

BRECKLAND COUNCIL
DELEGATED DECISION AUTHORISATION RECORD (Blue Form)

PORTFOLIO:	Economic Development and Growth		
REPORT TITLE:	Saham Toney Neighbourhood Plan – decision on examiners recommendations		
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>Agree option 1 as follows:</p> <p>i. To confirm that Breckland Council has considered each of the recommendations proposed in the Examiners Report dated 13th July 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, subject to the comments in Appendix A, as well as making minor correcting errors.</p> <p>ii. To confirm that, subject to the above, Breckland Council is satisfied that the Saham Toney 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>		
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

Independent Examination of Saham Toney Neighbourhood Plan

- 1.1 In January 2021, John Slater BA (Hons), DMS, MRTPI, was appointed to commence an independent examination on the Submitted Saham Toney Neighbourhood Plan. This was 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 To assist the Examination, a couple of ‘Comments’ documents (an Initial one and a further one after the site visit) were issued by the examiner, which included a number of questions for Saham Toney and Breckland Councils to address.
- 1.4 The Examiner’s report was issued on the 13th July 2021, and concluded that most of the forty two policies required some form of modification to make the Saham Toney Neighbourhood Plan meet the “basic conditions” (Section 8, schedule 4B, Town and Country Planning Act 1990) and proceed to a public referendum.
- 1.5 The recommendations proposed that seven policies were deleted, and one was to be replaced. For the remaining policies, there were recommendations to amend policy paragraphs to varying degrees; 27 to have policy paragraphs deleted, five to be replaced, one new paragraph and two having combinations of these. There were also recommendations to have policy parts amended; ten to have parts deleted, 28 parts replaced, eight for new text and 12 having a combination of these, as well as 10 maps being removed and one having a boundary amended. There were five policies that had no recommendations to change them.
- 1.6 With regard to the deleted policies, all of these related to the flooding policies, as did the replaced policy. Essentially this removal and rewrite was due to the Examiner considering that they contained” *...too much technical detail which is not relevant for a development management policy*”.
- 1.7 In relation to the other amended policies, most recommendations were due to the need to remove unnecessary text or use more appropriate policy phrasing. In terms of the supporting text, there were recommendations to delete 162 paragraphs and insert one new paragraph, as well as deleting five parts, replacing three and adding two new parts to the supporting text.
- 1.8 The Examiners overall approach has been to make recommendations to amend the Neighbourhood Plan to enable it to meet the “basic conditions”, rather than reject it, which was an option open to him.

Consideration of recommendations and whether the Neighbourhood Plan meets the “basic conditions”

- 1.9 The Council as Local Planning Authority wishes to clarify its position in relation to the following recommendation:

“That minor changes to the text of the neighbourhood plan document which are required as a result of my recommendations, should be agreed between Saham Toney Parish Council and the Breckland Council, including any necessary changes to punctuation, formatting or paragraph numbering or other presentational issues.”
- 1.10 Under the relevant legislation, as set out within Appendix A, it is the responsibility of Breckland Council, as the Local Planning Authority to make the final decision on any minor modifications, in discussion with Saham Toney Parish Council. Appendix A makes this clear.

- 1.11 As required by legislation, Breckland Council has considered each of the individual recommendations in the Examiner's Report and the reasons for them. It is considered that, subject to compliance with the relevant legislation all are reasonable and proportionate.
- 1.12 A summary of the recommendations and what action is to be taken for each one is provided as an attachment to this record (Appendix A). It is therefore appropriate to make all of these recommendations regarding changes to the draft plan, as well as correcting errors, as permitted by the 1990 Town and Country Planning Act schedule 4B, section 12, para (6)(e). As part of its ability to correct errors those found in the final Examiners Report, that effect the recommendations, have been addressed in Appendix B.
- 1.13 In accepting these recommendations, it is considered that the Saham Toney Neighbourhood Plan meets the "basic conditions, as outlined by the Examiner (p15 - p54) and required by the Regulations and should therefore proceed to a 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 by the independent examiner, 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, subject to the comments within Appendix A.
 - ii. To confirm that, subject to the above, Breckland Council is satisfied that the Saham Toney 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 the Examiner's Report and determine that the Saham Toney 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 RECOMMENDATIONS

- 3.1 It is recommended that Option 1 is endorsed. As highlighted above, subject to those recommendations being made the Saham Toney 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 have to conclude that the plan has not 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:
<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.:...D30.21.....</p> <p>Entry on Decision Record: 13/8/21</p> <p>Confirmed: T. Smith</p> <p>Date of Entry: 13/8/21</p> <p>For action on: 23/8/21</p> <p>Passed to: S. Heinrich</p>