

*Working together*



## **Modbury Neighbourhood Development Plan Regulation 19 Decision Statement**

Statement published 4<sup>th</sup> April 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 Council on 30<sup>th</sup> March 2023 to make the Modbury Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Modbury 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 Modbury Neighbourhood Development Plan into legal force.

1.2 Following an independent examination and positive referendum, held on 9<sup>th</sup> March 2023, South Hams District Council decided to make the Modbury Neighbourhood Development Plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 ('the Act').

### **2. Background**

2.1 In December 2014 Modbury Parish Council, as the qualifying body, submitted proposals to South Hams District Council to designate the boundary of the Modbury Neighbourhood Development Plan Area.

2.2 The Neighbourhood Area application was approved, and the Modbury Neighbourhood Development Plan Area was designated by South Hams District Council (the Council) on 24<sup>th</sup> February 2015 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 17<sup>th</sup> March to 5<sup>th</sup>

May 2018. Re-consultation regarding housing sites took place in July 2019 finishing on 30<sup>th</sup> August 2019.

2.4 The final draft neighbourhood plan was submitted under Reg.15 to South Hams District Council in July 2020. Publicity and consultation under Reg.16 was undertaken over a 6-week period from 3<sup>rd</sup> August to 14<sup>th</sup> September 2020 to determine if there were any unresolved objections to the plan. The Reg.16 consultation was re-run for an initial six week period from 5<sup>th</sup> October to 16<sup>th</sup> November 2020 and was extended until 21<sup>st</sup> December 2020.

2.5 South Hams District Council, with the agreement of Modbury Parish 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 25<sup>th</sup> August 2021, Modbury PC resolved to withdraw the NP from Examination. The plan was then re-submitted and an extended nine week consultation period was held (effectively a re-run of Reg.16) from 11<sup>th</sup> July 2022 to 12<sup>th</sup> September 2022.

2.6 The Examiner’s report was received on 8<sup>th</sup> December 2022. 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 26<sup>th</sup> January 2023, approved the Modbury Neighbourhood Development Plan, as modified to incorporate the modifications 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 27<sup>th</sup> January 2023.

### **3. Decision and Reasons**

3.1 With the Examiner’s recommended modifications, the Modbury 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 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 Modbury on 9<sup>th</sup> March 2023 to decide whether the local community were in favour of the Modbury Neighbourhood Development Plan. From the votes recorded, of those who voted 84.78 % were in favour of the plan. The turnout of electors was 28.03 %.

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), Modbury Neighbourhood Development Plan is ‘made’ and planning applications in the parish must be considered against the Modbury Neighbourhood Development Plan, as well as existing planning policy, such as the Local Development Plan and the National Planning Policy Framework.