

Brixham Peninsula Neighbourhood Plan Referendum

**Information Statement
(including information for voters)**

2 May 2019



Brixham Peninsula Neighbourhood Plan Information Statement

A referendum relating to the Brixham Peninsula Neighbourhood Plan will be held on Thursday 2 May 2019

The question which will be asked in the referendum is **‘Do you want Torbay Council to use the neighbourhood plan for the Brixham Peninsula to help it decide planning applications in the neighbourhood area?’**

The referendum area is identified on the map which is included with this information statement. The referendum area reflects the area that has been designated as the Brixham Peninsula Neighbourhood Area.

A person is entitled to vote in the referendum if on 2 May 2019:-

- He or she is entitled to vote in an election of any Councillor of Torbay Council whose area is in the referendum area; and
- His or her qualifying address for the election is in the referendum area. A person’s qualifying address is, in relation to a person registered in the register of electors, the address in respect of which he or she is entitled to be so registered.

The referendum expenses limit that will apply in relation to the referendum is £3,307.18. The number of persons entitled to vote in the referendum by reference to which that limit has been calculated is 16,020.

The referendum will be conducted in accordance with procedures which are similar to those used at local government elections.

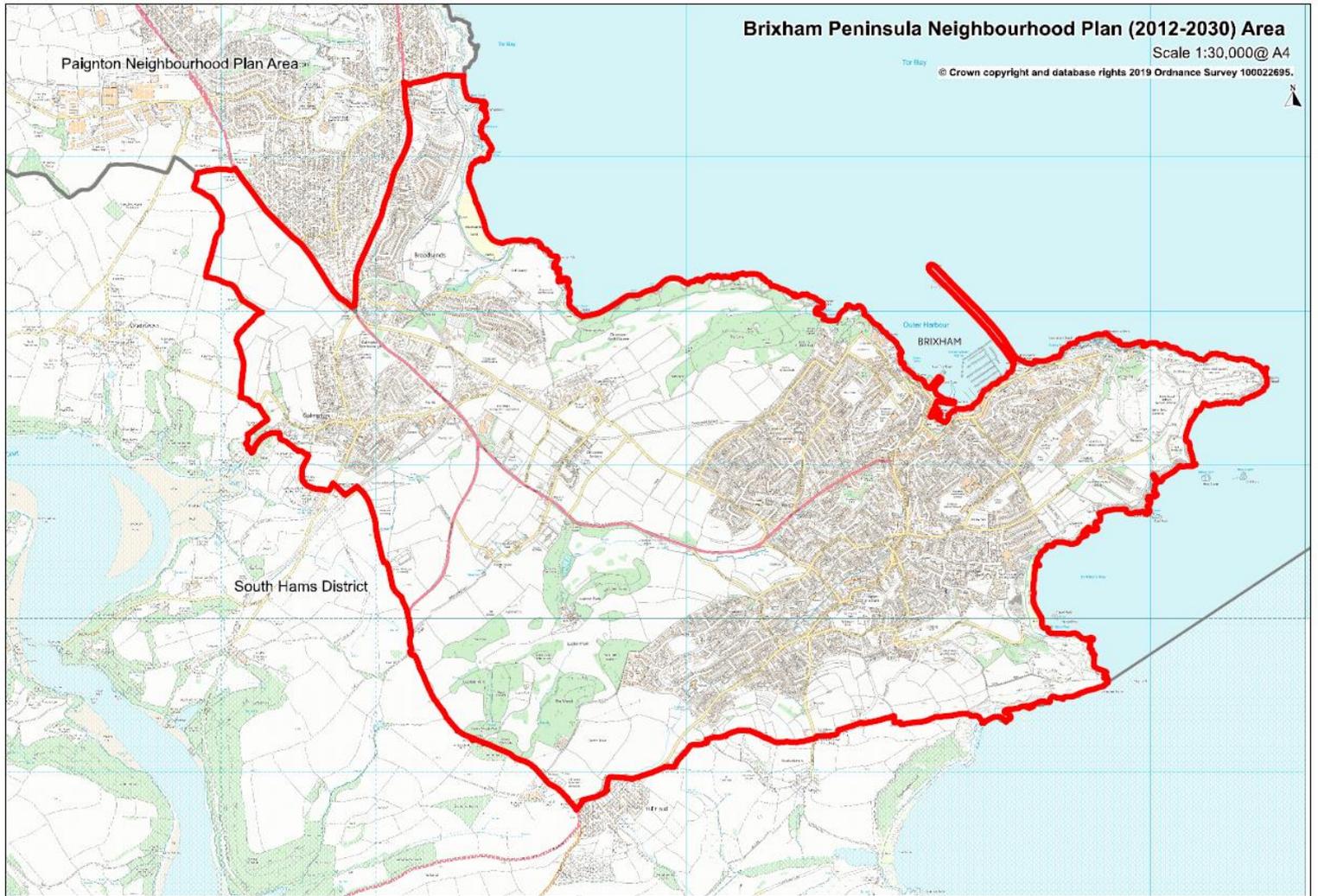
A copy of the specified documents, that is those documents listed below, may be inspected during normal opening hours at:

