

Report to: Cabinet



Date of Meeting 5 June 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

---

## **Colyton Parish Neighbourhood Plan – minor modification**

### **Report summary:**

The “Colyton Parish Neighbourhood Plan” was made (adopted) by East Devon District Council on 10 January 2022. On 5<sup>th</sup> December 2022, following a community governance review, East Devon District Council agreed to create a new parish of Colyford, comprising part of the original Colyton parish area, and a new Parish Council for Colyford has since been established. The Colyton Designated Area and the area covered by the Colyton Parish Neighbourhood Plan therefore now covers the combined area of both the reduced Colyton parish and the new Colyford parish. Colyford Parish Council have asked if the name of the neighbourhood plan could be amended to reflect this for accuracy and for clarity in its use and implementation. Colyton Parish Council have indicated they have no objections to this request. The purpose of the report is therefore to formally agree to change to name of the made neighbourhood plan to the Colyton and Colyford Neighbourhood Plan, with the addition of short addendum to be inserted into the front of the Plan document to explain the change together with a map to show the Designated Neighbourhood Area and the new parish boundary arrangement.

### **Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

- (1) That Cabinet agree to the proposed minor modification to the Colyton Parish Neighbourhood Plan to reflect the change in community governance to the Colyton and Colyford Neighbourhood Plan, and also to correct the error in page numbering in the index.
- (2) The Cabinet decide to update the name of the Colyton Designated Neighbourhood Area accordingly to the Colyton and Colyford Neighbourhood Area.

### **Reason for recommendation:**

For clarity and accuracy and for the avoidance of doubt in the use and application of the neighbourhood plan and associated designated neighbourhood area for planning policy and development management purposes.

Officer: Angela King, Neighbourhood Planning Officer. Email: [aking@eastdevon.gov.uk](mailto:aking@eastdevon.gov.uk) Phone: (01395) 571740

---

Portfolio(s) (check which apply):

- Climate Action and Emergency Response  
 Coast, Country and Environment

- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk; Potential risk that without changing the name of the Plan it's application in the newly created parish of Colyford could be missed and the full benefit of the Plan not realised as a result. Also, that the new Parish Council for Colyford may not feel fully supported in their new role.

**Links to background information** [Neighbourhood Planning Regulations](#); [Planning Policy Guidance – Neighbourhood Planning](#); [Neighbourhood Plan webpage for Colyton and Colyford](#); [Neighbourhood Plan \(as made\)](#); [Community Governance Review information](#).

**Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
  - A greener East Devon
  - A resilient economy
- 

## **1.0 Report in full**

### **1.1 Background**

1.1.1 Colyton Parish Council applied for the designation of the whole parish of Colyton in June 2015, which at the time, included the villages of both Colyton and Colyford, to be designated as a Neighbourhood Area. The District Council approved the designation in July 2017. The Parish Council then led the preparation and submission of the Colyton Parish Neighbourhood Plan, with representation on the Steering Group from a mix of parish councillors and local community volunteers, including from the Colyford Residents Association. Following a successful referendum, the Plan was 'made' (adopted) by East Devon District Council as part of the development plan for the area on 10 January 2022. The 'made' Plan is entitled the 'Colyton Parish Neighbourhood Plan', which was originally intended to make it clear to the reader that it covered the whole parish and particularly included Colyford, as well as Colyton.

1.1.2 Soon after the Plan was made, the District Council commenced a Community Governance Review to assess whether Colyford should have its own parish council rather than be part of Colyton Parish Council, following a request from Colyford residents. Following due process, including formal consultation, the District Council agreed on 5th December 2022 to create a new Parish of Colyford and for it to have its own Parish Council. The new Colyford Parish Council had its first meeting on 15 May 2023.

1.1.3 A request was received from the newly formed Colyford Parish Council on 20<sup>th</sup> July 2023 that, "Colyford be recognised in its own right and not as part of Colyton Parish in regards to the

East Devon Local Plan and any other planning issues". In the dialogue with Officers that followed it was confirmed that Colyford Parish Council have endorsed/adopted the made Neighbourhood Plan for their use but would wish to see it renamed to reflect the creation of the Colyford Parish. The request to rename the Plan was put on hold at the time as the parish boundary changes were the subject of request for judicial review, although the [EDDC neighbourhood planning webpages](#) was updated to make it clear the Plan covered both Colyton and Colyford. The application for judicial review was subsequently dismissed in April 2024 and so the proposal can now be brought before Members for their agreement.

