



Teignbridge District Council

Bovey Parish Neighbourhood Development Plan 2021-2033

Planning and Compulsory Purchase Act 2004, as amended by
The Localism Act 2011, Schedule 9

Decision Statement bringing the Bovey Parish Neighbourhood Development Plan into Legal Force

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(a) of the Neighbourhood Planning Regulations 2012 (as amended) (“the Regulations”). It sets out the Council’s considerations and formal decision in bringing the Bovey Parish Neighbourhood Plan into legal force following the successful local referendum held on 3rd February 2022.

1. Summary

- 1.1 Following independent examination and referendum, Teignbridge District Council’s Executive on 17th March 2020 decided to bring the Bovey Parish Neighbourhood Plan 2021-2033 into legal force under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”).
- 1.2 The Bovey Parish Neighbourhood Plan now forms part of the statutory Development Plan for Teignbridge District.
- 1.3 In accordance with Regulations 19 and 20 of the Regulations, this Decision Statement and the Bovey Parish Neighbourhood Plan can be viewed on the District Council website: www.teignbridge.gov.uk/boveynp
- 1.4 Hard copies of this Decision Statement and the Bovey Parish Neighbourhood Plan 2021-2033 can be inspected on request at:

*Teignbridge District Council
Forde House, Brunel Road, Newton Abbot, TQ12 4XX
(Monday to Friday 9am until 4pm)*

and

Notice boards within the Bovey Tracey Town Council Offices

2. Background

- 2.1 The Bovey Parish Neighbourhood Area application was approved by Teignbridge District Council on 8th March 2022 in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2 The designated Plan area covers the entire parish of Bovey Tracey and lies part within the Teignbridge Local Planning Authority Area and part within the Dartmoor National Park Planning Authority Area.
- 2.3 Following submission of the Bovey Parish Neighbourhood Plan to Teignbridge District Council, the Submission Draft Bovey Parish Neighbourhood Development Plan was publicised, and representations invited. The consultation period ended on Monday 27th September 2021.
- 2.4 Teignbridge District Council, with the agreement of Bovey Parish Town Council, appointed Mrs Barbara Maksymiw as the independent examiner to review whether the Neighbourhood Plan met the 'Basic Conditions' required by legislation with a view to proceed to referendum.
- 2.5 Mrs Maksymiw examined the Neighbourhood Plan and Teignbridge District Council received the examiner's report on the 23rd November 2021. The report concluded that subject to making the modifications recommended by the examiner, the Neighbourhood Plan met the basic conditions set out in legislation and should proceed to a Neighbourhood Plan Referendum. The examiner also recommended that the referendum area was based on the Neighbourhood Area designated by the Council on 4th August 2017. All modifications recommended by the examiner were taken forward and incorporated into the final version of the Bovey Parish Neighbourhood Plan.
- 2.6 On 28th October 2019 the Post Examination Decision Statement was published by the Council on its website and hard copies were made available. The Post Examination Decision Statement, and the decision to submit the Bovey Parish Neighbourhood Plan to referendum, were agreed by Delegated Authority.
- 2.7 On 3rd February 2022, the Bovey Parish Neighbourhood Plan successfully passed the referendum with 86.22% voting in favour of Bovey Parish Neighbourhood Plan being used to help to decide planning applications in the Bovey Tracey Parish Area.
- 2.8 On 8th March 2022, Teignbridge District Council Executive resolved that the Bovey Parish Neighbourhood Plan (incorporating modifications set out in the Examination Report), be brought into legal force, and become part of the statutory Development Plan for Teignbridge District Council.

3. Decision and Reasons

- 3.1 Section 38A(4)(a) of the 2004 Act requires the Council to make the Neighbourhood Plan if more than half of those voting in the referendum have voted in favour of the Plan being used to help to decide planning applications in the Neighbourhood Area.

The Bovey Parish Neighbourhood Plan was endorsed by more than the required threshold in the referendum held on 3rd February 2022 at 86.22%.

- 3.2 Section 38A (6) of the 2004 Act states that the Local Planning Authority is not subject to the duty if it considers that the making of the Neighbourhood Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights. The Council issued a Strategic Environmental Assessment (SEA) Screening determination and Habitats Regulations Assessment (HRA) for each formal stage of plan preparation. This confirmed to Bovey Tracey Town Council that a SEA and a full HRA were not required on the Bovey Parish Neighbourhood Plan. The examiner also concluded in the November 2021 Examination Report that the Bovey Parish Neighbourhood Plan is compatible with the Convention Rights; does not breach, and is otherwise compatible with, EU obligations; and is not likely to have significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects. The Council therefore does not consider that the Bovey Parish Neighbourhood Plan (incorporating modifications set out in the Post Examination Decision Statement) is in breach of the relevant legislation.
- 3.3 The Council considers that the Bovey Parish Neighbourhood Plan meets the Basic Conditions (set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, as amended), its promotion and preparation process was compliant with legal and procedural requirements, it does not breach the legislation (set out in Section 38A(6) of the 2004 Act) and confirms that more than half of those who voted in the referendum on 3rd February 2022, voted in favour of making the Plan.
- 3.4 As a result of the Executive meeting on 8th March 2022, Teignbridge District Council has brought the Bovey Parish Neighbourhood Plan 2021-2033 into legal force in accordance with Section 38A (4) of the 2004 Act. The Bovey Parish Neighbourhood Plan forms part of the statutory Development Plan for Teignbridge District Council and can be used in the decision-making on planning applications in the Bovey Tracey Parish Area. Consequently, decisions on whether or not to grant planning permission in Bovey Tracey Parish will need to be made in accordance with the Bovey Parish Neighbourhood Plan 2021-2033, Teignbridge Local Plan 2013-2033 and any other Development Plan Documents.

4. Other Information

- 4.1 In accordance with Regulation 19(b) of the Regulations, a copy of this decision statement has been sent to:
- The qualifying body, namely Bovey Tracey Town Council
 - Dartmoor National Park Authority
 - Persons who requested to be notified of the decision

- 4.2 This Decision Statement, the Bovey Parish Neighbourhood Plan and relevant documents can be viewed as set out in paragraphs 1.3 and 1.4 of this Decision Statement.
- 4.3 Section 61N of Schedule 9 of the Town and Country Planning Act 1990 (as amended) states that any person who is aggrieved by the making of the Bovey Parish Neighbourhood Plan under Section 61E(4) or (8) may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 (as amended) on the grounds that:
- The document is not within the appropriate power
 - A procedural requirement has not been complied with
- 4.4 Any such application must be made promptly and, in any event, no later than 6 weeks after the date of this Decision Statement i.e. no later than **XX April 2022.**



**Neil Blaney, Head of Place & Commercial Services
Teignbridge District Council**

Dated: 14th March 2022