



Braunton Neighbourhood Plan 2018 – 2031

Decision Statement under Regulation 18(2) of The Neighbourhood Planning (General) Regulations 2012 (as amended)

Summary

1. Following an independent examination undertaken by written representations, North Devon Council confirms that the Braunton Neighbourhood Plan proceed to referendum
2. This Decision Statement will be available on North Devon Council's website at www.northdevon.gov.uk/.

Background

3. The designated neighbourhood area for the Braunton Neighbourhood Plan comprises the Civil Parish of Braunton. On 28 June 2016, North Devon Council ("the Council") formally approved the designation of the Braunton Neighbourhood Area, following an application by Braunton Parish Council ("the Parish Council"), in accordance with the Neighbourhood Planning (General) Regulations 2012.
4. As a "Qualifying Body"¹ the Parish Council submitted the draft Braunton Neighbourhood Plan (the "Neighbourhood Plan"), in November 2022, along with supporting documents, to the Council for consultation, independent examination and the remaining stages of the draft documents preparation in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).
5. The Council then published the Neighbourhood Plan and supporting documents, as required by Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and invited representations to be made over the period 12th December 2022 to 6th February 2023.

¹ A definition of "qualifying body" is provided at section 38A(12) of the Planning and Compulsory Purchase Act 2004 (as inserted by paragraph 7 of the Localism Act 2011)

6. In May 2023, the Council appointed an independent examiner, Mr Andrew Ashcroft BA (Hons) DMS M.R.T.P.I , to examine the Neighbourhood Plan and to establish whether it met the Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, along with other prescribed statutory requirements and to recommend whether it should proceed to a referendum.
7. The examination took place over the period May to July 2023 and the Council received the final Report of Examination on 6th July 2023; with the report being published on the Council's website shortly thereafter. The examiner dealt with the examination by means of written representations, as he did not feel there was the need for any hearings. The Report of Examination recommended specific modifications to the Neighbourhood Plan and concluded that the Neighbourhood Plan, as modified, could proceed to referendum. It also recommended that the boundary of the referendum area should follow the boundary of the designated Neighbourhood Area (the Civil Parish of Braunton).
8. Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the Council to decide whether to reject a neighbourhood plan proposal or to progress the plan to a referendum, what the referendum area should be, what modifications (if any) to make to the neighbourhood plan and what action to take in response to the examiner's recommendations.

Recommendations, Decisions and Reasons

9. The Council agrees with the recommendations in the Report of Examination and the reasons set out for those recommendations. It has decided to modify the Neighbourhood Plan as per these recommendations, by applying the Proposed Modifications set out in the Report of Examination.
10. The Council is also amending the Neighbourhood Plan to correct errors of a minor nature that the report did not address²; these being limited to those necessary to address typographic, spelling and grammatical errors, improve clarity, adjustment to ensure plan wide consistency of terminology, presentational improvements, factual updates and updated information with regard to the status of the Neighbourhood Plan.
11. The Council considers that the Neighbourhood Plan, as amended, will meet all of the Basic Conditions and other associated legislative requirements and that its preparation has been in accordance with the necessary procedural requirements.

² Modifications made in accordance with paragraph 12(6) of Schedule 4B of the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004)

12. The Council has also decided to progress the modified Neighbourhood Plan to a referendum of eligible registered voters and that this should extend to the area subject to the Braunton Neighbourhood Area designation. The Council considered whether the area covered by the referendum should be extended beyond the designated Neighbourhood Area and find no basis to do so. The date of the referendum is to be decided in due course.

13. These decisions were made at a meeting of the Council on 19th July 2023

Documents and Further Information

14. The following documents are available on the Council's website at:

www.northdevon.gov.uk

- A copy of this Decision Statement
- Report of Examination on the Braunton Neighbourhood Plan 2018 to 2031
- Proposed Referendum Draft of the Braunton Parish Neighbourhood Plan

Date: 19 July 2023

Table 1: Proposed Modifications arising from Examiner's Report

Proposed Modification no. (PM)	Policy number	Modification Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.	Reason for Modification
PM 1	NE1	Delete the final sentence of the first part of the policy.	To provide clarity and to ensure there is regard to national policy
PM2	NE1	In criterion iv of the second part of the policy replace 'adverse impacts' with 'an unacceptable impact'	To assist in effective development management
PM3	NE1 supporting text para 3.41	<i>Replace paragraph 3.41 with: 'Policy NE1 comments about locally valued sites of wildlife and habitat. The policy seeks to reinforce the importance of this matter both generally, and through the local implementation of the development management process.'</i>	To provide clarity of the policy
PM4	NE2	Replace the opening element of the first part of the policy with: 'Development proposals within or adjacent to the Caen Valley Bats SSSI should demonstrate the extent to which they have addressed the following matters (including any necessary mitigation measures):'	To assist in effective development management
PM5	NE3	In the first part of the policy replace 'All new development proposals' with 'As appropriate to	To assist in effective development management

