



## **BRECKLAND COUNCIL**

### **DELEGATED DECISION RECORD**

This records a key or other decision taken by an Executive Member or the Cabinet in accordance with the Council's scheme of Delegations (as set out in Section D of Part 3 of the Council's Constitution).

Unless the Leader and the Chairman of the Overview and Scrutiny Commission certify that the matter is so urgent that the normal five-day scrutiny delay on action should not apply, then this decision will come into force and may then be implemented on the expiry of five working days after the publication of the decision, unless called in under the call-in procedures as set out in Section D of Part 3 of the Council's Constitution.

<b>Portfolio/Cabinet</b>	Cabinet
<b>Report Title (&amp; Reference No.)</b>	Saham Toney Neighbourhood Plan - Making (Adoption) of the Neighbourhood Plan
<b>Summary Background</b>	To "make" the Saham Toney Neighbourhood Plan as part of the statutory Development Plan for Breckland and update the district policies map with the relevant policies.
<b>Author/Contact Officer</b>	Susan Heinrich, Neighbourhood Planning Coordinator (susan.heinrich@breckland.gov.uk)
<b>Ward(s) Affected</b>	Saham Toney
<b>Urgent?</b>	No
<b>Key Decision?</b>	No
<b>In Key Decision Plan?</b>	No
<b>Date Decision Taken</b>	Monday, 15 November 2021
<b>Date Published</b>	Tuesday, 16 November 2021
<b>Call-In Expiry</b>	Tuesday, 23 November 2021
<b>Exempt Information?</b>	No
<b>Decision (Action Agreed)</b>	<p><b>RESOLVED</b> that:</p> <p>1) the Saham Toney Neighbourhood Plan, as written at the time of the referendum, is "made" as part of the statutory Development Plan for Breckland Council, as required by paragraph (4)(a) of section 38A of the 2004 Planning and Compulsory Purchase Act (Option1)</p>

	<p>2) the decision as required by paragraph (9) of section 38A 2004 Planning and Compulsory Purchase Act be published</p> <p>3) Saham Toney Parish Council be advised and any other prescribed persons about this, to meet the requirements of paragraph (10) of section 38A of the 2004 Planning and Compulsory Purchase Act</p> <p><b>RECOMMENDATION to FULL COUNCIL:</b></p> <p>4) To amend the Breckland District Policies Map to meet the requirements of paragraph 9 Town and Country (Local Planning) (England) Regulations 2012</p>
<b>Reasons(s)</b>	<p>It is recommended that members endorse Option 1 as there was a positive vote in favour for 'making' the Saham Toney Neighbourhood Plan through a Referendum and there is considered to be compliance, rather than being incompatibility, with European obligations and Human Rights conventions.</p>
<b>Options</b>	<p>There are two options for members to consider:</p> <ul style="list-style-type: none"> <li>• <b>Option 1</b> - Council agrees to "make" the Saham Toney Neighbourhood Plan and is "made" as part of the statutory Development Plan for Breckland Council, as required by paragraph (4)(a) of section 38A of the Planning and Compulsory Purchase Act 2004 as "<i>...more than half of those voting to have voted in favour of the plan ...</i>", and to undertake the required publication, advise the Parish Council and other prescribed persons and subsequently update the district policies map.</li> <li>• <b>Option 2</b> - Council does not make the Saham Toney Neighbourhood Plan where "<i>...it considers that the Plan would breach, or would otherwise be incompatible with any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).</i>"</li> </ul>
<b>Further Information</b>	<p>Made Saham Toney Neighbourhood Plan_cabinet_report - final version_</p>