

# **East Devon District Council**

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

### **Date of Publication 27<sup>th</sup> April 2020**

#### **1. Summary**

1.1 Following a positive referendum result East Devon District Council has made the Membury Neighbourhood Development Plan ('the Plan') part of the Development Plan for East Devon. The decision is effective as of 27 April 2020.

#### **2. Background**

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

2.2 Following the submission of the Membury Neighbourhood Plan Examination Version to the Council, the Plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 16 March 2018.

2.3 East Devon District Council appointed an independent Examiner, Andrew Mead, 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 subsequent post-examination minor amendment agreed with the Parish Council, District Council and subject to public consultation), as set out in the Membury Neighbourhood Plan Decision Statement of 27 November 2019, the Plan should proceed to a referendum.

2.5 A referendum was held on 12 March 2020, at which 81% 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 (and subsequent post-examination minor amendment agreed with the Parish Council, District Council and subject to public consultation) 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 12 March 2020 met the requirements of the Localism Act 2011. It was held in the parish of Membury and posed the question: 'Do you want East Devon District Council to use the Neighbourhood Plan for Membury 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'

115

Number cast in favour of a 'NO'

27

Turnout: 33.5%

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 by Senior Officer Urgent Decision on 27 April 2020 to make the Membury Neighbourhood Plan part of the Development Plan for East Devon. The decision is effective as of 27 April 2020. *(n.b. this decision was due to taken by Members at the Council Cabinet meeting on 6 May 2020. This meeting was cancelled due to the Coronavirus (COVID-19) pandemic and authority given to secure the decision via the alternative 'Urgent Senior Officer Decision' route, in accordance with provisions for officer delegated powers set out in the Constitution)*