceeding to Referendum

#### REGULATION 18 - THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 AND THE LOCALISM ACT 2011

#### SUMMARY

This Decision Statement confirms that, following an independent examination of the Willand Neighbourhood Plan, Mid Devon District Council accepts the examiner's recommendation that, subject to modifications, the Willand Neighbourhood Plan can proceed to a Referendum.

The Examiner's Report, submission version of the Willand Neighbourhood Plan and associated documents, including this Decision Statement, are available to inspect on the Mid Devon District Council website: <https://www.middevon.gov.uk/residents/planning-policy/neighbourhood-planning/willand-neighbourhood-plan/> and at the Council's office at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP during opening hours.

#### BACKGROUND

Willand Parish Council as the qualifying body has prepared a neighbourhood plan for the parish of Willand with the help of the local community. The plan sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

With the agreement of the qualifying body, Mid Devon District Council appointed an independent examiner to conduct the examination of the Willand Neighbourhood Plan. The examination is required to test whether the plan meets the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

#### EXAMINER'S RECOMMENDATIONS

The Examiner's final report was received on 6<sup>th</sup> August 2024. In the report the Examiner has recommended a number of modifications to policies within the Willand Neighbourhood Plan in order that the plan and its policies meet the 'basic conditions'. Full details of the 'basic conditions' against which the plan has been examined, the recommended modifications and reasons for these can be found in the Examiner's report.

The report has concluded that, subject to the recommended modifications, the Willand Neighbourhood Plan meets the basic conditions and can proceed to a Referendum. The Examiner has also confirmed that the Willand Neighbourhood Plan should proceed to a Referendum based on the neighbourhood area approved by Mid Devon District Council in June 2023, which is the Willand parish area and is shown in Appendix 2.

## **COUNCIL'S DECISION**

As required under paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990, Mid Devon District Council must consider each of the examiner's recommendations and the reasons for them and decide what action to take in response to each.

Having considered the Examiner's report, the Council accepts the recommended modifications and the reasons given for these. The Council considers 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.

Accordingly, the Willand Neighbourhood Plan, incorporating the Examiner's recommended modifications and factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group), which are set out in Appendix 1, may proceed to a Referendum.

A Referendum will be held within 56 working days following the publication of this Decision Statement and the date for this Referendum will be published not fewer than 28 days before the date on which the Referendum will be held.

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?”**

Government planning guidance advises that where a decision statement has been made detailing the intention to send a neighbourhood plan to Referendum, such as for the Willand Neighbourhood Plan, that plan can be given significant weight in planning decision-making, so far as the plan is material to the application.

**Tristan Peat,  
Forward Planning Team Leader for Mid Devon District Council**

**For further information, please contact the Forward Planning Team at [fplan@middevon.gov.uk](mailto:fplan@middevon.gov.uk)**

**Appendix 1 – Mid Devon District Council’s Decision Statement on the Examiner’s recommended modifications to the Willand Neighbourhood Plan September 2024**

Neighbourhood Plan Policy	Examiner’s recommended modifications shown in bold, as <del>strikethrough</del> 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> .	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.

