

TEIGNBRIDGE DISTRICT COUNCIL

FULL COUNCIL

17 MARCH 2020

Report Title	Make (Adopt) the Chudleigh and Kenton Neighbourhood Development Plans
Purpose of Report	The purpose of this report is to inform Full Council of the results of the referenda on the Chudleigh and Kenton Neighbourhood Development Plans and to bring both Plans into force by making (adopting) them as part of the Development Plan for the District.
Recommendation(s)	Full Council RESOLVES to: <ul style="list-style-type: none">• Make (Adopt) the Chudleigh and Kenton Neighbourhood Development Plans and bring them into force as part of the suite of Teignbridge Local Development Plan Documents, to be used as a material consideration in planning terms relating to the Chudleigh and Kenton Parished Areas.

Financial Implications	<p>There are no costs arising from this report. The Council receives Government funding of £20,000 for each Neighbourhood Plan adopted. All costs associated with the examination and referendum of the Neighbourhood Plans are paid for by this Government funding. Any remaining funds contribute towards the funding of the Neighbourhood Planning Officer.</p> <p>Martin Flitcroft Chief Finance Officer Tel: 01626 215246 Email: martin.flitcroft@teignbridge.gov.uk</p>
Legal Implications	<p>Both the Kenton and Chudleigh Neighbourhood Plans have been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012.</p> <p>Once made (adopted) the Kenton and Chudleigh Neighbourhood Plans will become part of the Development Plan for Teignbridge. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).</p> <p>Strategic Environmental Assessment Screenings have been carried out for both plans and concluded no significant effect arising from the plan. Habitat Regulation Assessments/Appropriate Assessments have also been carried out and have concluded no impact on the integrity of a European Protected Wildlife Site.</p> <p>Paul Woodhead Tel: 01626 215139 Email: paul.woodhead@teignbridge.gov.uk</p>
Risk Assessment	<p>The Council must make (adopt) the neighbourhood plans within 8 weeks of the referendum. The circumstances where the Council is not required to make a neighbourhood plan are where it considers that making it would breach, or otherwise be incompatible with, any EU or human rights obligations. Officers do not believe that this applies to either the Kenton or Chudleigh Neighbourhood Plans.</p> <p>Michelle Luscombe Principal Policy Planner Tel: 01626 215706 Email: michelle.luscombe@teignbridge.gov.uk</p>

Environmental/ Climate Change Implications	Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan which means that the overarching policies of the Local Plan in relation to the environment and climate change will still apply once the neighbourhood plans are adopted. However, the Chudleigh and Kenton Neighbourhood Plans add additional locally produced designations and requirements which seek to conserve and protect the environment, having an overall positive effect on the environment and climate change. David Eaton, Environmental Protection Manager Tel: 01626 215064 Email: david.eaton@teignbridge.gov.uk
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Portfolio Holder	Portfolio Holder for Planning (Cllr Gary Taylor)
Appendices	
Part I or II	Part 1
Background Papers	

1. PURPOSE

1.1 The purpose of this report is to inform Full Council of the results of the referenda on the Chudleigh and Kenton Neighbourhood Development Plans and to bring both Plans into force by making (adopting) them as part of the Development Plan for the District. This will ensure that these neighbourhood plans form a material consideration in the determination of planning applications in their respective parishes. (Note that neighbourhood plans are 'Made' which has essentially the same meaning as when a Local Plan is 'adopted'). This accords with the provisions of the Planning and Compulsory Purchase Act 2004 Section 38A(4) as amended.

1.2 Copies of the Neighbourhood Plans are available online at:

- Chudleigh Neighbourhood Plan: www.teignbridge.gov.uk/chudleighnp
- Kenton Neighbourhood Plan: www.teignbridge.gov.uk/kentonnp

2. REPORT DETAIL

2.1. Financial

2.1.1. There are no costs arising from this report.

2.1.2. The Council receives £20,000 of Government funding following the adoption of each Neighbourhood Plan. Following the adoption of the Kenton and

Chudleigh Neighbourhood Plan (if agreed by Full Council), the Council will be eligible for £40,000. This funding is used to cover the costs of the examination and referendum of the Neighbourhood Plan, as well as the costs associated with any other statutory support provided by the Council. Any remaining funds contribute towards the funding of the Neighbourhood Planning Officer.

- 2.1.3. In parishes where there is a made (adopted) neighbourhood plan, parish or town councils will receive 25% of the receipts from the Community Infrastructure Levy. This is only 15% where there is no made (adopted) neighbourhood plan.

2.2. Legal

- 2.2.1. Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. However, any neighbourhood plans prepared must do so in accordance with the Neighbourhood Planning (General) Regulations 2012.

