

BRECKLAND COUNCIL
DELEGATED DECISION AUTHORISATION RECORD (Blue Form)

PORTFOLIO:	Growth			
REPORT TITLE:	Mattishall Neighbourhood Plan Draft Plan – examination decision and next steps			
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	Contains exempt information under Schedule 12A paragraph __		
Decision: Wording For Decision Record				
ACTION AGREED	Agree option 1 as follows: 1) To confirm that the modifications proposed by the independent examiner in his report are accepted as required by the 1990 Town and Country Planning Act schedule 4B, section 12, para (2). 2) To confirm that subject to the above modifications in the report, the Mattishall 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).			
REASON(S)	To enable the Councils comments to be issued to Mattishall Parish Council in response to the Pre-Submission Consultation (Regulation 14).			
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 Mattishall Neighbourhood Plan

- 1.1 In February 2017, Breckland Council appointed Andrew Ashcroft BA MA Dip MS MRTPI, with the agreement of Mattishall Parish Council, to commence an independent examination of the Mattishall Neighbourhood Plan. This needed to consider the “basic conditions” and legal requirements in relation to the Neighbourhood plan by producing a report on their findings.
- 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 “*understand the Plan in greater detail and to assist with its examination*”, he issued a four page clarification note, along with a few supplementary questions, primarily for the Mattishall working group to address.
- 1.4 His report on the examination was issued on the 16th May 2017 and concluded that a significant number of modifications were required to make the Mattishall Neighbourhood Plan meet the “basic conditions” (Section 8, schedule 4B, Town and Country Planning Act 1990) and proceed to a public referendum.
- 1.5 Recommendations were made on 27 out of 30 policies; of which two have been proposed to deleted, nine completely re-written and the remaining eleven having amendments.
- 1.6 The most significant amendments were to delete two policies; HOU2 on Phasing of Development and HOU7 on Building for Life. Overall, he felt that the approach contained in these policies were not consistent with national policy and ministerial statements.
- 1.7 The Examiners overall approach has been to rectify 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”

- 1.8 Breckland Council has considered each of the individual modifications, and the reasons for them. It is considered that the changes are reasonable and proportionate.
- 1.9 A summary of the modifications are provided as an attachment to this record (Appendix A). Overall, It is considered that a number are consistent with representations made by the Council at both the Regulation 14 and 16 public consultation stages or where the Examiners proposes rewording to provide better clarity of policy, in accordance with by national guidance.
- 1.10 The only modification Breckland Council are proposing, which is different to the examiners, is to reinstate para 8.7 as it provides some supporting justification for the amended policy, Is a factual statement and has been subject to consultation. Mattishall Neighbourhood Plan Working Group also requested this amendment.
- 1.11 It is therefore appropriate to make these modifications to the draft plan referred to Appendix B (The Examiner’s Report), as well as 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 Mattishall Neighbourhood Plan meets the “basic conditions” as outlined by the Examiner (para 7.15 – 7.100) and required by the Regulations.

2.0 OPTIONS

2.1 There are two options available:

- Option 1 – To accept the modifications proposed by the independent examiner in his report, as required by the 1990 Town and Country Planning Act schedule 4B, section 12, paragraph (2), as well as minor correcting errors. Subject to these changes, the Council determine that the Mattishall 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 Mattishall Parish 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 the Leader endorse Option 1. As highlighted above, the Mattishall 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 be unable to conclude the plan has 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.

..... 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 Dated:.....	Decision Record Ref No.:..... Entry on Decision Record: Confirmed: Date of Entry: For action on: Passed to: