



South Milton Neighbourhood Development Plan Regulation 19 Decision Statement

Statement published 12th December 2023, 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 30th November 2023 to make the South Milton Neighbourhood Development Plan Modification under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The South Milton 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 South Milton Neighbourhood Development Plan Modification into legal force.

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

2. Background

2.1 In November 2014 South Milton Parish Council, as the qualifying body, submitted proposals to South Hams District Council to designate the boundary of the South Milton Neighbourhood Development Plan Area. The application was approved, and the South Milton Neighbourhood Development Plan Area was designated by South Hams District Council (the Council) on 13th February 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 South Milton Neighbourhood Development Plan was 'made' by the Council on 19th September 2019.

2.3 As a result of local concerns, the parish council undertook evidence gathering on the issue of second/holiday homes within the parish. The parish council decided to modify the SMNP by the introduction of a Principal Residence Policy (and the consequential amendment to two other policies). Consultation on the modification proposal took place under Regulation 14 from 7th March to 18th April 2022. The proposed modification was submitted and consultation under Regulation 16 took place from 16th June to 28th July 2023, followed by examination.

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

2.5 The Examiner produced a brief Initial Comments report dated 18th August 2023. The key finding of this report was 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 South Milton Parish Council and SHDC. As a result of this finding a referendum will not be required.

2.6 The Examiner’s report was received on 30th August 2023. 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).

2.7 The SHDC Executive, at its meeting on 30th November 2023, resolved to ‘make’ (adopt) the South Milton Neighbourhood Development Plan Modification, incorporating the amendments recommended by the Examiner.

3. Decision and Reasons

3.1 With the Examiner’s recommended amendments, the South Milton 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 South Milton Neighbourhood Development Plan Modification is ‘made’ and planning applications in the parish must be considered against the South Milton Neighbourhood Development Plan (as Modified), as well as existing planning policy, such as the Local Development Plan and the National Planning Policy Framework.