

Working together



Totnes 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 Totnes Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Totnes Neighbourhood Development Plan 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 Totnes Neighbourhood Development Plan into legal force.

1.2 Following an independent examination and positive referendum, held on 16th November 2023, South Hams District Council decided to make the Totnes Neighbourhood Development Plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 ('the Act').

2. Background

2.1 In January 2013 Totnes Town Council, as the qualifying body, submitted proposals to South Hams District Council to designate the boundary of the Totnes Neighbourhood Development Plan Area.

2.2 The Neighbourhood Area application was approved, and the Totnes Neighbourhood Development Plan Area was designated by South Hams District Council (the Council) on 21st March 2013 in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

2.3 Following initial consultation stages, a revised Draft Plan was publicised and representations were invited in accordance with Regulation 14 during a consultation period from 16th November 2019 to 2nd January 2020.

2.4 The final draft neighbourhood plan was submitted under Reg.15 to South Hams District Council in May 2021. Publicity and consultation under Reg.16 was undertaken over an 8-week period from 28th June to 22nd August 2021 to determine if there were any unresolved objections to the plan.

2.5 South Hams District Council, with the agreement of Totnes Town Council, appointed an independent Examiner to review whether the Plan met the “Basic Conditions” required by legislation and could proceed to referendum. At its meeting on 4th October 2021, Totnes TC resolved to request that the Examination be ‘paused’ to enable it to undertake consultation on a proposed additional policy C12 relating to the former Dairy Crest site, which it proposed be included in the plan. There was a six week period of consultation from 18th October to 28th November 2021. The examiner held a hearing to consider this issue on 6th September 2022.

2.6 The Examiner’s report was produced on 15th May 2023. This concluded that the plan, subject to the recommended modifications, met the Basic Conditions, and could proceed to a Referendum.

2.7 The Council’s Executive, at its meeting on 21st September 2023, approved the Totnes Neighbourhood Development Plan, as modified as recommended by the Examiner, to proceed to Referendum, using the designated plan area as the Referendum area. The Reg.18 Decision Statement was published on 28th September 2023.

3. Decision and Reasons

3.1 With the Examiner’s recommended modifications, the Totnes Neighbourhood Development Plan meets the Basic Conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. It is compatible with EU Obligations and the Convention Rights, and complies with relevant provisions made by or under Sections 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).

3.2 A local Referendum, in accordance with the Localism Act 2011, was held in Totnes on 16th November 2023 to decide whether the local community were in favour of the Totnes Neighbourhood Development Plan. From the votes recorded, of those who voted 91.55 % were in favour of the plan. The turnout of electors was 17.06 %.

3.3 Section 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Council must ‘make’ the neighbourhood plan if more than half of those voting have voted in favour of the plan.

3.4 South Hams District Council has assessed that 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).

3.5 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), Totnes Neighbourhood Development Plan is ‘made’ and planning applications in the parish must be considered against the Totnes Neighbourhood Development Plan, as well as existing planning policy, such as the Local Development Plan and the National Planning Policy Framework.