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as <del>strikethrough</del> 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 are <u>underlined</u> .	Council decision and reason
Policy COM3: Protecting Sports Facilities, Amenities and Assets	<p><u>Policy COM3 to be amended as follows:</u></p> <ol style="list-style-type: none"> <li>1. Our main sport facilities and pitches are identified on Map 4 and are: <ol style="list-style-type: none"> <li>i) Tennis Courts at Jubilee Field;</li> <li>ii) Digger (Fishing) Lakes;</li> <li>iii) the Willand Rovers Athletic Football Club ground.</li> </ol> </li> <li>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"> <li>i) redevelopment of the existing site includes an alternative type of community use, space or access;</li> <li>ii) alternative replacement provision <b><i>will normally be expected to be</i></b> <del>is</del> made within the Plan area <b><i>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</i></b> better quality and quantity than the facility and / or pitches being lost;</li> <li>iii) provision ensures community access through <b><i>an community use agreement, s106 agreement or other</i></b> enforceable legal agreement;</li> <li>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,</li> <li>v) proposals for replacement to mitigate loss <b><i>should where possible comply with the guidance satisfactorily meet the most up-to-date policy requirements</i></b> of Sport England and relevant sports governing bodies.</li> </ol> </li> <li>3. Where replacement cannot be achieved <b><i>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</i></b> to ensure that provision is enhanced at other existing facilities, amenities and assets, <b><i>where possible within the Parish of Willand.</i></b></li> </ol>	<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>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as <del>strikethrough</del> 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> .	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. within the Plan area.</i>	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 G11: Local Green Space</p>	<p><u>The first paragraph of Policy G11 and clause 1 to be amended as follows:</u></p> <p>1. Our locally valued green spaces are identified on Map <b>7-5</b> (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> <p><del>i) Aspen Close / Myrtle Close;</del></p> <p><del>ii) Beech Close;</del></p> <p>iii) Chestnut Drive / Maple Close;</p> <p>iv) <b>Culm Valley Trail (North);</b> <u>North and South</u></p> <p><del>v) Culm Valley Trail (South);</del></p> <p><del>vi) Greenwood;</del></p> <p><del>vii) Harpitt Close;</del></p> <p>viii) Jubilee Playing Field / Gables Lea;</p> <p><del>ix) Mallow Court;</del></p> <p>x) Orchard Way;</p> <p><del>xi) Rectory Close;</del></p> <p><del>xii) Rowan Lea;</del></p> <p>xiii) St Mary’s Churchyard;</p> <p><del>xiv) South View Close;</del></p> <p>xv) Sycamore Close <b>and Beech Close;</b></p> <p>xvi) Townlands;</p> <p>xvii) Victoria Close / Blenheim Drive <u>and xviii) Victoria Close;</u></p> <p><del>xviii) Victoria Close;</del></p> <p>xix) Willand Allotments;</p> <p>xx) Willand Moor Road / Buttercup Road;</p> <p>xxi) Willand Moor Road;</p> <p><del>xxii) Willand Moor Road / Poppy Close;</del></p> <p>xxiii) Willand Parish Cemetery;</p> <p><del>xxiv) Worcester Crescent. ....</del></p>	<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 <del>strikethrough</del> 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> .	Council decision and reason
	<u>Numbering of designations (12 total) and boundaries to be amended in Policy GI1 and Map 5</u>	
Policy GI2: 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"> <li>Our locally valued areas of biodiversity, geodiversity and habitat are identified on Map 6 and <b><i>the following are of particular significance: are:</i></b> <ol style="list-style-type: none"> <li>Culm River Corridor;</li> <li>Five Bridges / M5 Corridor;</li> <li>Meadow Park / Maple Close / Rowan Lea Woodland;</li> <li>Spratford Stream Corridor (North);</li> <li>Spratford Stream Corridor (South);</li> <li>Tiverton Junction Woodland Belts;</li> <li>Uffculme Road Woodland.</li> </ol> </li> <li><del>These</del> Areas <b><i>shown on Map 6</i></b> 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. <b><i>Significant harm will not be supported.</i></b> Green corridors linking these areas will also be protected.</li> <li>Proposals which result in the unavoidable significant harm to <del>these</del> areas <b><i>designated in clause 1 of this policy</i></b> (in whole or in part) will only be supported where <del>i) The proposal is specific to that use and role of the site; and, ii)</del> the area (quality, land area and habitat, biodiversity and geodiversity value) can be satisfactorily replaced <b><i>within the Parish</i></b> with net gains in biodiversity <b><i>to that feature.</i></b></li> <li><b><i>Where appropriate,</i></b> proposals on or affecting these sites should demonstrate how they have responded to the requirements of this policy through an ecological assessment.</li> </ol>	<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>

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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 <del>within the settlement limit boundary</del>, subject to <del>other</del> policies in the development plan, <del>and</del> 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>



**Mid Devon District Council has made the following modifications to the Willand Neighbourhood Plan which are factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group) as modifications for the purpose of correcting errors to the neighbourhood plan.**

<b>Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph</b>	<b>Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)</b>	<b>Recommendation and reason</b>
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.
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

<b>Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph</b>	<b>Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)</b>	<b>Recommendation and reason</b>
<p>Section 1.6 Next Steps, Page 12, first paragraph</p>	<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>

<b>Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph</b>	<b>Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)</b>	<b>Recommendation and reason</b>
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>

