

**Report for: Planning Environment and
Sustainability PDG**

Date of Meeting:	11 th March 2025
Subject:	Willand Neighbourhood Plan – adoption of Willand 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:	Lower Culm Ward and Halberton Ward (a part of this ward is within Willand Parish)
Enclosures:	Appendix 1 – Willand Neighbourhood Plan: Appendix 2 – Decision Statement Appendix 3 – Equalities Impact Assessment screening

Section 1 – Summary and Recommendation(s)

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

Recommendation(s):

The Planning Environment and Sustainability PDG recommends to Cabinet:

- 1. the Willand Neighbourhood Plan (Appendix 1) is ‘made’ (adopted) and brought into force as part of the statutory development plan for the Willand area;**
- 2. the Willand 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 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.
 - Silverton Neighbourhood Plan – adopted / 'made' 24th April 2024.
 - Newton St Cyres Neighbourhood Plan – Neighbourhood Area designated on 15th December 2021.
 - Lapford Neighbourhood Plan – Neighbourhood Area designated on 26th September 2023.
 - The Willand 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 Willand Neighbourhood Plan is 'made'.

2.0 Willand Neighbourhood Plan

About the Plan

- 2.1 The Willand Neighbourhood Plan has been prepared by the Willand Neighbourhood Planning Group and the period to which it relates is 2020 – 2033.
- 2.2 The Willand Neighbourhood Plan includes:
- A vision statement for Willand
 - 7 Sections: 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.

Examination

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

Referendum

- 2.4 On the 7th January 2025 (minute 122) the Council's Cabinet agreed that the Willand Neighbourhood Plan (subject to the Examiner's modifications and factual corrections) 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. The decision followed a recommendation made by the Planning Environment and Sustainability PDG at its meeting on the 26th November 2024 (minute 13).

2.5 The local referendum for the Willand Neighbourhood Plan was held on Thursday 27th February 2025.

2.6 In accordance with the Neighbourhood Planning regulations the referendum asked persons eligible to vote within the neighbourhood plan area (Willand Parish) 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?”

2.7 The result of the referendum was as follows:

Ballot papers	Votes Recorded
Number cast in favour of a Yes	269
Number cast in favour of a No	29
Number of spoilt ballot papers	1
Total number of votes cast	299
Electorate:2793	Turnout: 10.7%

2.8 Since 90% of voters are in favour of the Willand 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 Next steps

- 4.1 Subject to the decision made at this meeting of the Planning Environment and Sustainability PDG, the Willand Neighbourhood Plan (**Appendix 1**) and the Adoption Decision Statement (**Appendix 2**) will be reported to the Cabinet on 1st April 2025 and the Council meeting on the 23rd April 2025 with the recommendation that the neighbourhood plan is 'made' (adopted). Once the neighbourhood plan is 'made' (adopted) it will be published on the Council's website together with the Adoption Decision Statement and made available to the public.
- 4.2 Willand Parish Council will be responsible for any future review of the Willand Neighbourhood Plan, although there is no requirement to review or update a neighbourhood plan.
- 4.3 Requests for printed copies of the Willand Neighbourhood Plan should be made to Willand Parish Council.

Financial Implications

There are no direct financial implications from adopting the Willand 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 Willand 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

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

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 is a need for the Council to 'make' (adopt) the Willand 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 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.

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 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 (see **Appendix 3**) 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.

Relationship to Corporate Plan

Now that it has been approved by referendum, the Willand Neighbourhood Plan forms 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 Officer
Date: 25 February 2025

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 25 February 2025

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 25 February 2025

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 03 March 2025

Cabinet member notified: (yes/no)

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. (Yes/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. (Yes/No)

Section 4 - Contact Details and Background Papers

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

Appendix 1 – Willand Neighbourhood Plan referendum version

Appendix 2 – Willand Neighbourhood Plan – Adoption Decision Statement

Links:

Willand Neighbourhood Plan report to Cabinet 7th January 2025

[Agenda for Cabinet on Tuesday, 7th January, 2025, 5.15 pm - MIDDEVON.GOV.UK](#)

Planning Environment and Sustainability PDG meeting on the 26th November 2024

[Agenda for Planning, Environment & Sustainability Policy Development Group on Tuesday, 26th November, 2024, 5.30 pm - MIDDEVON.GOV.UK](#)