

**BRECKLAND COUNCIL**  
**DELEGATED DECISION AUTHORISATION RECORD (Blue Form)**

<b>PORTFOLIO:</b>	Growth and Commercialisation			
<b>REPORT TITLE:</b>	Swanton Morley Neighbourhood Plan – further decision on final 2 <sup>nd</sup> examiners recommendations			
<b>AUTHOR:</b>	Susan Heinrich – Neighbourhood Planning Coordinator			
<b>URGENCY -</b> Delete as appropriate:	<i>None</i> – 5-day Scrutiny Delay	<i>URGENT</i> – sign form overleaf		
	<b>CHECKLIST – Please Tick</b>		<b>KEY DECISION – Tick as appropriate</b>	
1.	Financial Report Considered and/or Proforma B included		This <i>IS NOT</i> a Key Decision	X
2.	VAT Implications have been considered		This <i>IS</i> a Key Decision <i>already included in Forward Plan</i>	
3.	Legal Advice included		This <i>IS</i> a Key Decision <i>NOT</i> in Forward Plan, <i>BUT PUBLICISED FIVE DAYS PREVIOUSLY</i> 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:	
<b>CONFIDENTIALITY:</b> Delete as appropriate	No confidential or exempt information to be excluded from the Press and Public			
<b>Decision: Wording for Decision Record</b>				
<b>ACTION AGREED</b>	<p>Agree option 1 as follows:</p> <p>i. To confirm that Breckland Council has considered each of the recommendations proposed in the final 2<sup>nd</sup> Examiners Report dated 18<sup>th</sup> September and the reasons for them, as required by the 1990 Town and Country Planning Act schedule 4B, section 12, para (2) and that in deciding what action to take for each recommendation, that all those proposed are accepted, as well as making minor correcting errors, as outlined in Appendix A.</p> <p>ii. To confirm that, subject to the above, Breckland Council is satisfied that the Swanton Morley Neighbourhood Plan meets the 'basic conditions' and that the Plan therefore proceeds to a referendum as it meets the requirements of the 1990 Town and Country Planning Act schedule 4B, section 12, para (4).</p>			
<b>REASON(S)</b>	To meet the requirements of the above legislation.			
<b>Signatures: Authority for Action</b>				
<b>Chief Officer Comments:</b>	Recommendation: Signature and date .....			
1.	I agree the above decision as a matter falling within my delegated powers. Executive Member: ..... Date: .....			
2.	<b>Does this have political sensitivity or strategic importance? NO</b> <b>If Yes:</b> 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 Swanton Morley Neighbourhood Plan

- 1.1 In April 2019 Jeremy Edge BSc FRICS MRTPI, was appointed to commence an independent examination on the Modification Consultation of the Swanton Morley Neighbourhood Plan. This is based on the need to examine the plan against the “basic conditions” and legal requirements and to produce 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 The final 2<sup>nd</sup> Examiners report was issued on the 18<sup>th</sup> September 2019, which was required to provide further clarification regarding this final reports implementation of these modifications. This decision supersedes the previous decision of 28<sup>th</sup> July on the 2<sup>nd</sup> examination. This final report concluded that all eight modifications, and any associated text, required further modifications to make the Swanton Morley Neighbourhood Plan meet the “basic conditions” (Section 8, schedule 4B, Town and Country Planning Act 1990) and proceed to a public referendum.
- 1.4 Of these recommendations; one policy modification was proposed to be deleted and the remaining modifications amended to varying degrees, including one having a part of the policy deleted.
- 1.5 The Examiners overall approach has sought to rectify the parts of the plan subject to the modification consultation 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”

- 1.6 As required by legislation, Breckland Council has considered each of the individual modifications in the Examiner’s report and the reasons for them. 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).
- 1.7 It is therefore appropriate to make all of these modifications to the draft plan, which has already been amended as a result of the first examination, 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).
- 1.8 Subject to making the modifications, shown in Appendix D & E, it is considered that the Swanton Morley Neighbourhood Plan meets the “basic conditions, as outlined by the Examiner (para 6.1 – 6.20 & appendix E) and required by the Regulations, and should therefore proceed to a Referendum.
- 1.9 This examination decision is on the ‘modification consultation’ and is in addition to the examination decision on the Reg.16 version of the plan, which supported all the modifications that weren’t subject to the ‘modification consultation’. The Swanton Morley Neighbourhood Plan will be amended to reflect both sets of decisions and the amended Plan will then be subject to referendum.

#### 2.0 OPTIONS

- 2.1 There are two options available:

- Option 1
  - i. To confirm that Breckland Council has considered each of the recommendations proposed in the final 2<sup>nd</sup> Examiners Report and the reasons for them, as required by the 1990 Town and Country Planning Act schedule 4B, section 12, para (2) and that in deciding what action to take for each recommendation, that all those proposed are accepted, as well as making minor correcting errors, as outlined in Appendix A.
  - ii. To confirm that, subject to the above, Breckland Council is satisfied that the Swanton Morley Neighbourhood Plan meets the 'basic conditions' and that the Plan therefore proceeds to a referendum as it meets the requirements of the 1990 Town and Country Planning Act schedule 4B, section 12, para (4).
  
- Option 2 - To consider the contents of this report and not accept the findings of this final Examiner's report, and determine that the Swanton Morley Neighbourhood Plan 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, subject to those modifications being made the Swanton Morley Neighbourhood Plan is considered to comply with the relevant regulations, including the "Basic Conditions" and the legal requirements.
- 3.2 Should option 2 be taken, the Council would be unable to conclude that the plan has met the basic conditions and as a result the plan would not proceed.

**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:  ..... Chairman of Overview & Scrutiny Commission  Dated:.....	Decision Record Ref No.:.....  Entry on Decision Record:  Confirmed: .....  Date of Entry: .....  For action on: .....  Passed to: .....