- Brixham Library, Market Street, Brixham, TQ5 8EU
- Torquay Town Hall, Castle Circus, Torquay, TQ1 3DR

The following specified documents are available on the Torbay Council website:-

- The referendum version of the draft Brixham Peninsula Neighbourhood Plan;
 - <https://www.torbay.gov.uk/council/voting-and-elections/elections-and-referendums/>
- This Referendum Information Statement;
 - <https://www.torbay.gov.uk/council/voting-and-elections/elections-and-referendums/>
- The report of the independent examiner into the draft Neighbourhood Plan;
 - <https://www.torbay.gov.uk/council/voting-and-elections/elections-and-referendums/>
- Copies of the written representations submitted to the independent examiner;
 - <https://www.torbay.gov.uk/council/policies/planning-policies/neighbourhood-plans/submission-neighbourhood-plans-representations/>
- A Decision Statement of the Local Planning Authority’s satisfaction that the draft Neighbourhood Plan meets the basic conditions specified by statute and complies with the provision made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004;
 - <https://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MId=10661&Ver=4>
- A statement that sets out general information as to town and country planning including neighbourhood planning and the referendum;
 - As set out below
- Map of the Brixham Peninsula referendum area.
 - As set out below

Map of the Brixham Peninsula Plan Area



Neighbourhood Plan Referendum

Statement of general information on planning, neighbourhood plans and neighbourhood plan referendums.

On Thursday 2 May 2019 there will be referendums for Torquay, Paignton and Brixham Peninsula Neighbourhood Plans.

What are Neighbourhood Plans?

Neighbourhood Plans help local communities play a direct role in planning the areas in which they live and work.

They are prepared by Town or Parish Councils (or Neighbourhood Forums in locations where Town or Parish councils don't exist) who are known as the 'Qualifying Body'. The plans need to align with the strategic needs and priorities of the wider local area.

In Torquay and Paignton, plans have been prepared by Neighbourhood Forums. In the Brixham Peninsula (the town of Brixham plus the Churston/Galmpton and Broadsands area) the Town Council has prepared the plan. The plans themselves have been prepared by the community, with support from but independently of Torbay Council.

They give local communities the power to set out a vision for their area so they can shape growth and influence the type of developments they want. They can be used to:

- Develop a shared vision for a neighbourhood.
- Choose where new homes, shops, offices and other development should be built.
- Identify and protect important local green spaces.
- Influence what new buildings should look like.

What is a neighbourhood area?

A neighbourhood area can cover single streets or large urban or rural areas. They are proposed by the Town Councils or Neighbourhood Forums. In this instance, the neighbourhood areas are for Torquay, Paignton and Brixham Peninsula. Maps are included in applications for designation for each area, which are included on the respective webpages.

