

# **East Devon District Council**

## **Feniton Neighbourhood Plan- Final Decision Statement**

### **Date of Publication 18 July 2018**

#### **1. Summary**

1.1 1.1 Following a positive referendum result East Devon District Council has made the Feniton Neighbourhood Development Plan part of the Development Plan. The decision is effective as of 19 July 2018.

#### **2. Background**

2.1 Feniton Parish Council, as the qualifying body successfully applied for Feniton parish to be designated as a Neighbourhood Area in September 2014, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.

2.2 Following the submission of the Feniton Neighbourhood Plan Examination Version ('the Plan') to the Council, the Plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 8 December 2017.

2.3 East Devon District Council appointed an independent Examiner, Jill Kingaby, 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 Feniton Neighbourhood Plan Decision Statement of 4 April 2018, the Plan should proceed to a referendum.

2.5 A referendum was held on 17 May 2018, 93.71% 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 17 May 2018 met the requirements of the Localism Act 2011, it was held in the parish of Feniton and posed the question: 'Do you want East Devon District Council to use the Neighbourhood Plan for Feniton 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'

462

Number cast in favour of a 'NO'

30

Turnout: 32.05%

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 11 July 2018 to make the Feniton Neighbourhood Plan part of the Development Plan for East Devon. The decision is effective as of 19 July 2018.