## **1.2 Proposed Amendments to the Colyton Parish Neighbourhood Plan**

1.2.1 Having reviewed the made Plan, it is Officer's view that to amend the document fully throughout to reflect the subdivision of the Colyton parish area into the 2 parishes of Colyton and Colyford would require a significant amount of editing, including to maps as well as plan text. However, importantly, none of the policies are affected in any way by the change. Officers therefore simply recommend a change to the name/title of the plan document itself (on the front cover, Index page and footer), from the Colyton Parish Neighbourhood Plan to the Colyton and Colyford Neighbourhood Plan, and an addendum to be inserted after the cover page to explain this change, without further changing any of the main text itself. It is also recommended that a new map be inserted as part of the addendum to show the relationship between the overall Designated Neighbourhood Area and the two constituent parishes, and that the Colyford Parish Council name and logo is added to the cover.

1.2.2 Colyford Parish Council have requested in writing that the addendum makes it clear that Colyford is now a separate parish and that they have adopted the plan. Colyton Parish Council have confirmed in writing that they are happy for the cover page to be altered to update the name, and for the first page to have a map of the boundary and a brief history/description of events. The proposed addendum wording and new map is appended.

1.2.3 At the same time, it is recommended that an error to page numbering in the index to ensure this aligns to the plan page numbers be agreed to be corrected at the same time.

## **1.3 Agreement of Colyton and Colyford Parish Councils**

1.3.1 Officers can confirm that the proposed amendments have been agreed in principle by both Colyford Parish Council and Colyton Parish Council, and this has been confirmed in writing as an acceptable way forward. At a meeting on 8<sup>th</sup> April 2024, Colyton Parish Council, as the original 'Qualifying Body', confirmed they had no objection to the amendment, as long as there was no cost to the Parish Council involved. In addition, it should be noted that Colyford Parish Council have separately endorsed/adopted the made Neighbourhood Plan for their own use.

## **1.4 Minor Amendment Process**

1.4.1 The provisions in law to be able to make modifications to a made Neighbourhood Plan were introduced to the Neighbourhood Planning Regulations in January 2018 via the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017. Related [Government Guidance](#), updated in May 2019, advises that there are 3 types of modification which can be made to a Neighbourhood Plan, depending on the degree of change involved. Officer's view is that this matter can be dealt with as a minor (non-material) modification to the Plan as it in no way changes the nature of the Plan.

1.4.2 The Guidance defines minor (non-material) modifications as those which "would not materially affect the policies in the plan or permission granted by the order. These may include

correcting errors, such as a reference to a supporting document, and would not require examination or a referendum." It goes on to confirm that, "A local planning authority may make such updates at any time, but only with the consent of the qualifying body. Consultation, examination and referendum are not required."

1.4.3 In view of the fact that the made Plan is a statutory document and has been made subject to a legally prescribed process, it is recommended that a formal Decision Notice confirming the changes be prepared and published. For clarity, when a minor amendment is agreed of this nature, there is no change to the date of making of the Plan. This therefore will remain as 10<sup>th</sup> January 2022.

---

**Financial implications:**

There are no direct financial implication resulting from the report.

**Legal implications:**

The legal issues are covered in the report.

# Appendix 1 – Proposed Addendum and Accompanying Map

## Addendum

This Plan was prepared and submitted by Colyton Parish Council for the whole of their parish and formally 'made' (adopted) by East Devon District Council on 10 January 2022. Since then, a new parish and parish council for Colyford has been established, following a community governance review in 2022/23. The effect of this has been to sub-divide the area covered by the Neighbourhood Plan (the original Colyton Parish) into two parishes (Colyton and Colyford), each with their own parish council (as shown on the map overleaf). The extent of the designated Neighbourhood Area to which the Plan relates is unchanged and its policies therefore apply in both parishes, as part of the statutory development plan for the area. Since its inauguration in May 2023, Colyford Parish Council has endorsed the 'made' neighbourhood plan.

Following liaison with both Colyton Parish Council and Colyford Parish Council, East Devon District Council agreed a minor (non-material) modification to the 'made' Plan at its Cabinet meeting on 5<sup>th</sup> June 2024 [*to be confirmed*] to amend the name and title of the Plan to the 'Colyton and Colyford Neighbourhood Plan' and add the Colyford Parish Council name and logo to the cover. It was also agreed to insert this addendum to explain the change, together with the insertion of the map overleaf to illustrate the updated situation, and to update the name of the Designated Neighbourhood Area accordingly. In addition, corrections have been made to errors in the numbering on the Index page for accuracy.

No other changes have been made to the original Plan as 'made' and, therefore, all references within the Plan (in text and regarding maps) which refer to 'Colyton parish', 'the parish of Colyton', 'the parish', or the Plan Area, should be read as referring to the area which is now comprised of both Colyton parish and Colyford parish together. There is no change in the geographical area covered by the Plan, only in how the area is governed and administered. There is also no change to the date the Plan was 'made' which remains as 10<sup>th</sup> January 2022.



# Colyton and Colyford Neighbourhood Plan Area Map