What stage are the Neighbourhood Plans at?

The three Neighbourhood Plans has been prepared over a number of years by the Forums and Brixham Town Council, including several rounds of public consultation. The three Plans were submitted to Torbay Council in 2017 and have each successfully passed an independent examination.

The independent examination was carried out by an independent expert who considered whether the Plans met specific legal tests - known as "basic conditions" (see further below). Each of the three Plans passed these basic conditions with a number of modifications being recommended.

Torbay Council voted unanimously on 15th November 2018, that the Plans should be put to referendum. **The Referendum is on 2nd May 2019**

If the Plans achieve support from more than 50% of those voting for that Plan, they will come into force and will be “made” (i.e. Adopted) by Torbay Council.

What will the Neighbourhood Plans be used for?

The Neighbourhood Plans have already reached a stage where they are a material consideration that the Council must consider when it makes decisions on Planning Applications.

When the Plans pass referendum and come into force, they will be used by Torbay Council to determine planning applications.

In formal terms, the Neighbourhood Plans, alongside the Torbay Local Plan will be the “development plan” for Torbay. Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The ‘Basic Conditions’ of a Neighbourhood Plan

The Neighbourhood Plan has been examined against, and passed, a set of legal tests known as the “basic conditions”. These are:

- Has regard to national policy and guidance from the Secretary of State.
- The making of the Neighbourhood Plan contributes to the achievement of sustainable development.
- The making of the Neighbourhood Plan is in general conformity with the strategic policies contained within the development plan for the area.
- The making of the Neighbourhood Plan does not breach, or otherwise compatible with, European Union (EU) obligations (including the Strategic Environmental Assessment Directive 2001/42/EC).
- The making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010).

If we have a Neighbourhood Plan does it mean that we don’t have to use the Local Plan?

No - the Local Plan remains part of the development plan and will continue to be used to determine planning applications. Neighbourhood Plans will be read alongside the Local Plan when considering planning applications. They need to conform to the overarching adopted Local Plan for Torbay but will form part of the development plan for their area.

Which carries more planning weight - a Neighbourhood Plan or the Torbay Local Plan?

The weight (importance) that is attached to a particular policy can only be decided when considering a specific proposal. Once a neighbourhood plan has been brought into force, its policies take precedence over existing non-strategic policies in the local area.

Planning decisions will be based primarily around policies in adopted Neighbourhood Plans and the Local Plan. However other “material considerations” will need to be taken into account by decision makers. In particular the National Planning Policy Framework (NPPF) is a material consideration in determining planning applications. Other legal requirements will also affect the way in which applications are determined.

Why am I being asked to vote?

One of the requirements of neighbourhood planning is that community vote, through a referendum, on whether a Neighbourhood Plan should be adopted by the local planning authority.

How do I vote in the referendum?

The referendum will ask you to answer a question as to whether or not you want Torbay Council to use the Neighbourhood Plans for your area, being either Torquay, Paignton or Brixham Peninsula, to help us decide planning applications in the neighbourhood area. You will only vote on the plan which relates to where you live.

You vote at your local polling station on Thursday 2 May by putting a cross (X) in the ‘Yes’ or ‘No’ box on your ballot paper. Put a cross in only one box or your vote will not be counted.

If more people vote ‘yes’ for each of the Neighbourhood Plans then they will become part of the development plan and Torbay Council will use them alongside the Local Plan to help it decide planning applications in the relevant areas.

If more people vote ‘no’ than ‘yes’, then planning applications will be decided without using the Neighbourhood Plans.

For clarity, each plan will be counted and considered separately.

Can I vote?

You can vote in the Neighbourhood Plan referendum if:

- You are registered to vote in local council elections;
- The address at which you are registered to vote in a local council election, as shown in the register of electors, is in one of the referendum areas assuming that you are entitled to be registered at this address; and
- You are 18 years of age or over on Thursday 2 May 2019

If you need to register, the easiest way to do this is by going online at www.gov.uk/register tovot e before the deadline on Friday 12 April 2019. You will need your National Insurance number. If you need a paper form, please call us on 01803 208008.

