

Report to: **Executive**

Date: **30 November 2023**

Title: **Totnes Neighbourhood Plan**

Portfolio Area: **Planning - Cllr D Thomas Deputy Leader of the Council**

Wards Affected: **Totnes**

Urgent Decision: **N** Approval and clearance obtained: **N**

Date next steps can be taken: Upon the expiry of the Scrutiny call-in period (5.00 pm on Monday 11<sup>th</sup> December 2023)

Author: **Graham Swiss**

Role: **Senior Strategic Planning Officer and Neighbourhood Planning Specialist**

Contact: **graham.swiss@swdevon.gov.uk**

---

**RECOMMENDATION:**

**That the Executive approves the making (adoption) of the Totnes Neighbourhood Development Plan.**

**1. Executive summary**

- 1.1 Following the decision of the Executive on 21<sup>st</sup> September 2023 that the Totnes Neighbourhood Plan (Minute E.24/23 refers), as modified as recommended by the Examiner, meets the Basic Conditions and is compatible with the Convention Rights, and should proceed to a referendum, a referendum was held on 16<sup>th</sup> November 2023. A majority of those eligible to vote in the referendum voted in favour of the Neighbourhood Plan being made.
- 1.2 Following the referendum the Council is obliged to 'make' (adopt) the Neighbourhood Plan no later than 8 weeks from the date of a successful referendum. The final (referendum) version of the Totnes Neighbourhood Plan is attached as Appendix 1.

## **2. Background**

- 2.1 The Totnes Neighbourhood Plan has been prepared by Totnes Town Council in accordance with the relevant legislation and regulations.
- 2.2 At its meeting on 21<sup>st</sup> September 2023, the Executive considered the Examiner's report and agreed that with the modifications as recommended by the Examiner, the plan would meet the Basic Conditions, so should proceed to referendum (Min. E.24/23 refers). A referendum was held on 16<sup>th</sup> November 2023 and achieved a turnout of 17.06% of local residents. Of these, 91.55% voted in favour of the plan.
- 2.3 Regulation 18a of the Neighbourhood Planning (General) Regulations 2012 requires that a neighbourhood plan is 'made' by the Local Planning Authority no later than 8 weeks from the date of a successful referendum. In this case the relevant date by which the plan should be made is 11<sup>th</sup> January 2024.

## **3. Outcomes/outputs**

- 3.1 Once made, the Totnes Neighbourhood Development Plan will become part of the Development Plan and will be used to help determine planning applications within Totnes parish.
- 3.2 A successful outcome for this neighbourhood plan will provide encouragement to the other parishes currently working on preparing a neighbourhood plan.

## **4. Options available and consideration of risk**

- 4.1 Neighbourhood Plans come into force as part of the Development Plan immediately following a successful referendum. Therefore, the Totnes Neighbourhood Plan should now be used to help determine planning applications.
- 4.2 However, in order to comply with the relevant legislation, the Local Planning Authority must make a neighbourhood plan within the required timeframe following a successful referendum, unless a legal challenge has been brought in relation to the referendum or unless there are concerns about the compatibility of the neighbourhood plan with any EU or human rights legislation. In this instance there are no such concerns.
- 4.3 Failure to make the Totnes Plan within the required timeframe could leave the Council open to a legal challenge.

## **5. Proposed Way Forward**

5.1 It is recommended that the Executive approves the making of the Totnes Neighbourhood Development Plan.

## 6. Implications

Implications	Relevant to proposals Y/N	Details are set out in this report.
Legal/Governance	Y	The function of making a neighbourhood plan is the responsibility of the Council. The Totnes Neighbourhood Plan has followed the procedure in the Neighbourhood Planning (General) Regulations 2012 and the referendum has been held in accordance with the Neighbourhood Planning (Referendums) Regulations 2012. The Council is therefore required to make the Neighbourhood Plan and must do so within 8 weeks of the date of the referendum.
Financial implications to include reference to value for money	N	There are no financial implications. Neighbourhood Plans are supported through a Government grants program. There is an internal cost recovery system for referendums.
Risk	Y	There is a risk of legal challenge if the Neighbourhood Plan is not made within the required timeframe
Supporting Corporate Strategy	Y	The Council's role in the Neighbourhood Plan process is a statutory duty.
Climate Change - Carbon / Biodiversity Impact	Y	The Totnes Neighbourhood Plan aligns with the Joint Local Plan and contains policies aimed at mitigating the effects of Climate Change and impacts upon Biodiversity.
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity	Y	The Neighbourhood Plan has assessed Equality and Diversity implications as part of its background evidence.
Safeguarding	N	None
Community Safety, Crime and Disorder	N	No direct implications.
Health, Safety and Wellbeing	Y	Positive outcomes are anticipated from the making of the Neighbourhood Plan.

Other implications	N	None
--------------------	---	------

**Supporting Information**

**Appendices:**

Appendix 1: Totnes Neighbourhood Plan - Referendum version.

**Background Papers:**

Background documents to the Totnes Neighbourhood Plan on line at:-  
<https://www.neighbourhoodplanning.swdevon.gov.uk/totnes>