



# **EAST DEVON DISTRICT COUNCIL KILMINGTON NEIGHBOURHOOD PLAN FINAL DECISION STATEMENT**

## **Summary**

1. Following a positive referendum result East Devon District Council has made the Kilmington Neighbourhood Development Plan ('the Plan') part of the Development Plan for East Devon. The decision is effective as of 10 October 2022.

## **Background**

2. Kilmington Parish Council, as the qualifying body, successfully applied for Kilmington to be designated as a Neighbourhood Area in November 2015, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 15 January 2016.
3. Following the submission of the Kilmington Neighbourhood Plan to the Council, the Plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 30 March 2022.
4. East Devon District Council appointed an independent Examiner, Deborah McCann, to review whether the Plan met the Basic Conditions required by legislation and whether the Plan should proceed to referendum.
5. 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 Kilmington Neighbourhood Plan Decision Statement of 19 July 2022, the Plan should proceed to a referendum.
6. A referendum was held on 8 September 2022, 94.5% 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 (as retained and/or incorporated into UK law) or any of the Convention rights (within the meaning of the Human Rights Act 1998).

## Decision and Reasons

7. 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 Convention rights (as retained and/or incorporated into UK law), and;
  - complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.
8. The referendum, held on 8 September 2022, met the requirements of the Localism Act 2011. The referendum was held in the parish of Kilmington and posed the question: 'Do you want East Devon District Council to use the Neighbourhood Plan for Kilmington to help it decide planning applications in the neighbourhood area?'.
9. Greater than 50% of those who voted were in favour of the Plan being used to help decide planning applications in the Plan area.
10. The results of the referendum were as follows:
  - Number of votes cast in favour of a 'YES' – 288
  - Number of votes cast in favour of a 'NO' – 17
  - Voter turnout: 41.5%
11. The Council has assessed that the Plan, including its preparation, does not breach, and would not otherwise be incompatible, with, any EU obligation (as retained and/or incorporated into UK law) or any of the Convention rights (within the meaning of the Human Rights Act 1998).
12. The Council recommended at the Cabinet meeting on 5 October 2022 that Senior Officers approve that the Kilmington Neighbourhood Plan be made part of the Development Plan for East Devon.
13. The decision is effective as of 10 October 2022.

This Decision Statement and the Kilmington Neighbourhood Plan can be viewed online on the [Neighbourhood Planning Webpages](#) of the East Devon District Council Website. Hard copies can be viewed by appointment at the District Council Offices at Blackdown House, Border Road, Heathpark Industrial Estate, Honiton. Tel: 01395 571740 Email: [Planningpolicy@eastdevon.gov.uk](mailto:Planningpolicy@eastdevon.gov.uk).