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## **Brixton Neighbourhood Development Plan Regulation 19 Decision Statement**

Statement published 22<sup>nd</sup> March 2024, pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

**South Hams District Council decided by resolution of the Executive on 7<sup>th</sup> March 2024 to make the Brixton Neighbourhood Development Plan Modification under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Brixton Neighbourhood Development Plan Modification now forms part of the Development Plan for South Hams District.**

### **1. Summary**

1.1 This document is the Decision Statement required to be prepared under section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 19 of the Neighbourhood Planning (General Regulations) 2012 (as amended). It sets out the Council's considerations and formal decision in bringing the Brixton Neighbourhood Development Plan Modification into legal force.

1.2 Following an independent examination, South Hams District Council decided to make the Brixton Neighbourhood Development Plan Modification under section 38A(4) of the Planning and Compulsory Purchase Act 2004 ('the Act').

### **2. Background**

2.1 In May 2015 Brixton Parish Council, as the Qualifying Body, submitted proposals to South Hams District Council to designate the boundary of the Brixton Neighbourhood Development Plan Area. The application was approved, and the Brixton Neighbourhood Development Plan Area was designated by South Hams District Council (the Council) on 26<sup>th</sup> June 2015 in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

2.2 Following initial community engagement, draft plan consultation under Regulation 14, submission of the plan, consultation under Regulation 16, and examination, the Brixton Neighbourhood Development Plan was 'made' by the Council on 28<sup>th</sup> November 2019.

2.3 As a result of local concern about development pressure, Brixton Parish Council decided to modify the Neighbourhood Plan by extending the geographic extent of the areas covered by Policy

Env4 Green Corridor and Env6 Brixton Open Gap by amendments to Env Map 3. The aim of this is to strengthen the protection of the open landscape which contributes to the rural character and general wellbeing of the parish community. Consultation on the modification proposal took place under Regulation 14 from 12<sup>th</sup> December 2022 to 23<sup>rd</sup> January 2023. The proposed modification was submitted and consultation under Regulation 16 took place from 8<sup>th</sup> September to 20<sup>th</sup> October 2023, followed by examination.

2.4 South Hams District Council, with the agreement of Brixton Parish Council, appointed an independent Examiner to review whether the Proposed Modification met the “Basic Conditions” required by legislation.

2.5 The Examiner’s report was received on 2<sup>nd</sup> January 2024. This concluded that the Proposed Modifications to the plan, subject to the amendments as recommended by the Examiner, met the Basic Conditions, and could proceed to be ‘made’ (adopted). The Examiner assessed the other policies of the plan, checking their clarity and compliance with the Basic Conditions, and recommended modifications. The Examiner also concluded that the Proposed Modifications are not so substantial that the nature of the Neighbourhood Plan will be changed. This finding of the Examiner is in line with the conclusions reached previously by Brixton Parish Council and SHDC. As a result of this finding a referendum will not be required.

2.6 The SHDC Executive, at its meeting on 7<sup>th</sup> March 2024, resolved to ‘make’ (adopt) the Brixton Neighbourhood Development Plan Modifications, incorporating the amendments recommended by the Examiner.

### **3. Decision and Reasons**

3.1 With the Examiner’s recommended amendments, the Brixton Neighbourhood Development Plan meets the Basic Conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU Obligations and the Convention Rights, and complies with relevant provision made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended).

3.2 South Hams District Council has assessed that the modification to the plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU Obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

3.3 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the Brixton Neighbourhood Development Plan Modification is ‘made’ and planning applications in the parish must be considered against the Brixton Neighbourhood Development Plan (as Modified), as well as existing planning policy, such as the Local Development Plan and the National Planning Policy Framework.