

BRECKLAND COUNCIL
DELEGATED DECISION AUTHORISATION RECORD (Blue Form)

PORTFOLIO:	Growth and Commercialisation			
REPORT TITLE:	Swaffham Neighbourhood Plan Regulation 16 consultation comments			
AUTHOR:	Susan Heinrich – Neighbourhood Planning Coordinator			
URGENCY - Delete as appropriate:	None – 5-day Scrutiny Delay	URGENT – sign form overleaf		
	CHECKLIST – Please Tick		KEY DECISION – Tick as appropriate	
1.	Financial Report Considered and/or Proforma B included		This IS NOT a Key Decision	X
2.	VAT Implications have been considered		This IS a Key Decision already included in Forward Plan	
3.	Legal Advice included		This IS a Key Decision NOT in Forward Plan, BUT PUBLICISED FIVE DAYS PREVIOUSLY or agreed by Chairman of Overview & Scrutiny Commission – Form over	
4.	Within Policy Framework			
5.	Risk Assessment statement included.			
6.	Crime & Disorder, Equalities, Human Rights, S40 Environment and other assessments are addressed in the report		Delegation under:	
CONFIDENTIALITY: Delete as appropriate	No confidential or exempt information to be excluded from the Press and Public			
Decision: Wording For Decision Record				
ACTION AGREED	<p>1) To submit Breckland Council’s comments as attached in Appendix A under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 as the Council’s response to the Submission version of the Swaffham Neighbourhood Plan;</p> <p>2) To confirm that Swaffham Neighbourhood Plan meets the requirements of the 1990 Town and Country Planning Act schedule 4B, section 6 and advice Swaffham Town Council to this effect.</p>			
REASON(S)	To meet the requirements of the above legislation.			
Signatures: Authority for Action				
Chief Officer Comments:	Recommendation: Signature and date			
1.	I agree the above decision as a matter falling within my delegated powers. Executive Member: Date:			
2.	Does this have political sensitivity or strategic importance? NO If Yes: Leader (Please delete * as appropriate): *I agree above decision/*Refer to Cabinet Signed: Date:			

Additional Options Considered and/or Reasons for Decision

Submission of Regulation 15 Documents

- 1.1 Swaffham Town Council has submitted all the required documents to Breckland Council, as required by Regulation 15 of the amended Neighbourhood Planning (General) Regulations 2012.
- 1.2 These include the following:
- The Neighbourhood Plan;
 - An area map, which shows the area the Neighbourhood Plan covers;
 - A Consultation Statement outlining who and how the consultation has occurred, what where the main issues and how they have been addressed in the Plan; and
 - A Conditions Statement summarising how it meets the requirements of paragraph 8 of Schedule 4B of the 1990 Town and Country Planning Act. This covers taking account of national policy and guidance; attaining sustainable development; is in general conformity with the strategic policies in the Local Development Framework; meets EU commitments and the regulations have been met.

Regulation 16 Neighbourhood Plan publicising

- 1.3 Having been submitted, the Swaffham Neighbourhood Plan was required to be publicised in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), as well as the provisions of the Localism Act 2011.
- 1.4 These regulations include publicising on the Breckland website details about the plan, where it can be seen, how to make representations (comments) on the plan and allowing for at least six weeks consultation.
- 1.5 Consultation on the Swaffham Neighbourhood Plan started on the 23rd November 2019 and closes on the 25th January 2019. Copies of the Plan were placed in at the Council's Offices at Elizabeth House, Dereham, and Swaffham Town Council, Town Hall, 4 London Street, Swaffham; Swaffham Library, The Pightle, Swaffham; and Swaffham Community Centre, Campingland, Swaffham during normal opening hours.
- 1.6 The Swaffham Neighbourhood Plan contains a range of policies designed to address issues within the Swaffham designated plan area. The Neighbourhood Plan contains policies on Housing and the built environment; Transport and access; Environment and landscape Business and employment; and Community and services. The policies should be in general conformity with the Strategic Policies of the Local Plan (Core Strategy), but may add more locally specific detail.

Comments on the Plan

- 1.7 The production of the plan is welcomed. However, it is important for Breckland Council to continue to submit detailed representations (comments) to be considered by the Independent Examiner at this stage. This is in order to establish the extent that previous comments have been taken into account and to establish whether there are any new issues arising as a result of new or amended policies included in this version of the plan.
- 1.8 Officers have identified some outstanding issues and these are attached in Appendix A. In reviewing the document, there are still a few matters which the Council has previously raised that have still not been fully addressed. The main issue is that a number of the policies required further clarity about what is being proposed and whether there is sufficient evidence for them and the examination provides the opportunity to address these points.

Meeting the requirements of the 1990 Town and Country Planning Act

- 1.9 Before an examination can occur, Breckland Council is responsible for ensuring all the basic

legal requirements in the 1990 Town and Country Planning Act are met. Under section 6, schedule 4B of the 1990 Act, where the Council has received a Neighbourhood Plan and wants to consider it, there are five main requirements that Swaffham Town Council need to be met. The Council's consideration against these requirements is set out below.

- 1.10 Firstly, under paragraph (2)(a) & (2)(b), the Council needs to ensure those preparing the Neighbourhood Plan have the authorisation to act in relation to their designated neighbourhood areas and they meet with the requirements. Swaffham Town Council is authorised to act in relation to their neighbourhood area as it was designated by Breckland Council on 30 March 2015.
- 1.11 Secondly, in relation to (2)(c), where the Neighbourhood Plan and the associated documents conform to the specifications. Breckland Council has previously commented on the drafts of all of the required documents and have advised the Town Council where there have been issues.
- 1.12 Thirdly, paragraph (2)(d) deals with meeting the requirements of the regulations before the plan can be submitted to the Local Planning Authority. This addresses the consultation and the other documents that need to be made available, as well as how the representations (comments) are to be dealt with. Officers have been made aware of what the Town Council had planned with regards to the regulations and have advised on where there are any issues.
- 1.13 Fourthly, in paragraph (3) that they are entitled to submit a Neighbourhood Plan which sets out land use policies for any part of a neighbourhood area. It also requires the plan to show the time period it operates between, does not relate to excluded development (such as a County or waste matter, or an environmental or nationally significant infrastructure project) and only covers on neighbourhood area. Officers consider that these requirements have been met.
- 1.14 Lastly, in relation to (4), that Breckland inform Swaffham Town Council whether or not it had met the requirements of 6(2) & (3) above and, where not, let it know why not. Officers are seeking through this report that members agree to notify the Town Council the above view.
- 1.15 In light of the assessment contained above, the Swaffham Neighbourhood Plan is considered to have met the legal requirements of the 1990 Town and Country Planning Act in relation to schedule 4B, section 6, and is the fifth Neighbourhood Plan to have reached this stage in the District.

Exceptional Urgency

I certify that this matter is so urgent that the normal five-day scrutiny delay on action should not apply.

..... Dated:
 Chief Officer

..... Dated:
 Executive Member

..... Dated:
 Leader.....

KEY DECISION not on the Forward Plan or publicised.	TO BE COMPLETED BY COMMITTEE STAFF:
I agree to the Decision proceeding: Chairman of Overview & Scrutiny Commission	Decision Record Ref No.: Entry on Decision Record: Confirmed: Date of Entry: For action on: Passed to:
Dated:.....	