<b>Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph</b>	<b>Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)</b>	<b>Recommendation and reason</b>
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).l”</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).l”</p>

Appendix 2: Willand Neighbourhood Area Designation

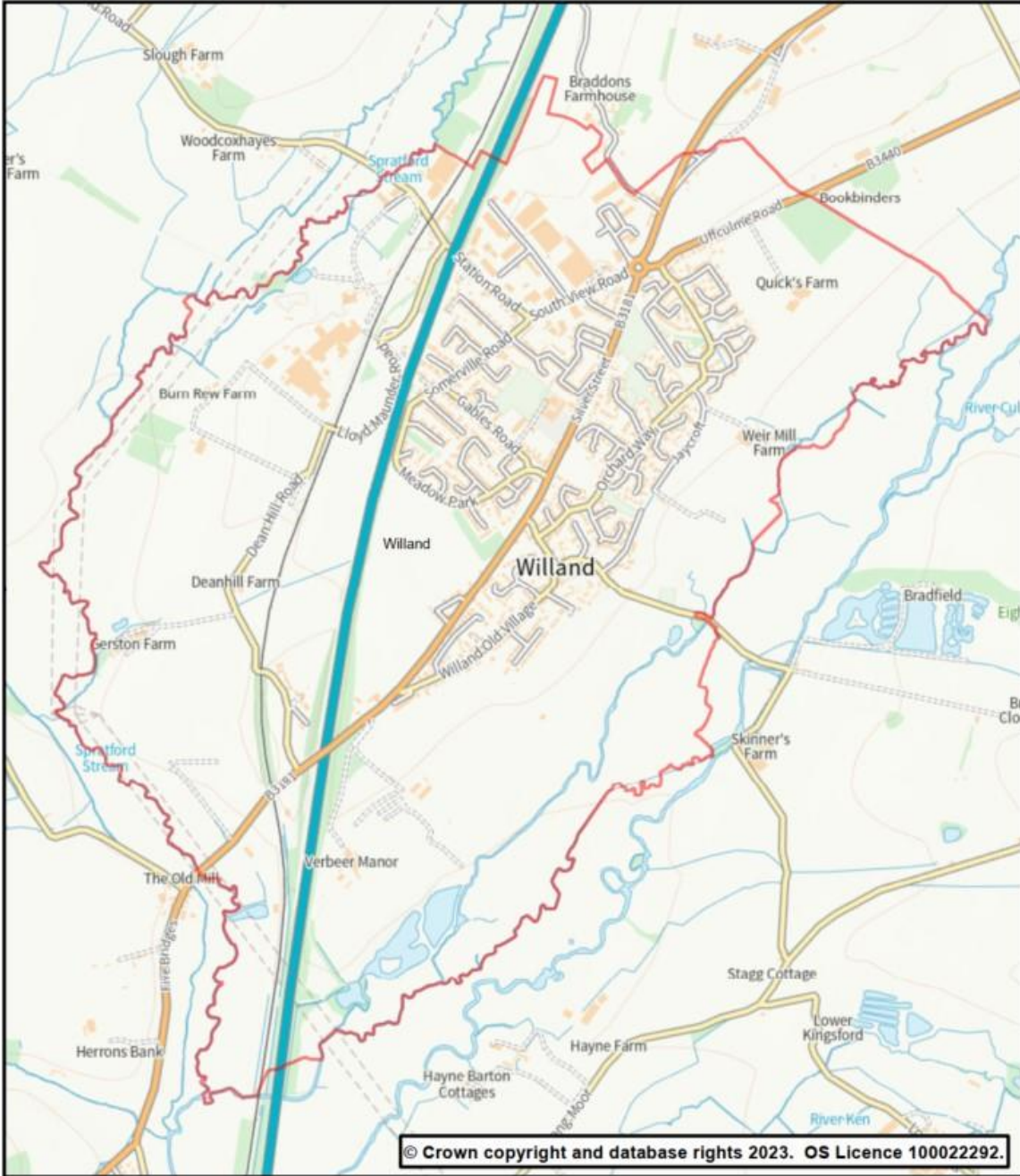


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Scale	1:15,000 @ A4	Date	04 May 2023
Drng. No.	New Willand Parish Boundary	Produced by	GMS