

BRECKLAND COUNCIL
DELEGATED DECISION AUTHORISATION RECORD (Blue Form)

PORTFOLIO:	Growth			
REPORT TITLE:	Swanton Morley 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 Swanton Morley Neighbourhood Plan;</p> <p>2) To confirm that Swanton Morley Neighbourhood Plan meets the requirements of the 1990 Town and Country Planning Act schedule 4B, section 6 and advise Swanton Morley Parish 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 Swanton Morley Parish Council has submitted all the required documents to Breckland Council, as outlined by Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 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 of the Local Development Framework; meets EU commitments and the regulations have been met.

Regulation 16 Neighbourhood Plan publicising

- 1.3 Having been submitted, the Swanton Morley 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 they can be seen, how to make representations (comments) on the plan and allow for at least six weeks consultation.
- 1.5 Consultation on the Swanton Morley Neighbourhood Plan started on the 12th January 2017 and closed on the 24th February 2017. Copies of the Plan were placed in at the Council's Offices at Elizabeth House, Dereham and Dereham Library, High Street, as well as two locations in the Parish of Swanton Morley; Swanton Morley Village Hall, Manns Lane and Swanton Morley Stores, Gooseberry Hill, during normal opening hours.
- 1.6 The Swanton Morley Neighbourhood Plan contains a range of policies designed to address issues in the Swanton Morley plan area. The Neighbourhood Plan contains policies on the Growth (housing), Landscape and the Environment (open space, access and biodiversity), Design (parking, flooding and housing mix), Local Economy, Community Facilities and Transport. 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 provide comments to Swanton Morley Parish Council at this stage to establish the extent that previous comments have been taken account of and to establish any new issues arising. Officers have identified a number of comments and these are attached in Appendix A. In reviewing the document, there are still a significant number of matters which the Council has previously raised that have not been addressed. This includes a number of policies which, as worded, would devolve responsibility for certain decision making from Breckland Council to the Parish, without Breckland's agreement. This is important to address these matters at this stage, as it is the final opportunity for the Council to raise these matters.
- 1.8 Technical comments have also been made on the Basic Conditions Statement and Consultation Statement. Normally informal comments would have been made between the issuing of the Regulation 14 (pre-submission) and 16 (submission) version of the plan on these documents, but the Council did not have the opportunity to do this until now. These are attached in Appendix B.

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 Breckland Council has received a Neighbourhood Plan and wants to consider it, there are five main requirements that Swanton Morley Parish 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 neighbourhood areas and they meet with the requirements. Swanton Morley Parish 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. The Council has not had the opportunity to comment on any draft of the required documents and only has now as the ability to advise the Parish Council where there are 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 did raise concerns informally in regards to the Reg.14 consultation of the Neighbourhood Plan. It was highlighted that where a physical copy of the plan was available there was no reference to this in the consultation letter or on the Neighbourhood Plan website. Officers were advised that this was referred to in a residential newsletter, but this was not as clear as it could have been as required by Regulation 14 (a)(ii).
- 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, although the former is not consistent with the emerging Local Plan.
- 1.14 Lastly, in relation to (4), that Breckland inform Swanton Morley Parish Town Council whether or not they have meet the requirements of 6(2) & (3) above and, where not, let them know why not. Officers are seeking through this report that members agree to notify the Town Council view of the above.
- 1.15 In light of the assessment contained above, the Swanton Morley Neighbourhood Plan is considered to have generally met the legal requirements of the 1990 Town and Country Planning Act in relation to schedule 4B, section 6, and is the third 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.

.....
Chief Officer

Dated:

.....
Executive Member

Dated:

.....
Leader

Dated:

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