

Report to: **Executive**
Date: **19 September 2019**
Title: **Salcombe Neighbourhood Plan**
Portfolio Area: **Council – Cllr Pearce**
Wards Affected: **Salcombe**
Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **Y**

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Recommendations: that the Executive:

1. approves the making (adoption) of the Salcombe Neighbourhood Development Plan; and
2. Agrees the minor modifications requested by the Salcombe Neighbourhood Planning Group set out as follows:

a minor modification to the final wording of para 6.6.1.8 that 'fall within the Settlement Boundary (figure 1B)' be deleted and replaced by 'are allocated within the Adopted JLP'. The Neighbourhood Plan policies are not affected by this change in supporting text.'

1. Executive summary

- 1.1 Neighbourhood Development Plans are a community right introduced by the Localism Act 2011. They are the responsibility of Parish Councils.
- 1.2 Once 'made', or adopted, by the Local Planning Authority, they become a part of the Development Plan for the district and are used alongside the Local Plan to decide planning applications in the area they relate to.
- 1.3 In order to comply with the Neighbourhood Planning Regulations, the plan must be made by South Hams District Council as the relevant Local Planning Authority within 8 weeks of a successful referendum result.

2. Background

- 2.1 The Salcombe Neighbourhood Plan has been undertaken by Salcombe Parish Council in accordance with the relevant legislation and regulations.
- 2.2 The Salcombe Neighbourhood Area was designated on 18th July 2013.
- 2.3 Following the necessary community engagement, consultation and background work, a draft plan was submitted to South Hams District Council on 18th December 2018, in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations.
- 2.4 The District Council consulted on the draft plan between 18th December 2018 – 29th January 2019, in accordance with Regulation 16 of the above Regulations.
- 2.5 Following this consultation an independent examiner was appointed in accordance with Regulation 17, who confirmed that, subject to minor modifications, the plan met the 'basic conditions' as set out in legislation, and was suitable to go forward to referendum.
- 2.6 The Council agreed with the Examiner's conclusion, and a referendum held on 25th July 2019 achieved a turnout of 33.4% of local residents. Of these, 93.07% voted in favour of the plan.
- 2.7 Following a majority vote in a referendum to 'make' the plan, it becomes a statutory part of the Local Development Plan and is used alongside the Local Plan (Joint Local Plan once adopted) to help decide planning applications in the Neighbourhood Area.
- 2.8 Council officers have worked alongside the Salcombe Neighbourhood Plan Group to ensure that the Neighbourhood Plan provides an appropriate framework for development in the Salcombe area up to 2034.
- 2.9 Officers confirm that the plan meets the necessary 'basic conditions', including conformity with the Local Plan and with national policy.
- 2.10 Regulation 18a of the Neighbourhood Planning (General) Regulations requires that a neighbourhood plan is 'made' by the Local Planning Authority no later than 8 weeks from the date of a successful referendum. In this case the relevant date by which the plan should be made is 19th September 2019.
- 2.11 The Council has previously expressed support for neighbourhood plans as a way of achieving local and community priorities.

3. Proposed Modification to the Salcombe Neighbourhood Plan

- 3.1 Section 4 and Schedule A2 of the Neighbourhood Planning Act 2017 empowers the Council to make minor non material modifications to a Neighbourhood Plan that do not materially affect the policies.
- 3.2 Salcombe Neighbour Planning Group wrote to the Council as follows:-

"Just prior to the referendum on the Salcombe NDP a member of the community drew our attention to the accuracy of para. [6.6.1.8](#) of the Plan.

JLP allocated housing site TTV29.21 falls outside the 2011 settlement boundary illustrated in Figure 1B . During the Strategic Environmental Assessment process consideration was given to the exact location of the settlement boundary as a result of comments raised by Natural England. It was decided that, to afford the best protection for Salcombe against inappropriate development, that inclusion of the 2011 settlement boundary (identified in the then adopted South Hams Local Plan) in the Neighbourhood Plan, provided the best option. The Neighbourhood Plan, scrutinised by the Examiner, included the settlement boundary as described and he raised no objection to this proposal.

We understand that you as the Local Planning Authority are permitted to make minor changes to the the Plan text post referendum and prior to its adoption by SHDC to ensure 100% accuracy of the text. On behalf of the NPG we therefore request a minor modification to the final wording of para [6.6.1.8](#) that 'fall within the Settlement Boundary (figure 1B)' be deleted and replaced by 'are allocated within the Adopted JLP' . The Neighbourhood Plan policies are not affected by this change in supporting text."

- 3.3 Officers have checked the Plan and agree that as it stands the wording of the Plan is incorrect. Furthermore that modifying the Plan as requested would amount to a minor modification with no material effect on the content of the Plan.

4. Outcomes/outputs

- 4.1 Once made, the Salcombe Neighbourhood Development Plan will become part of the Local Development Plan and will be used to help decide planning applications in the Salcombe area.
- 4.2 A successful outcome for this neighbourhood plan will provide encouragement to the many other Parishes who are currently working on neighbourhood plans.

5. Options available and consideration of risk

- 5.1 Neighbourhood Plans come into force as part of the Development Plan immediately following a successful referendum. Therefore the Salcombe Neighbourhood Plan should now be used to decide planning applications.
- 5.2 However, in order to comply with the relevant legislation, the Local Planning Authority must make a neighbourhood plan within the required timeframe following a successful referendum, unless a legal challenge has been brought in relation to the referendum or unless there are concerns about the compatibility of the neighbourhood plan with any EU or human rights legislation. In this instance there are no such concerns.
- 5.3 Failure to make the Salcombe Neighbourhood Plan within the required timeframe could open the Council to legal challenge.

6. Proposed Way Forward

- 6.1 It is recommended:-
- i) that Executive approve the making of the Salcombe Neighbourhood Development Plan.

ii) That the Executive agree the minor modification requested by the Salcombe NPG set out in paragraph 3.2 of this report.

7. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		National Planning Guidance states that the Executive is responsible for making decisions on Neighbourhood planning (unless the Executive has delegated the function to a sub-committee or Officer) As set out in section 4, South Hams District Council is legally obliged to make the Salcombe Neighbourhood Development Plan.
Financial		There are no financial implications.
Risk		There is a risk of legal challenge if the Neighbourhood Plan is not made within the required timeframe.
Comprehensive Impact Assessment Implications		
Equality and Diversity		The Neighbourhood Plan has assessed Equality and Diversity implications as part of its background evidence.
Safeguarding		None.
Community Safety, Crime and Disorder		No direct implications.
Health, Safety and Wellbeing		Positive outcomes are anticipated from the making of the Neighbourhood Plan.
Other implications		None

Supporting Information

Appendices:

Appendix 1: Salcombe Neighbourhood Plan - Referendum version

Background Papers:

The Neighbourhood Planning (General) Regulations 2012, including later amendments

Government guidance at <https://www.gov.uk/guidance/neighbourhood-planning>

Background documents to the Salcombe Neighbourhood Plan, available at <https://www.southhams.gov.uk/article/3882/Neighbourhood-Development-Plans-and-Orders>

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	Yes/No