The referendum will be conducted based on procedures which are similar to those used at local government elections.

How do I vote?

There are three ways of voting:

1. In person on Thursday 2 May 2019:

Vote at your local polling station. It is easy and a member of staff will always help if you aren't sure what to do.

You will receive a poll card confirming your polling station for the local elections and this referendum. If you do not receive your poll card, you can contact our Helpline on 01803 208008 or email us on electoral.registration@torbay.gov.uk to find out where your polling station is. Polling Stations will be open from 7am to 10pm.

2. By post:

If you are unable to get to the polling station on polling day, you can apply to vote by post. Any person on the register can apply for a postal vote. The deadline for applications is 5pm on Monday 15 April 2019.

- If you have a postal vote already, you will receive a poll card confirming this.
- If you want to vote by post, you will need to submit an application:
[Register to vote by post](#)
- If you are unable to do this you can complete an application form and send it to the Electoral Registration Officer at this address:

Torbay Council
Torquay Town Hall
Castle Circus
Torquay
TQ1 3DR

3. By proxy:

If you can't get to the polling station and don't wish to vote by post, you may be able to vote by proxy. This means allowing somebody that you trust to vote on your behalf. Anyone can be your proxy as long as they are eligible to vote and are willing to vote on your behalf. You will have to tell them how you want to vote. When you apply for a proxy vote, you must say why you cannot vote in person.

- If you have a proxy vote already, you will receive a poll card confirming this.
- If you already have a postal vote and wish to change to a proxy you must tell us by 5pm on Monday 15 April 2019. The deadline for new proxy applications is 5pm on Wednesday 24 April 2019. <http://www.aboutmyvote.co.uk/register-to-vote/apply-to-vote-by-proxy>
- You can also complete an application form and send it to the Electoral Registration Officer to arrive by 5pm on 24 April 2019 at this address:

Torbay Council
Torquay Town hall
Castle Circus
Torquay
TQ1 3DR

In certain circumstances, where you have an emergency that means you cannot go to the polling station in person you can apply for an emergency proxy up to 5pm on the day of the poll.

How to find out more

Further general information on neighbourhood planning, including the Neighbourhood Plans for Torquay, Paignton and Brixham, related documents, and further FAQ's can be found at <https://www.torbay.gov.uk/council/policies/planning-policies/neighbourhood-plans/>

Each of the Forums/Town Council has a website. Torbay Council does not moderate the content of these sites.

Torquay Neighbourhood Forum: <http://torquaynp.org/>

Paignton Neighbourhood Forum: <http://www.paigntonneighbourhoodplan.org.uk/>

Brixham Peninsula: <https://brixhampeninsula.com/> and

<http://www.brixhamtowncouncil.gov.uk/brixhampeninsulaneighbourhoodplan.php>

The current Torbay Local Plan was adopted in December 2015 and is available online at:

<https://www.torbay.gov.uk/council/policies/planning-policies/local-plan/>

The Government's Planning policies are set out in the National Planning Policy Framework, which is available at:

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

The Government also publishes on-line practice guidance notes on a wide range of matters, including neighbourhood plans at:

<https://www.gov.uk/government/collections/planning-practice-guidance>

For queries about planning issues and neighbourhood planning in general, please contact Torbay Council's Planning Team on 01803 208804 or email

future.planning@torbay.gov.uk.

For more information about voting and the arrangements for this referendum, please contact our Electoral Services office on 01803 208008 or email

electoral.registration@torbay.gov.uk

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Tuesday 19 March 2019

To request a copy of the guidance pack in another format or language phone 01803 208008.

Please note observer forms can only be produced in English and not in any alternative languages or formats. Please phone 01803 208008 if you require further information.