



## **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/](http://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"<sup>1</sup> 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 6<sup>th</sup> February 2023.

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<sup>1</sup> 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 6<sup>th</sup> 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 address<sup>2</sup>; 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.

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<sup>2</sup> 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 19<sup>th</sup> July 2023

#### **Documents and Further Information**

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

[www.northdevon.gov.uk](http://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

| <b>Proposed Modification no. (PM)</b> | <b>Policy number</b>          | <b>Modification</b><br>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.  | <b>Reason for Modification</b>                                      |
|---------------------------------------|-------------------------------|--|---|
| PM 1                                  | NE1                           | <b>Delete the final sentence of the first part of the policy.</b>  | To provide clarity and to ensure there is regard to national policy |
| PM2                                   | NE1                           | <b>In criterion iv of the second part of the policy replace 'adverse impacts' with 'an unacceptable impact'</b>  | 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                           | <b>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):'</b> | To assist in effective development management                       |
| PM5                                   | NE3                           | <b>In the first part of the policy replace 'All new development proposals' with 'As appropriate to</b>   | To assist in effective development management                       |

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|      |     | <b>their scale, nature, and location development proposals,</b>   |   |
| PM6  | NE3 | <b>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.’</b> | To assist in effective development management |
| PM7  | NE4 | <b>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:’</b>  | To provide clarification                      |
| PM8  | NE5 | <b>Reverse the order of the two parts of the policy.</b>  | To remove ambiguity                           |
| PM9  | NE5 | <b>In the first part of the policy (as submitted) delete ‘normally’</b>   | To provide clarity                            |
| PM10 | NE5 | <b>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’</b>   | To assist in effective development management |
| PM11 | NE5 | <b>In iii replace ‘significant’ with ‘unacceptable’</b>   | To assist in effective development management |

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| PM12 | NE6 | <b>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’</b>   | To assist in effective development management                       |
| PM13 | NE7 | <b>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:<br/>i) do not compromise the predominant landscape character of the proposal's location and setting; and<br/>ii) respond positively to the character or setting of designated international, national, and local heritage assets.’</b> | To ensure the consistent application of the policy                  |
| PM14 | NE8 | <b>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’</b>   | To assist in effective development management                       |
| PM15 | NE8 | <b>In the fourth part of the policy replace ‘is likely to’ with ‘would’</b>  | To provide clarity  |
| PM16 | NE9 | <b>Delete parts 2,3, 6 and 7 of the policy</b>   | To provide clarity and to ensure there is regard to national policy |
| PM17 | BE1 | <b>Delete parts 3 and 4 of the policy</b>  | 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                                    |

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|      |     | <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 | <b>Replace the opening element of the policy with: 'As appropriate to their scale, nature and location, development proposals should:'</b>   | To assist in effective development management    |
| PM21 | BE2 | <b>Delete iii)</b>   | To ensure there is regard to national policy     |
| PM22 | BE3 | <b>In part 2 of the policy add at the beginning: 'As appropriate to their scale, nature and location,'.</b>  | To assist in effective development management    |
| PM23 | BE3 | <b>Thereafter delete 'where relevant' and replace 'and encouraged to' with 'and should incorporate the following features:'</b>  | To assist in effective development management    |
| PM24 | BE3 | <b>Delete criterion vi)</b>  | To ensure there is regard to national policy     |
| PM25 | BE4 | <b>In part 1 ii) and iii) of the policy replace 'adverse' with 'unacceptable'</b>  | To assist in effective development management    |
| PM26 | BE4 | <b>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'</b>   | To assist in effective development management    |
| PM27 | BE5 | <b>Delete the policy.</b><br><i>In Section 4.7 delete the 'Justification' heading</i>  | To ensure the plan has regard to national policy |
| PM28 | BE7 | <b>In the first part of the policy delete LGS13 Velator Way.</b>   | To ensure the plan has regard to national policy |

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| PM29 | BE7  | <b>Replace part 2 of the policy with: ‘Development proposals within the designated local green spaces will only be supported in very special circumstances</b>   | 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  | <b>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:’</b>  | To assist in effective development management |
| PM33 | BE10 | <b>Replace the policy with: ‘As appropriate to their scale, nature and location, the design and layout of major housing, employment and retail</b>   | To assist in effective development management |



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|      |      | <b>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.'</b>    |  |
| 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 | <b>Delete the second part of the policy.</b>   | 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 | <b>Replace the second part of the policy with: 'Where practicable development proposals should use renewable fuels/cleaner technology.'</b>  | To assist in effective development management    |
| PM38 | BE13 | <b>Replace the opening element of the third part of the policy with: 'As appropriate to their scale, nature and location, development proposals</b>  | To assist in effective development management    |

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|      |    | <b>should comply with the North Devon and Torridge Council's Air Quality Supplementary Planning Document.'</b>   |   |
| PM39 | E1 | <b>Delete the policy.</b><br><i>Delete paragraphs 5.41 to 5.48</i>   | To ensure there is regard to national policy  |
| PM40 | E2 | <b>In parts 2 and 3 of the policy replace 'must' with 'should'</b>   | To provide clarity                            |
| PM41 | E3 | <b>Replace the first use of 'support' with 'provide'</b>   | To provide clarity                            |
| PM42 | E4 | <b>Delete the policy.</b><br><i>Delete paragraphs 5.71 to 5.72</i>   | To ensure there is regard to national policy  |
| PM43 | E6 | <b>After Sui Generis add: 'uses in Braunton village centre (as shown on Maps Z and AA)'</b>  | To provide clarity                            |
| PM44 | E7 | <b>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:'</b> | To assist in effective development management |
| PM45 | E7 | <b>Delete part 3 of the policy</b>   | 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              |

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|      |    | <i>premises will be restricted to opening hours with the exception of the Christmas period (November to early January).'</i>   |   |
| PM47 | E9 | <b>Replace 'must' with 'should'</b>  | To provide clarity                            |
| PM48 | H1 | <b>In the first part of the policy delete 'and adjacent to'</b>  | 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 | <b>In the first part of the policy replace 'Developers....help' with 'Development proposals should'</b>  | To assist in effective development management |
| PM51 | H2 | <b>Delete the second sentence of the second part of the policy.</b>  | To ensure there is regard to national policy  |
| PM52 | H2 | <b>In the fourth part of the policy replace 'will be expected to' with 'should'</b>  | To provide clarity                            |
| PM53 | H2 | <b>Delete the second sentence of the fourth part of the policy</b>   | 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 | <b>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%</b> | To assist in effective development management |

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|      |    | <b>social rent and 20% intermediate accommodation.'</b>   |  |
| PM56 | H3 | <b>Delete parts 2/3/4 of the policy</b><br><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 | <b>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.'</b> | To assist in effective development management                                    |
| PM58 | H5 | <b>Delete the second part of the policy</b><br><i>At the end of 6.81 add the deleted element of the policy</i>  | To ensure there is regard to national policy<br>To provide clarity of the policy |
| PM59 | H6 | <b>Delete the second paragraph of the policy.</b><br><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<br>To provide clarity of the policy |
| PM60 | H6 | <b>In the third part of the policy delete 'in principle'</b>  | To provide clarity   |
| PM61 | H7 | <b>Delete part 2 of the policy</b><br><i>In paragraph 6.105 replace 'in policy H7' with 'below'</i>   | To ensure there is regard to national policy                                     |

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| PM62 | H8    | <b>Delete the second part of the policy</b><br><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 |