		their scale, nature, and location development proposals,	
PM6	NE3	Replace the second part of the policy with: ‘Development proposals which have an impact on biodiversity developers should provide an increase in appropriate natural habitat and ecological features over and above that being affected where it is practicable to do so and in such a way that the site can contribute towards the restoration of ecological networks.’	To assist in effective development management
PM7	NE4	Replace the opening element of the policy with: ‘Development proposals which would impact on traditional Devon hedges, established hedgerows, banks and treelines should demonstrate that:’	To provide clarification
PM8	NE5	Reverse the order of the two parts of the policy.	To remove ambiguity
PM9	NE5	In the first part of the policy (as submitted) delete ‘normally’	To provide clarity
PM10	NE5	At the beginning of the second part of the policy (as submitted) add: As appropriate to their scale, nature, and location.’ Thereafter delete ‘where relevant’	To assist in effective development management
PM11	NE5	In iii replace ‘significant’ with ‘unacceptable’	To assist in effective development management

PM12	NE6	Replace the policy with: ‘The design, scale, height, and mass of development proposals should respond positively to the landscapes identified in the Parish Character Assessment, and where practicable enhance their character and appearance’	To assist in effective development management
PM13	NE7	Replace the third part of the policy with: ‘Development proposals for measures to prevent coastal erosion, for natural flood management and for access improvements to the countryside will be supported where they: i) do not compromise the predominant landscape character of the proposal's location and setting; and ii) respond positively to the character or setting of designated international, national, and local heritage assets.’	To ensure the consistent application of the policy
PM14	NE8	In the first part of the policy replace ‘All new development....and as appropriate, aim to’ with ‘As appropriate to their scale, nature and location, development proposals should’	To assist in effective development management
PM15	NE8	In the fourth part of the policy replace ‘is likely to’ with ‘would’	To provide clarity
PM16	NE9	Delete parts 2,3, 6 and 7 of the policy	To provide clarity and to ensure there is regard to national policy
PM17	BE1	Delete parts 3 and 4 of the policy	To provide clarity and to ensure there is regard to national policy
PM18	BE1	<i>At the end of paragraph 4.412 add: ‘Proposers of development for six or more dwellings and/or</i>	To provide clarity of the policy

		<i>altering existing or proposing new commercial development are encouraged to engage with North Devon Council and Braunton Parish Council at the earliest opportunity/pre-application stage to help ensure that any proposals take into account both this Plan's Aims and Objectives and the views of the local community.'</i>	
PM20	BE2	Replace the opening element of the policy with: 'As appropriate to their scale, nature and location, development proposals should:'	To assist in effective development management
PM21	BE2	Delete iii)	To ensure there is regard to national policy
PM22	BE3	In part 2 of the policy add at the beginning: 'As appropriate to their scale, nature and location,'.	To assist in effective development management
PM23	BE3	Thereafter delete 'where relevant' and replace 'and encouraged to' with 'and should incorporate the following features:'	To assist in effective development management
PM24	BE3	Delete criterion vi)	To ensure there is regard to national policy
PM25	BE4	In part 1 ii) and iii) of the policy replace 'adverse' with 'unacceptable'	To assist in effective development management
PM26	BE4	At the beginning of the second part of the policy add: 'As appropriate to their scale, nature and location' and replace 'are encouraged to' with 'should'	To assist in effective development management
PM27	BE5	Delete the policy. <i>In Section 4.7 delete the 'Justification' heading</i>	To ensure the plan has regard to national policy
PM28	BE7	In the first part of the policy delete LGS13 Velator Way.	To ensure the plan has regard to national policy

PM29	BE7	Replace part 2 of the policy with: ‘Development proposals within the designated local green spaces will only be supported in very special circumstances	To assist in effective development management
PM30	BE7	<i>At the end of paragraph 4.92 add: ‘Policy BE7 follows the matter-of-fact approach in the NPPF. If development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by North Devon Council. It will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy. They may include proposals to maintain or enhance the existing use and amenity value of the site or to enhance the access to and use of the site where used for recreational purposes.’</i>	To provide clarity of the policy
PM31	BE7	<i>Revise the boundary of LGS11 (Westmead Green) as shown on the map at Appendix 1.</i>	To provide clarity of the policy
PM32	BE8	Replace the opening part of the policy with: ‘As appropriate to their scale, nature and location, development proposals should incorporate trees and other planting to enhance public spaces within the scheme based on the following principles:’	To assist in effective development management
PM33	BE10	Replace the policy with: ‘As appropriate to their scale, nature and location, the design and layout of major housing, employment and retail	To assist in effective development management

