

BRECKLAND COUNCIL
DELEGATED DECISION AUTHORISATION RECORD (Blue Form)

PORTFOLIO:	Economic Development and Growth			
REPORT TITLE:	New Buckenham Neighbourhood Plan Regulation 16 consultation comments and legal check			
AUTHOR:	Susan Heinrich – Neighbourhood Planning Coordinator			
URGENCY - Delete as appropriate:	<i>None</i> – 5-day Scrutiny Delay	<i>URGENT</i> – 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 New Buckenham Neighbourhood Plan;</p> <p>2) To confirm that New Buckenham Neighbourhood Plan meets the requirements of the 1990 Town and Country Planning Act schedule 4B, section 6 and advise New Buckenham 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 New Buckenham 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 were the main issues and how they have been addressed in the Plan; and
 - A Basic Conditions Statement summarising how the Plan 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; whether it is in general conformity with the strategic policies of the Local Plan; and whether EU commitments and the regulations have been met.
 - Environmental Assessment for both the Strategic Environmental Screening and Habitats Regulation Screening

Regulation 16 Neighbourhood Plan publicising

- 1.3 Once submitted, the New Buckenham 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 New Buckenham Neighbourhood Plan started on the 16th July 2021 and closes on the 9th September 2021. Copies of the Plan were made available to view by calling the Council's Offices at Elizabeth House, Dereham to request a paper copy.
- 1.6 The New Buckenham Neighbourhood Plan contains a range of policies designed to address issues in the New Buckenham plan area. The Neighbourhood Plan includes policies on Landscape and heritage, Countryside and environment, Dark skies and light pollution, Housing and building, Traffic and parking, Business and tourism, and Recreation, health and culture. The policies should be in general conformity with the Strategic Policies of the Local Plan and may add more locally specific detail.
- 1.7 New Buckenham is described in Breckland's Local Plan as a small village outside of settlement boundaries and therefore development will be limited. The Neighbourhood Plan also plans for a small level of development and makes specific reference to the village's historic and environmental boundary and its constraints on development outside this boundary and on infilling. The Plan also envisages itself as a tourist destination due to these historical and environmental assets. Much of the evidence which underpins this Plan is taken from the Plan's Landscape and Heritage Assessment

Comments on the Plan

- 1.8 The production of this well-presented plan is welcomed. However, it is also important for Breckland Council to provide detailed comments at this stage to establish the extent that previous comments have been taken account of and to discover whether there are any new issues arising as a result of new or amended policies included in this version of the plan.

- 1.9 Officers have made a number of comments, and these are attached in Appendix A. In reviewing the document, there are still a few areas which the Council has previously raised that have not been addressed. There is also new policy and supporting text which mainly needs commenting on in order to enable them to become clearer and a few due to viability issues. It is important to address these matters at this stage, as it is the main opportunity to raise these matters with the Independent Examiner.
- 1.10 Technical comments have also been made on the Basic Conditions Statement and Consultation Statement. Although informal review comments were made just before the Regulation 15 (submission) as part of a review, there are still a few minor accuracy issues to address. These are attached in Appendix B & C.

Meeting the requirements of the 1990 Town and Country Planning Act

- 1.11 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 New Buckenham Parish Council need to have met. The Council's consideration against these requirements is set out below.
- 1.12 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. New Buckenham Parish Council is authorised to act in relation to their neighbourhood area as it was designated by Breckland Council on 30th March 2017.
- 1.13 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 Parish Council where there have been issues.
- 1.14 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.
- 1.15 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.
- 1.16 Lastly, in relation to (4), that Breckland inform New Buckenham Parish Council whether or not they have met 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 Parish Council view of the above.
- 1.17 In light of the assessment contained above, the New Buckenham Neighbourhood Plan is considered to have clearly met the legal requirements of the 1990 Town and Country Planning Act in relation to schedule 4B, section 6, and is the eight 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

Dated:

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