

12th September 2024 – Full Council

Agenda Item 15 – Examiner’s Report on the Neighbourhood Plan and Recommended Modifications

Following submission of the Neighbourhood Plan, an examiner was appointed to carry out an independent examination of the plan to see whether it meets the legal requirements, which include the “Basic Conditions”. A copy of the examiner’s report is included with this paper.

The examiner has concluded that some modifications are required to meet the Basic Conditions, and subject to these being made, that the plan may be submitted to a referendum.

The recommended modifications are set out in the report.

Mid-Devon District Council as the Local Planning Authority (LPA) are tasked with making the modifications to the Neighbourhood Plan so that it can proceed to referendum. The changes should follow the examiner’s recommendations and if a different judgement is made they would have to give clear reasons. The modifications must be discussed with the Neighbourhood Planning Body (the Parish Council), who can either agree with the modifications or withdraw the plan if they are unhappy with the proposed changes.

In most instances the decision on the examiner’s recommendations must be made within 5 weeks of receipt or an alternative date agreed between the LPA and the Parish Council. The LPA has not agreed a mutually acceptable date with the Parish Council and the Clerk advised the LPA Officer that the matter has to be considered by Council and a response to the modifications will be provided following a resolution of the Council.

The LPA also requested that the Parish Council make the modification amendments to the plan, however the guidance suggests that this is the responsibility of the LPA and that costs following submission are also covered by the LPA. If the Parish Council were to make the amendments there would be a cost relating to the Consultant’s time; this has not been budgeted for, and there is only £151.80 remaining in the Neighbourhood Planning Reserve. The Clerk has pushed any amendment back to the LPA on this basis and shared a word copy of the plan with them to amend.

It was noted by the Chair that the following was contained within the Planning Summary Report to the Planning, Environment & Sustainability Policy Development Group on Tuesday, 3rd September:

2.3.2 Willand Neighbourhood Plan: the Examiner’s report for the Willand Neighbourhood Plan has now been received and this recommends that the plan progresses to a local referendum subject to modifications being made to it. Officers are currently waiting to receive the referendum version of the neighbourhood plan (including modifications) from Willand Parish Council and, once received, it is expected that a report will be presented to PPAG and then on to Cabinet in order to secure approval for the referendum.

Note that it has been decided that owing to the timing of this matter and how meetings fall, the Neighbourhood Plan will be considered via PPAG rather than this PDG in order to avoid significantly delaying the referendum and any subsequent adoption of the Plan. Members with an interest in this item are therefore asked to note this.

The Parish Council was not advised of its inclusion in advance. The Chair subsequently registered to speak at the PDG meeting and will update Members at the Parish Council meeting.

It is to be noted that The PDG is an open meeting which the public can attend and ask questions or make representations. The PPAG [Planning Policy Advisory Group] has always been a 'closed' meeting.

Council must decide:

Whether to accept the recommended modifications to the Neighbourhood Plan, and

- a. If accepted, note that, subject to approval by the LPA it will then proceed to referendum, or
- b. If the modifications are not accepted, to agree to withdraw the plan.
- c. If the modifications are accepted to either confirm that they would like the Clerk to pursue that the amendments be made by the LPA or agree that the Parish Council will make the amendments and decide on an appropriate budget.

**Debbie Bird,
Clerk to Willand Parish Council
2 September 2024**