

Report to: **Annual Council**
Date: **17 May 2018**
Title: **Ugborough Neighbourhood Plan**
Portfolio Area: **Customer First**
Wards Affected: **Ermington and Ugborough**
Relevant Scrutiny Committee: Overview and Scrutiny Panel

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

Date next steps can be taken: Immediately

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Recommendations:

That Council approves the making (adoption) of the Ugborough 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 and Town Councils as the 'Qualifying Body'.
- 1.2 Once 'made' (adopted) by the Local Planning Authority the NDP becomes part of the Development Plan and are used alongside the Local Plan to decide planning applications in the area to which they relate.
- 1.3 In order to comply with the Neighbourhood Planning Regulations, a NDP 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 Ugborough Neighbourhood Plan has been undertaken by Ugborough Parish Council in accordance with the relevant legislation and regulations.
- 2.2 The Council has previously expressed support for neighbourhood plans as a way of achieving local and community priorities.
- 2.3 The Ugborough Neighbourhood Area was designated on 21st March 2013.
- 2.4 Following the necessary community engagement, consultation and background work, a draft plan was submitted to South Hams District Council on 18th August 2016, in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations.
- 2.5 Council officers worked alongside the Ugborough Neighbourhood Plan Group to ensure that the Neighbourhood Plan provides an appropriate framework for development in the Ivybridge area up to 2034.
- 2.6 The District Council consulted on the draft plan between 29th September 2016 and 10th November 2016, in accordance with Regulation 16 of the above Regulations.
- 2.7 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.
- 2.8 The Council agreed with the Examiner's conclusion. A referendum held on 26th April 2018 achieved a turnout of 27.75% of local residents. Of these, 91.53% voted in favour of the plan.
- 2.9 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 Thursday 21st June 2018.

3. Outcomes/outputs

- 3.1 The Ugborough Neighbourhood Development Plan will become part of the Development Plan and will be used to help decide planning applications in the Parish of Ugborough.
- 3.2 A successful outcome for the second 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 In order to comply with the relevant legislation the Local Planning Authority must make a NDP 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.
- 4.2 Failure to make the Ugborough Neighbourhood Plan within the required timeframe could open the Council to legal challenge.

5. Proposed Way Forward

- 5.1 It is recommended that the Council approve the making of the Ugborough 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 Ugborough 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: Ugborough 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 Ugborough Neighbourhood Plan: <https://www.southhams.gov.uk/article/3882/Neighbourhood-Development-Plans-and-Orders>