

Report to: **Special Council**
Date: **21 March 2019**
Title: **Stoke Fleming Neighbourhood Plan**
Portfolio Area: **Customer First**
Wards Affected: **Blackawton & Stoke Fleming**
Relevant Scrutiny Committee: Overview and Scrutiny Panel

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

Date next steps can be taken: Immediately following this meeting
(*e.g. referral on of recommendation or implementation of substantive decision*)

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Recommendations:

That the Council approves the making (adoption) of the Stoke Fleming 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 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 Stoke Fleming Neighbourhood Plan has been undertaken by Stoke Fleming Parish Council in accordance with the relevant legislation and regulations.

- 2.2 The Stoke Fleming Neighbourhood Area was designated on 5th June 2014
- 2.3 Following the necessary community engagement, consultation and background work, a draft plan was submitted to South Hams District Council on 30th January 2018, in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations.
- 2.4 The District Council consulted on the draft plan between 20th February 2018 and 3rd April 2018, 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 27th Feb 2019 achieved a turnout of 39.23% of local residents. Of these, 88.52% 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 Stoke Fleming Neighbourhood Plan Group to ensure that the Neighbourhood Plan provides an appropriate framework for development in the Stoke Fleming 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 Thursday 24th April 2019.
- 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 Stoke Fleming Neighbourhood Development Plan will become part of the Local Development Plan and will be used to help decide planning applications in the Stoke Fleming 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 Stoke Fleming 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 Stoke Fleming 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 Stoke Fleming 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 Stoke Fleming 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: Stoke Fleming 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 Stoke Fleming Neighbourhood Plan, available at <https://www.southhams.gov.uk/article/3882/Neighbourhood-Development-Plans-and-Orders>