

## **General Information on Town and Country Planning, including Neighbourhood Planning to ensure voters have sufficient knowledge to make an informed decision**

### **1. Introduction**

- 1.1. On Thursday 17<sup>th</sup> November 2022, residents of the Tiverton Neighbourhood Area (See Appendix 1) will have the opportunity to vote in a referendum on the Tiverton Neighbourhood Plan.
- 1.2. This document provides general information about the planning system and neighbourhood plans and explains the referendum that is due to take place and how residents of the Tiverton Neighbourhood Area can take part.

### **2. The Planning System**

- 2.1. The purpose of the planning system is to manage the use and development of land and buildings. Planning ensures that the right development happens in the right place at the right time, benefiting communities and the economy. It plays a critical role in identifying what development is needed where; what areas need to be protected or enhanced and in assessing whether proposed development is suitable.
- 2.2. The planning system has two main parts to it:
  - Plan-making – setting out a plan for how an area will develop over time as a guide to future development
  - Managing development – when development is agreed through planning permission
- 2.3. Mid Devon District Council, as the local planning authority, is responsible for deciding whether a development should go ahead within the District. Planning involves making decisions about the future of our towns, villages and countryside and considering the needs of future communities.
- 2.4. Decisions on planning applications must be made in accordance with the development plan for the local authority area, in this case Mid Devon District Council, unless material considerations indicate otherwise. The development plan can comprise a number of documents including Local Plans, including minerals and waste plans, and neighbourhood plans approved at referendum. All such documents

are required to be prepared in consultation with the local community and reflect national policy as set out in national planning policy and guidance.

### **3. National Planning Policy Framework**

3.1. The National Planning Policy Framework was published on 20 July 2021. It sets out the government's planning policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development and this has to be reflected in plans, both at a district level and a neighbourhood level.

3.2. The National Planning Policy Framework can be viewed here:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

### **4. Local Plans**

4.1. Local Plans are key documents through which local planning authorities can set out a vision and framework for the future development of the area, engaging with their communities in doing so. Local Plans address needs and opportunities in relation to housing, the local economy, community facilities and infrastructure. They should safeguard the environment, enable adaptation to climate change and help secure high quality accessible design.

4.2. The Mid Devon Local Plan 2013 – 2033, adopted July 2020, provides the current planning policies for the district. It sets out the vision and objectives for the District, how much development is required and where it should be located, along with policies to protect the natural and built environment. The policies set out in this plan will be used for decision-making purposes (along with national planning guidance and any relevant neighbourhood plans). Additional information about the Local Plan is available at: <https://www.middevon.gov.uk/residents/planning-policy/adopted-local-plan-and-policies-maps/>

### **5. Neighbourhood Planning**

5.1. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead.

5.2. Neighbourhood Plans are prepared by Town or Parish Councils or neighbourhood forums (community groups that are designated to take forward neighbourhood planning in areas without a parish or town council) and can be used to establish

planning policies for the development and use of land within a specific neighbourhood area.

5.3. There are a number of key stage in the production of a neighbourhood plan and these can be summarised as:

- Designating a neighbourhood area
- Preparing a draft neighbourhood plan
- Pre-submission publicity and consultation
- Submission of a neighbourhood plan to the local planning authority
- Independent examination
- Referendum
- Bringing the neighbourhood plan into force

5.4. In addition, legislation sets out that neighbourhood plans have to meet a number of 'Basic Conditions' to ensure they are legally compliant and take account of wider policy considerations.

5.5. The Basic Conditions are that the Plan must:

- have regard to national planning policy and advice contained in guidance issued by the Secretary of State (e.g. National Planning Policy Framework);
- contribute to the achievement of sustainable development;
- be in general conformity with strategic policies in the development plan for the local area (i.e. Local Plan); and
- be compatible with EU obligations and human rights requirements.

5.6. Once drafted, a neighbourhood plan is required to undergo an independent examination as identified above. The appointed independent examiner will review the plan, check that it meets the basic conditions and identify whether any modifications should be made to the plan. Following the examination, the examiner will issue a report that is likely to include one of the following recommendations:

- That the draft Neighbourhood Plan should proceed to referendum.  
That the draft Neighbourhood Plan should proceed to referendum, subject to certain amendments.
- That the draft Neighbourhood Plan should not proceed.

## **6. Tiverton Neighbourhood Plan**

6.1. Tiverton Town Council as the qualifying body has prepared a neighbourhood plan for the parish of Tiverton with the help of the local community. The plan sets out a vision for the future of the parish and planning policies, which will be used to determine planning applications locally.

6.2. With the agreement of Tiverton Town Council, Mid Devon District Council appointed an independent examiner to conduct the examination of the Tiverton Neighbourhood Plan. The Examiner was required to test whether the plan met the basic conditions, and other matters as set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

6.3. The Examiner's Report was received on 27<sup>th</sup> July 2022. In the report the Examiner recommended a number of modifications to the policies within the Tiverton Neighbourhood Plan in order that the plan and its policies met the 'basic conditions'. Additional minor modifications were also recommended to improve clarity. Full details of the 'basic conditions' against which the plan was examined, the recommended modifications and reasons for these can be found in the Examiner's Report here: [Independent Examiners Report of the Tiverton Neighbourhood Development Plan \(middevon.gov.uk\)](https://www.middevon.gov.uk/independent-examiners-report-of-the-tiverton-neighbourhood-development-plan)

6.4. The report concluded that, subject to the recommended modifications, the Tiverton Neighbourhood Plan met the basic conditions and could proceed to a Referendum.

