

East Devon District Council

PAYHEMBURY NEIGHBOURHOOD PLAN DECISION STATEMENT

Summary

Following an independent examination, East Devon District Council now confirms that the Payhembury Neighbourhood Development Plan will proceed to a Neighbourhood Planning Referendum.

Background

On 31 March 2016, East Devon District Council designated the area comprising the Parish of Payhembury as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.

Following the submission of the Payhembury Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 30 November 2018.

East Devon District Council appointed an independent Examiner, Mary O'Rourke, to recommend whether the Plan should proceed to referendum.

The Examiner's report concludes that subject to making the minor modifications recommended, the Plan meets the Basic Conditions set out in the legislation and should proceed to referendum.

Decision and Reasons

The District Council has confirmed the following modifications have been made, to ensure that the draft plan meets the basic conditions set out in legislation, for the reasons given:

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 22	To improve general conformity with the strategic policy contained in East Devon Local Plan, and to encourage the delivery of the identified housing need for smaller properties: In the last sentence of policy PNP1 delete the words 'of brownfield sites' and add after 'Local Plan' the words ' and with the maximum internal space standard set out above '.
PM2	Page 24	Suggested modification of policy PNP3 to clarify that marketing of an employment site must be for the existing or similar use:

Proposed modification number (PM)	Page no./ other reference	Modification
		In policy PNP3 after the word 'marketed' add ' for the existing or similar employment use ' before 'at a realistic price'.
PM3	Page 26	<p>The words '<i>further development of existing buildings or within their curtilage ...</i>' are not sufficiently clear and unambiguous. Further, proposals should also have regard to any impact they might have on the natural environment and biodiversity. Suggested modification to the wording along the lines suggested by the District Council:</p> <p>Reword policy PNP4 as follows:</p> <p><i>Proposals for individual and community scale renewable energy projects, and other forms of green technology, will be supported subject to the proposed development not having an unacceptable adverse impact on:</i></p> <ul style="list-style-type: none"> • <i>the character and appearance of the area;</i> • <i>the amenity of local residents; and</i> • <i>the natural environment and local biodiversity.</i>
PM4	Page 31	<p>The policy, as drafted, lacks a level of clarity in its use of ambiguous words like 'safe pedestrian zones', 'possibly', 'defined walkway', and 'safe pedestrian area'. Suggested modifications to text:</p> <p>Reword policy PNP6 as follows:</p> <p><i>All proposals for new development should make appropriate safe provision for pedestrians. Improved or increased provision for pedestrians in the village centre will be supported.</i></p>
PM5	Page 30	<p>Suggested clarification on the level of protection afforded to Green Belts:</p> <p>Reword policy PNP5 as follows:</p> <p><i>The Church Lane Play Area, indicated in Figure 3, is designated as Local Green Space and where any proposals for development should be consistent with national Green Belt policy.</i></p>

The District Council has considered whether to extend the area in which the referendum is to take place. Like the Examiner, the District Council has decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.

The Examiner has concluded that with the minor modifications made the Plan meets the Basic Conditions and other relevant legal requirements. The Council concurs with this view. Therefore, to meet the requirements of the Localism Act 2011, a referendum which poses the question 'Do you want East Devon District Council to use the Neighbourhood Plan for Payhembury to help determine planning applications in the neighbourhood area?' will be held in the Parish of Payhembury.

The date on which the referendum will take place is agreed as 2 May 2019.

**East Devon District Council Cabinet
21 March 2019**