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Dear Councillor

SOUTH HAMS EXECUTIVE - THURSDAY, 7TH DECEMBER, 2017

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

Agenda No	Item
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| 2. | <u>Urgent Business</u> (Pages 1 - 4) |
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brought forward at the discretion of the Chairman: Ivybridge Neighbourhood Plan

Yours sincerely

Darryl White
Senior Specialist – Democratic Services

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Agenda Item 2

Report to: **Executive**
Date: **7 December 2017**
Title: **Ivybridge Neighbourhood Plan**
Portfolio Area: **Customer First**
Wards Affected: **Ivybridge**
Relevant Scrutiny Committee:

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

Date next steps can be taken:
(*e.g. referral on of recommendation or implementation of substantive decision*) **Following O&S Call In period**

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Recommendations:

1. That Executive **RESOLVES** to approve the making (adoption) of the Ivybridge Neighbourhood Development Plan.

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 The Ivybridge Neighbourhood Plan is the first Neighbourhood Development Plan in South Hams to be completed, following a successful referendum carried out on 30th November 2017.
- 1.4 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 Ivybridge Neighbourhood Plan has been undertaken by Ivybridge Town Council in accordance with the relevant legislation and regulations.
- 2.2 The Ivybridge 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 16th October 2016, in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.
- 2.4 The District Council consulted on the draft plan between 1st December 2016 and 12th January 2017, 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 30th November 2017 achieved a turnout of 14.57% of local residents. Of these, 84.75% voted in favour of the plan.
- 2.7 Following a majority vote in a referendum to 'make' the plan so that it becomes a statutory part of the Local Development Plan and is used alongside the Local Plan to help decide planning applications in the Neighbourhood Area.
- 2.8 Council officers have worked alongside the Ivybridge Neighbourhood Plan Group to ensure that the Neighbourhood Plan provides an appropriate framework for development in the Ivybridge 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 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 Friday 26th January 2018.
- 2.11 The Council has previously expressed support for neighbourhood plans as a way of achieving local and community priorities.

3. Outcomes/outputs

- 3.1 Once made, the Ivybridge Neighbourhood Development Plan will become part of the Local Development Plan and will be used to help decide planning applications in the Ivybridge area.
- 3.2 A successful outcome for the first neighbourhood plan in South Hams 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 Ivybridge 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 Ivybridge Neighbourhood Plan within the required timeframe could open the Council to legal challenge.

5. Proposed Way Forward

- 5.1 It is recommended that Executive approve the making of the Ivybridge Neighbourhood Development Plan.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		As set out in section 4, South Hams District Council is legally obliged to make the Ivybridge 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: Ivybridge 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 Ivybridge 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
SLT Rep briefed	No
Relevant Exec Director sign off (draft)	No
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	N/A