6.5. Additionally, Mid Devon District Council accepts the recommended modifications and the reasons given for these and considers that the Plan, as modified meets the basic conditions and the Plan may therefore proceed to a Referendum.

## **7. The Referendum**

7.1. The modified version of the Plan is now the subject of a Referendum, which is to be held on Thursday 17<sup>th</sup> November 2022. The referendum will be conducted in accordance with procedures which are similar to those used at local government elections.

7.2. If the Plan receives a 'Yes' from more than 50% of those voting, the Tiverton Neighbourhood Plan will be 'made'<sup>1</sup> (or brought into effect) by Mid Devon District Council as soon as possible. This means it becomes part of the Development Plan and, as such, together with the adopted Local Plan will be the starting point for the determination of planning applications within the Tiverton Neighbourhood Area.

## **8. Other information in relation to Neighbourhood Planning**

About Neighbourhood Planning: <https://www.gov.uk/guidance/neighbourhood-planning--2>

Mid Devon Local Plan 2013 – 2033: <https://www.middevon.gov.uk/residents/planning-policy/adopted-local-plan-and-policies-maps/>

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<sup>1</sup> Unless the making of the neighbourhood plan would breach or otherwise be incompatible with, any EU or human rights obligations (See section 61E(8) of the Town and Country Planning Act 1990 Act as amended)

Tiverton Neighbourhood Plan: <https://www.middevon.gov.uk/residents/planning-policy/neighbourhood-planning/tiverton-neighbourhood-plan/>



## Appendix 1: Tiverton Neighbourhood Area

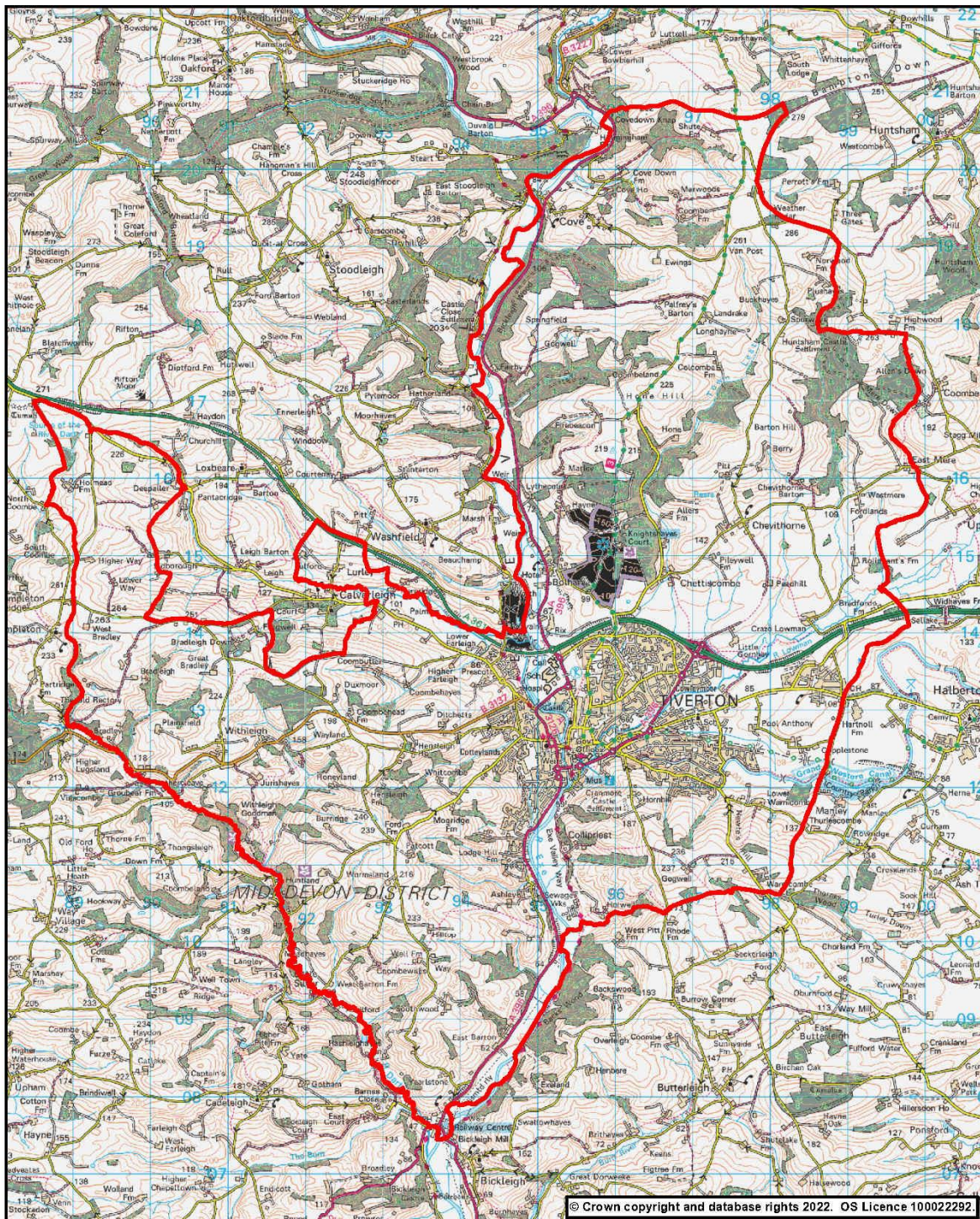


### Gazetteer Management Services

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255

Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



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