

Working together



Staverton Neighbourhood Development Plan Regulation 19 Decision Statement

Statement published 20th June 2024, pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

South Hams District Council decided by resolution of the Executive on 6th June 2024 to make the Staverton Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Staverton Neighbourhood Development Plan now forms part of the Development Plan for South Hams District.

1. Summary

1.1 This document is the Decision Statement required to be prepared under section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 19 of the Neighbourhood Planning (General Regulations) 2012 (as amended). It sets out the Council's considerations and formal decision in bringing the Staverton Neighbourhood Development Plan into legal force.

1.2 Following an independent examination and positive referendum, held on 2nd May 2024, South Hams District Council decided to make the Staverton Neighbourhood Development Plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 ('the Act').

2. Background

2.1 In July 2016 Staverton Parish Council, as the qualifying body, submitted proposals to South Hams District Council to designate the boundary of the Staverton Neighbourhood Development Plan Area.

2.2 The Neighbourhood Area application was approved, and the Staverton Neighbourhood Development Plan Area was designated by South Hams District Council (the Council) on 29th September 2016 in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

2.3 Following initial consultation stages, a revised Draft Plan was publicised and representations were invited in accordance with Regulation 14 during a consultation period from 29th January 2022 to 12th March 2022.

2.4 The final draft neighbourhood plan was submitted under Reg.15 to South Hams District Council in April 2023. Publicity and consultation under Reg.16 was undertaken over a six week period from 16th June to 28th July 2023 to determine if there were any unresolved objections to the plan.

2.5 South Hams District Council, with the agreement of Staverton Parish Council, appointed an independent Examiner to review whether the Plan met the “Basic Conditions” required by legislation and could proceed to Referendum.

2.6 The Examiner’s report was produced on 24th January 2024. This concluded that the plan, subject to the recommended modifications, met the Basic Conditions, and could proceed to a Referendum.

2.7 The Council’s Executive, at its meeting on 7th March 2024, approved the Staverton Neighbourhood Development Plan, as modified as recommended by the Examiner, to proceed to Referendum, using the designated plan area as the Referendum area. The Reg.18 Decision Statement was published on 22nd March 2024.

3. Decision and Reasons

3.1 With the Examiner's recommended modifications, the Staverton Neighbourhood Development Plan meets the Basic Conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. It is compatible with EU Obligations and the Convention Rights, and complies with relevant provisions made by or under Sections 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).

3.2 A local Referendum, in accordance with the Localism Act 2011, was held in Staverton Parish on 2nd May 2024 to decide whether the local community were in favour of the Staverton Neighbourhood Development Plan. From the votes recorded, of those who voted 88% were in favour of the plan. The turnout of electors was 37%.

3.3 Section 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.

3.4 South Hams District 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 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), Staverton Neighbourhood Development Plan is ‘made’ and planning applications in the parish must be considered against the Staverton Neighbourhood Development Plan, as well as existing planning policy, such as the Local Development Plan and the National Planning Policy Framework.