

Report to: **Executive**

Date: **19 July 2018**

Title: **Thurlestone Neighbourhood Plan**

Portfolio Area: **Customer First**

Wards Affected: **Salcombe and Thurlestone**

Relevant Scrutiny Committee: Overview and Scrutiny Panel

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

Date next steps can be taken: Upon the expiry of the Scrutiny Call-in Period (5.00pm on Monday, 30 July 2018)

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Recommendations:

That Executive approves the "making" (adoption) of the Thurlestone 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 that 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 Thurlestone Neighbourhood Plan has been undertaken by Thurlestone Parish Council in accordance with the relevant legislation and regulations.
- 2.2 The Thurlestone Neighbourhood Area was designated on 24th April 2015.
- 2.3 Following the necessary community engagement, consultation and background work, a draft plan was submitted to South Hams District Council on 12th December 2017, in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations.
- 2.4 The District Council consulted on the draft plan between 9th January 2018 and 21st February 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 28th June 2018 achieved a turnout of 60.74% of local residents. Of these, 92.67% 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 Development Plan and will be used alongside the imminent Development Plan (Joint Local Plan once adopted) to help decide planning applications in the Neighbourhood Area.
- 2.8 Council officers have worked alongside the Thurlestone Neighbourhood Plan Steering Group to ensure that the Neighbourhood Plan provides an appropriate framework for development in the Thurlestone 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(1) 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 23rd August 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 Thurlestone Neighbourhood Plan will become part of the Development Plan and will be used to help decide planning applications in the Thurlestone area.
- 3.2 The 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 Thurlestone 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 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 Thurlestone 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 Thurlestone Neighbourhood Development Plan.

6. Implications

| Implications | Relevant to proposals Y/N | Details and proposed measures to address. |
|--|---------------------------|---|
| Legal/Governance | Y | As set out in section 4, South Hams District Council is legally obliged to make the Thurlestone Neighbourhood Development Plan. |
| Financial | N | There are no financial implications. |
| Risk | Y | 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 | Y | The Neighbourhood Plan has assessed Equality and Diversity implications as part of its background evidence. |
| Safeguarding | N | None. |
| Community Safety, Crime and Disorder | Y | No direct implications. |
| Health, Safety and Wellbeing | Y | Positive outcomes are anticipated from the making of the Neighbourhood Plan. |
| Other implications | N | None |

Supporting Information

Appendices:

None

Background Papers:

- Thurlestone Neighbourhood Plan - Referendum version (available upon request from Democratic Services);
- The Neighbourhood Planning (General) Regulations 2012, including later amendments;
- Government guidance at <https://www.gov.uk/guidance/neighbourhood-planning>;
- Background documents to the Thurlestone Neighbourhood Plan, available at <https://www.southhams.gov.uk> under Planning/Neighbourhood Planning