- 2.2.2. Once it has been approved at a referendum, a neighbourhood plan has the same legal status as the Local Plan. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).

- 2.2.3. In accordance with the Regulations, Neighbourhood Plans must satisfy that there are no significant environmental effects arising from the neighbourhood plan or that the plan would impact on the integrity of a European Protected wildlife site. Strategic Environmental Assessment Screenings have been carried out for both plans and concluded no significant effect arising from the plan. Habitat Regulation Assessments/Appropriate Assessments have also been carried out and concluded no impact on the integrity of a European Protected Wildlife Site.

2.3. Risks

- 2.3.1. Following the positive referendum result, the final stage is for the Council to make (adopt) the plan within 8 weeks of the referendum.

- 2.3.2. There are only narrow circumstances where the local planning authority is not required to make the neighbourhood plan. These are where it considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any EU or human rights obligations (see [section 61E\(8\) of the Town and Country Planning Act 1990 Act as amended](#)). No such conflict has been identified by the neighbourhood plan examiners or by Officers of the Council. In addition the Habitat Regulation Assessments and Strategic Environmental Assessment Screening reports did not identify any likely significant effects on the Environment. As such no conflict or breach with the above has been identified and both Neighbourhood Plans should be 'made'.

2.4. Environmental/Climate Change Impact

- 2.4.1. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan which means that the overarching policies of the Local Plan in relation to the environment and climate change will still apply once the neighbourhood plans are adopted.
- 2.4.2. The Chudleigh and Kenton Neighbourhood Plans add additional locally produced designations and requirements which seek to conserve and protect the environment, having an overall positive effect on the environment and climate change. For Chudleigh, this includes policies relating to: biodiversity; the South Hams Special Area of Conservation; landscape; and sustainability (i.e. new development must not increase flood risk and must enable the use of renewable energy technologies). For Kenton, specific environmental policies include: green infrastructure, reducing flood risk; protecting locally important views; designating local green space; and protection of the Exe Estuary Special Protection Area and the Dawlish Special Area of Conservation.

2.5. Background

- 2.5.1. The Localism Act and associated regulations provide the legal framework for the production of Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders. These formed part of the suite of planning powers devolved to town and parish councils and neighbourhood forums under the 2011 Localism Act.
- 2.5.2. Following designation of Chudleigh Parish area on 31 August 2016, and designation of Kenton Parish on 17 April 2015, both Town and Parish Councils began work on their respective neighbourhood plans. The development of both plans were informed by extensive community and stakeholder engagement, formally and informally throughout the process of plan development.

2.6. Examination and Referendum

- 2.6.1. Following the formal consultation periods (Pre-submission and Submission), both plans were submitted to the District Council and then subjected to an independent examination to assess whether they met the 'Basic Conditions'. Successful examination on the plan for Chudleigh on 24 September 2019 and Kenton on 29 November 2019 led to both referenda in which the decision to make (adopt) the neighbourhood plans were put to a local vote in their respective parishes on 13th February 2020.
- 2.6.2. The Chudleigh referendum resulted in a 19.3% turnout with 89.4% of those casting their ballot voted yes to the question: (the wording of which is prescribed in the regulations):

Do you want Teignbridge District Council to use the Neighbourhood Plan for Chudleigh Parish to help it decide planning applications in the neighbourhood area?

- 2.6.3. The Kenton referendum resulted in a 31.54% turnout with 96.82% of those casting their ballot voted yes to the question: (the wording of which is prescribed in the regulations):

Do you want Teignbridge District Council to use the Neighbourhood Plan for Kenton Parish to help it decide planning applications in the neighbourhood area?

- 2.6.4. With the successful referendum, Teignbridge Council must make (adopt) the neighbourhood plans unless doing so would breach or would otherwise be incompatible with any EU obligation or any Convention Rights under the Human Rights Act (see 2.3).

2.7. Groups Consulted

- 2.7.1. The Neighbourhood Planning (General) Regulations 2012 require Neighbourhood Development Plans to be locally informed and led. Therefore the production of a Consultation Statement is prescribed by the regulations and assessed by an independent examiner. In addition two prescribed stages of public and stakeholder consultation are required before the plan is examined and can proceed to referendum. These documents are all available on the Council's website:

- Chudleigh Neighbourhood Plan: www.teignbridge.gov.uk/chudleighnp
- Kenton Neighbourhood Plan: www.teignbridge.gov.uk/kentonnp

3. CONCLUSION

- 3.1.1. Following the successful referenda on the Chudleigh and Kenton Neighbourhood Plans, it is recommended that both plans are made (adopted) and are brought into force as part of the Development Plan for Teignbridge.