

Date: 13 June 2019  
Our ref: Payhembury NP Adoption Statement



**East Devon District Council  
Payhembury Neighbourhood Plan –  
Final Decision Statement  
Date of Publication 13 June 2019**

**1. Summary**

1.1 Following a positive referendum result East Devon District Council has made the Payhembury Neighbourhood Development Plan ('the Plan') part of the Development Plan for East Devon. The decision is effective as of 13 June 2019.

**2. Background**

2.1 Payhembury Parish Council, as the qualifying body successfully applied for Payhembury Parish to be designated as a Neighbourhood Area in March 2016, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.

2.2 Following the submission of the Payhembury Neighbourhood Plan to the Council, the Plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 30 November 2018.

2.3 East Devon District Council appointed an independent Examiner, Mary O'Rourke, to review whether the Plan met the Basic Conditions required by legislation and whether the Plan should proceed to referendum.

2.4 The Examiner's Final Report concluded that the Plan meets the Basic Conditions, and that subject to the modifications proposed in the report, and which are set out in the Payhembury Neighbourhood Plan Decision Statement of 21 March 2019, the Plan should proceed to a referendum.

2.5 A referendum was held on 2 May 2019, 82% of those who voted were in favour of the Plan. Paragraph 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. The Council are not subject to this duty if the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

**3. Decision and Reasons**

3.1 With the Examiner's recommended modifications the 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 2 Convention rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.

3.2 The referendum, held on 2 May 2019, met the requirements of the Localism Act 2011. The referendum was held in the parish of Payhembury and posed the question: 'Do you want East Devon District Council to use the Neighbourhood Plan for Payhembury to help it decide planning applications in the neighbourhood area?'.

3.3 Greater than 50% of those who voted were in favour of the Plan being used to help decide planning applications in the Plan area. The results of the referendum were:

Number cast in favour of a 'YES'

207

Number cast in favour of a 'NO'

34

Turnout: 42.25%

3.4 The 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 The Council decided at the Cabinet meeting on 5 June 2019 to make the Payhembury Neighbourhood Plan part of the Development Plan for East Devon. The decision is effective as of 13 June 2019.