		developments and the expansion of existing employment and retail premises should incorporate vehicular access arrangement and circulation arrangements within the site which will mitigate the impacts of additional traffic in the local road network.'	
PM34	BE10	<i>At the end of paragraph 4.121 add: 'Policy BE10 addresses this matter. Where necessary developers should demonstrate their compliance with the policy through the production of a Transport Assessment or Statement.'</i>	To provide clarity of the policy
PM35	BE11	Delete the second part of the policy.	To ensure the plan has regard to national policy
PM36	BE11	<i>At the end of paragraph 4.135 add: 'The junction between Exeter Road/Caen Street will be reviewed with a view to providing improved and safer pedestrian access and possible daytime pedestrianisation of Caen Street and Heanton Street will be explored.'</i>	To provide clarity of the policy
PM37	BE13	Replace the second part of the policy with: 'Where practicable development proposals should use renewable fuels/cleaner technology.'	To assist in effective development management
PM38	BE13	Replace the opening element of the third part of the policy with: 'As appropriate to their scale, nature and location, development proposals	To assist in effective development management

		should comply with the North Devon and Torridge Council's Air Quality Supplementary Planning Document.'	
PM39	E1	Delete the policy. <i>Delete paragraphs 5.41 to 5.48</i>	To ensure there is regard to national policy
PM40	E2	In parts 2 and 3 of the policy replace 'must' with 'should'	To provide clarity
PM41	E3	Replace the first use of 'support' with 'provide'	To provide clarity
PM42	E4	Delete the policy. <i>Delete paragraphs 5.71 to 5.72</i>	To ensure there is regard to national policy
PM43	E6	After Sui Generis add: 'uses in Braunton village centre (as shown on Maps Z and AA)'	To provide clarity
PM44	E7	Replace the opening element of the first part of the policy with: 'Development proposals for the alteration of existing shopfronts and for the installation of new or replacement shopfronts will be supported where they:'	To assist in effective development management
PM45	E7	Delete part 3 of the policy	To ensure there is regard to national policy
PM46	E7	<i>At the end of paragraph 5.103 add: 'Signage and its illumination is addressed under the Advertisement Regulations. In this context the illumination of signage and internal lighting of shop</i>	To provide clarity of the policy

		<i>premises will be restricted to opening hours with the exception of the Christmas period (November to early January).'</i>	
PM47	E9	Replace 'must' with 'should'	To provide clarity
PM48	H1	In the first part of the policy delete 'and adjacent to'	To provide clarity
PM49	H1	<i>At the end of the first sentence of paragraph 6.47 add 'other than replacement dwellings.'</i>	To provide clarity of the policy
PM50	H2	In the first part of the policy replace 'Developers....help' with 'Development proposals should'	To assist in effective development management
PM51	H2	Delete the second sentence of the second part of the policy.	To ensure there is regard to national policy
PM52	H2	In the fourth part of the policy replace 'will be expected to' with 'should'	To provide clarity
PM53	H2	Delete the second sentence of the fourth part of the policy	To ensure there is regard to national policy
PM54	H2	<i>At the end of paragraph 6.52 add the deleted elements of the second and fourth parts of the policy. In the deleted element of the second part of the policy replace '3 years' with 'five years'.</i>	To provide clarity of the policy
PM55	H3	Replace the first part of the policy with: 'Development proposals should contribute to meeting the local affordable housing needs of the neighbourhood area as defined in the most up to date Housing Needs Assessment in terms of type, size and tenure that aligns with 80%	To assist in effective development management

		social rent and 20% intermediate accommodation.'	
PM56	H3	Delete parts 2/3/4 of the policy <i>At the end of paragraph 6.66 add the deleted parts 2/3/4 of the policy.</i>	To ensure there is regard to national policy
PM57	H4	Replace the policy with: 'Affordable housing for rent proposals will only be supported where it is provided in perpetuity in accordance with the most up to date Government policy and through a Community Land Trust which provides and retains local affordable housing for rent for the benefit of local people in need.'	To assist in effective development management
PM58	H5	Delete the second part of the policy <i>At the end of 6.81 add the deleted element of the policy</i>	To ensure there is regard to national policy To provide clarity of the policy
PM59	H6	Delete the second paragraph of the policy. <i>Insert the deleted second part of the policy at the end of paragraph 6.91.</i>	To ensure there is regard to national policy To provide clarity of the policy
PM60	H6	In the third part of the policy delete 'in principle'	To provide clarity
PM61	H7	Delete part 2 of the policy <i>In paragraph 6.105 replace 'in policy H7' with 'below'</i>	To ensure there is regard to national policy

PM62	H8	Delete the second part of the policy <i>Add the deleted second part of the policy at the end of paragraph 6.115</i>	To ensure there is regard to national policy
PM63	3.111	<i>Delete paragraph 3.111</i>	To ensure there is regard to national policy