

BRECKLAND COUNCIL
DELEGATED DECISION AUTHORISATION RECORD (Blue Form)

PORTFOLIO:	Growth			
REPORT TITLE:	Swaffham Neighbourhood Plan – examination decision and next steps			
AUTHOR:	Susan Heinrich – Neighbourhood Planning Coordinator			
URGENCY - Delete as appropriate:	None – 5-day Scrutiny Delay	URGENT – <i>sign form overleaf</i>		
	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>Agree option 2 as follows:</p> <p>a. To confirm that Breckland Council has considered each of the recommendations proposed in the Examiners Report and the reasons for them, as required by the 1990 Town and Country Planning Act schedule 4B, section 12, para (2)(a) and that in deciding what action to take in relation to each recommendation, that all those proposed by the independent examiner are accepted</p> <p>b. To confirm that, subject to the above, modifications in the Report are accepted and the Swaffham Neighbourhood Plan proceeds to a referendum as it meets the requirements (the “basic conditions”) of the 1990 Town and Country Planning Act schedule 4B, section 12, para (4).</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

Independent Examination of Swaffham Neighbourhood Plan

- 1.1 In January 2019 Breckland Council appointed Andrew Ashcroft BA MA Dip MS MRTPI, with the agreement of Swaffham Town Council, to commence an independent examination of the Swaffham Neighbourhood Plan. The examination is needed to consider the “basic conditions” and legal requirements in relation to the Neighbourhood Plan and a report on the findings is produced.
- 1.2 The “basic conditions” concern; the need to consider national policies and advice in guidance issued by the Secretary of State; whether the Neighbourhood Plan contributes to sustainable development and is “general conformity with the strategic policies contained in the development plan for the area of the authority”, and does not breach EU obligations.
- 1.3 To assist the Examination, a four page Clarification Note was issued by the Examiner that included a number of questions on some of the policies for Swaffham Town Council to address.
- 1.4 He issued his Examiners Report on the 8th March 2019 and concluded that twenty six of the twenty nine policies require some form of modification to make the Swaffham Neighbourhood Plan meet the “basic conditions” (Section 8, schedule 4B, Town and Country Planning Act 1990) and proceed to a public referendum.
- 1.5 Of these modifications, two policies are proposed to be deleted and three being completely replaced. Also twenty one policies are proposed to be partially amended in some manner; six are proposed to have paragraphs deleted, replaced, or both; three having paragraphs being either deleted and replaced, as well as parts amended and eleven having just parts of a paragraph amended.
- 1.6 With regard to the deleted policies (Policy HBE1: Location of Development & Policy TRA2: Traffic flow), the former was recommended because the Examiner felt it was considered to *“..be impracticable to safeguard extensive swathes of land for the construction of a potential road which is uncertain”* and *“It offers no guidance on the phasing of the delivery of the housing allocations proposed in the emerging Local Plan nor does it suggest that further development should or should not come forward in the town.*
- 1.7 For the latter, this was recommended as the Examiner identified that support for traffic management measures *“... would be delivered through the Highways Acts rather than through the planning system”* and that *“...the County Council as the highway authority has extensive permitted development rights to undertake any such works as may be agreed and funded.”*
- 1.8 In relation to the other amended policies, this was fundamentally due to the need to provide “clarity and precision” to the wording of policy.
- 1.9 The Examiners overall approach has been to modify the plan to enable it to meet the “basic conditions”, rather than reject it, which was an option open to him.

Consideration of modifications and whether the Neighbourhood Plan meets the “basic conditions”

- 1.10 The Council has considered each of the individual modifications in the Examiner’s report and the reasons for them; which will have been identified in part by representations made by the Council and other parties at the Regulation 16 public consultation stage. It is considered that all of them are reasonable and proportionate. A summary of the modifications and what action is to be taken for each one is provided as an attachment to this record (Appendix A).
- 1.11 It is therefore appropriate to make all of these modifications to the draft plan, as well as a number minor correcting errors, as permitted by the 1990 Town and Country Planning Act

schedule 4B, section 12, para (6)(e).

1.12 In accepting these amendments, it is considered that the Swaffham Neighbourhood Plan meets the “basic conditions” as outlined by the Examiner (para 7.17 – 7.120) and required by the Regulations.

2.0 OPTIONS

2.1 There are two options available:

- Option 1 – To consider the contents of the report and accept the modifications proposed by the independent examiner, as required by the 1990 Town and Country Planning Act schedule 4B, section 12, paragraph (2)(a), as well as make minor correcting errors. Subject to these changes, the Council determine that the Swaffham Neighbourhood Plan proceeds to a referendum as it meets the requirements (the basic conditions) of the 1990 Town and Country Planning Act schedule 4B, section 12, para (4). To delegate to Officers to start all necessary arrangements for the holding of the referendum and publicising the decision.
- Option 2 – To consider the contents of this report and not accept the findings of the Examiner’s report, and determine that the Swaffham Town Council has not met the requirements of the 1990 Town and Country Planning Act schedule 4B, section 12 paragraph (4).

3.0 REASONS FOR RECOMMENDATION(S)

3.1 It is recommended that Option 1 is endorsed. As highlighted above, the Swaffham Neighbourhood Plan is considered to comply with the relevant regulations, including the “Basic Conditions” and the legal requirements, therefore there are no reasons for the plan not to proceed to the next statutory stage.

3.2 Should option 2 be taken, the Council would have to conclude that the Neighbourhood Plan has not met the basic conditions and as a result the plan would not proceed to a referendum.

Exceptional Urgency

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

..... Chief Officer	Dated:
..... Executive Member	Dated:
..... Leader	Dated:

KEY DECISION not on the Forward Plan or publicised.

TO BE COMPLETED BY COMMITTEE STAFF:

I agree to the Decision proceeding:

Decision Record Ref No.:

Entry on Decision Record:

Confirmed:

Date of Entry:

For action on:

Passed to:

.....
Chairman of Overview & Scrutiny Commission

Dated:

