

Report to: **Council**

Date: **30 March 2023**

Title: **Modbury Neighbourhood Plan**

Portfolio Area: **Place Making - Cllr J Pearce Leader of the Council**

Wards Affected: **Charterlands**

Urgent Decision: **N** Approval and clearance obtained: **N/a**

Date next steps can be taken: Immediately

Author: **Elliott Hale** Role: **Neighbourhood Planning Specialist**

Contact: Elliott.hale@swdevon.gov.uk

RECOMMENDATION:

That Council approves the making (adoption) of the Modbury Neighbourhood Development Plan.

1. Executive summary

- 1.1 Following the decision of the Executive that the draft Modbury Neighbourhood Plan with the modifications proposed by the Examiner met the Basic Conditions and the draft Neighbourhood Plan should therefore be subject to a referendum, a referendum was held on 9 March 2023. A majority of those eligible to vote in the referendum voted in favour of the Neighbourhood Plan being made.
- 1.2 The District Council is obliged therefore to make or adopt the Neighbourhood Plan.

2. Background

- 2.1 The Modbury Neighbourhood Plan has been undertaken by Modbury Parish Council in accordance with the relevant legislation and regulations.

2.2 At its meeting on 26 January 2023, the Executive considered the Examiner’s report and agreed that with the modifications proposed by the Examiner, the plan would meet the basic conditions, so could proceed to referendum (Min. E.75/22 refers). A referendum was held on 9 March 2023 and achieved a turnout of 28.03% of local residents. Of these, 84.78% voted in favour of the plan.

2.3 Regulation 18a of the Neighbourhood Planning (General) Regulations 2012 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 4 May 2023.

3. Outcomes/outputs

3.1 Once made, the Modbury Neighbourhood Development Plan will become part of the Local Development Plan and will be used to help decide planning applications in the Modbury area.

3.2 A successful outcome for this neighbourhood plan will provide encouragement to the many other Parishes who are currently working on neighbourhood plans.

4. Options available and consideration of risk

4.1 Neighbourhood Plans come into force as part of the Development Plan immediately following a successful referendum. Therefore the Modbury Neighbourhood Plan should now be used to decide planning applications.

4.2 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.

4.3 Failure to make the Modbury Plan within the required timeframe could open the Council to legal challenge.

5. Proposed Way Forward

It is recommended that Council approve the making of the Modbury Neighbourhood Development Plan.

6. Implications

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|--------------|---------------------------|-------------------------------------|
| Implications | Relevant to proposals Y/N | Details are set out in this report. |
|--------------|---------------------------|-------------------------------------|

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|--|---|--|
| Legal/Governance | Y | The function of making a neighbourhood plan is the responsibility of the full Council. The Modbury Neighbourhood Plan has followed the procedure in the Neighbourhood Planning (General) Regulations 2012 and the referendum has been held in accordance with the Neighbourhood Planning (Referendums) Regulations 2012. The Council is therefore required to make the Neighbourhood Plan and must do so within 8 weeks of the date of the referendum. |
| Financial implications to include reference to value for money | N | There are no financial implications. Neighbourhood Plans are supported through Government grants program. There is an internal cost recovery system for referendums. |
| Risk | Y | There is a risk of legal challenge if the Neighbourhood Plan is not made within the required timeframe |
| Supporting Corporate Strategy | Y | The Council's role in the Neighbourhood Plan process is a statutory duty. |
| Climate Change - Carbon / Biodiversity Impact | Y | The Modbury Neighbourhood Plan aligns with the Joint Local Plan and contains policies aimed at mitigating the effects of Climate Change and impacts upon Biodiversity. |
| Comprehensive Impact Assessment Implications | | |
| Equality and Diversity | Y | The Neighbourhood Plan has assessed Equality and Diversity implications as part of its background evidence. |
| Safeguarding | N | None |
| Community Safety, Crime and Disorder | N | No direct implications. |
| Health, Safety and Wellbeing | Y | Positive outcomes are anticipated from the making of the Neighbourhood Plan. |
| Other implications | N | None |

Supporting Information

Appendices:

Appendix 1: Modbury Neighbourhood Plan - Referendum version

Background Papers:

Background documents to the Modbury Neighbourhood Plan on line at:-
<https://www.neighbourhoodplanning.swdevon.gov.uk/modbury>