

BRECKLAND DISTRICT COUNCIL

Report of: Councillor Gordon Bambridge, Executive Member for Growth

To: Cabinet 21st March 2017

Author: Susan Heinrich, Neighbourhood Planning Co-Ordinator

Subject: Yaxham Neighbourhood Plan - examination, inspection and next steps

Purpose: To update Members on the progress of the Yaxham Neighbourhood Plan examination, inspectors report and next steps

Recommendation(s):

1. To note the content of this report for information.

1.0 BACKGROUND

- 1.1 The Localism Act 2011 introduced the notion of Neighbourhood Planning. This includes the option for Town and Parish Council's to prepare statutory Neighbourhood Plan, which sets out a vision, objectives, policies and proposals to guide the future development of their local area.
- 1.2 When "made" (adopted) by Breckland Council as the Local Planning Authority, the Neighbourhood Plan has the status of "Development Plan", and therefore will need to be taken into account when making decisions on planning applications in the local area. The preparation of Neighbourhood Plans is subject to the provisions of the Localism Act and Neighbourhood Planning (General) Regulations 2012 (as amended).

Independent Examination of Yaxham Neighbourhood Plan

- 1.3 In November 2016, Breckland Council appointed Richard High BA MA MRTPI, with the agreement of Yaxham Parish Council, to commence an independent examination of the Yaxham Neighbourhood Plan. This needed to consider the "basic conditions" and legal requirements in relation to the Neighbourhood plan by producing a report on their findings.
- 1.4 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.
- 1.5 The Examiner initially found that Consultation Statement "*contains no information on the responses received and the reaction to them from local residents, either in full or in summary form. In this respect it fails to meet the requirements of regulation 12 (2) (c) and (d).*" This requires that the statement "*(c) summarises the main issues and concerns raised by the persons consulted; and (d) describes how these issues and concerns have been considered and where relevant, addressed in the proposed neighbourhood development plan*".
- 1.6 The Examiner requested that this information should be inserted into a revised Consultation

Statement and be publicised in accordance with regulation 16 for a period of 6 weeks. This was carried out between 12th January 2017 and 22nd February 2017

- 1.7 In addition to this he found that the proposed Strategic Gap policy (STRT1) was a “... *far reaching policy which I concluded required a hearing to address the justification for both the concept and the detail of the three strategic gaps proposed.*”
- 1.8 A hearing was originally organised for the 17th January 2017 to discuss this matter, but due to the Examiner becoming ill, this was reorganised and was eventually held on the 21st February.
- 1.9 His report on the examination was issued on the 8th March 2017 and concluded that a number of modifications were required to make the Yaxham Neighbourhood Plan meet the “basic conditions” (Section 8, schedule 4B, Town and Country Planning Act 1990) and proceed to a public referendum.
- 1.10 The most significant of these modifications was an amendment to policy STRT1. The Strategic Gap (1) on the map (Appendix 4) has been considerably reduced to lie just between the north of Yaxham and south of Dereham, south of the River Tud. For Strategic Gap 2 & 3 he found that the same approach be taken and have “*a policy to maintain the separateness of the two settlements without the definition of a specific area*”. The Parish Council and other interested parties were able to participate in the hearing in relation to this matter. The Examiner’s report in relation to this matter aligns with the discussion at the hearing.
- 1.11 The Examiner recommends further amendments to 11 other policies to “*ensure that the wording gives sufficient guidance to decision makers to enable them to apply the policies consistently*”.

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

- 1.12 Breckland Council has considered each of the individual modifications, and the reasons for them. It is considered that the changes are reasonable and proportionate, and therefore it is appropriate to make these modifications to the draft plan referred to Appendix A (The Examiners Report), as well as minor correcting errors, as permitted by the 1990 Town and Country Planning Act schedule 4B, section 12, para (6)(e). These have been agreed as a Leaders decision.
- 1.13 In agreeing these changes, the decision considered that the Yaxham Neighbourhood Plan met the “basic conditions” as outlined by the Examiner (para 21 - 41) and required by the Regulations.
- 1.14 It was considered necessary to progress the consideration of the examiner’s report and assessment of the basic conditions as a Leader’s decision in order to ensure that the plan can proceed to the referendum stage at the earliest opportunity without delay.

Next steps

- 1.15 As the plan is considered to meet the “basic conditions” as outlined above, the next steps are to make the arrangements to hold the referendum on the plan.
- 1.16 The key milestones for the referendum are proposed the 22nd March 2017 for publishing the Information Statement and Specified Documents, 27th March for the publication of the Notice of Referendum and 4th May for the Day of Poll.

2.0 **OPTIONS**

2.1 There are no options for members to consider as the report is for information only.

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 It is recommended that members note the contents of this report and are aware of the process and next steps.

4.0 **EXPECTED BENEFITS**

4.1 Being aware of the next stages will enable Breckland Council to be sighted on the progress of the Neighbourhood Plan as it moves towards its final stages (referendum and 'making' the plan).

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

5.1.1 It is the opinion of the Report Author that there are no implications.

5.2 **Constitution & Legal**

5.2.1 Whilst there are no direct legal implications arising from this report, the modifications for the Yaxham Neighbourhood Plan, have been recommended by an independent examiner under section 10, schedule 4B of the 1990 Town and Country Planning Act. These modifications have considered, and in light of them, are satisfied that they meet the "basic conditions" as required by section 12, schedule 4B of the 1990 Town and Country Planning Act and referendum must therefore be held.

5.3 **Contracts**

5.1.2 It is the opinion of the Report Author that there are no implications.

5.4 **Corporate Priorities**

5.4.1 The Yaxham Neighbourhood Plan meets the following corporate priorities:

- Supporting Breckland to develop and thrive
- Developing the local economy to be vibrant with continued growth
- Enabling stronger, more independent communities.

5.5 **Crime and Disorder**

5.5.1 It is the opinion of the Report Author that there are no implications.

5.6 **Equality and Diversity / Human Rights**

5.6.1 It is the opinion of the Report Author that there are no implications.

5.7 **Financial**

5.7.1 This report has indirect financial implications in respect of arranging a referendum. However, the costs of these falls within existing service budgets, and can be retrospectively covered through the Communities and Local Government burdens funding arrangements.

5.8 **Health & Wellbeing**

5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 **Risk Management**

5.9.1 It is the opinion of the Report Author that there are no implications.

5.10 **Safeguarding**

5.10.1 It is the opinion of the Report Author that there are no implications.

5.11 **Staffing**

5.11.1 There are no direct staffing implications as a result of this report.

5.12 **Stakeholders / Consultation / Timescales**

5.12.1 The timescales for the publication of the next stages of the process (the referendum) are subject to separate legislation.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 Mattishall Ward (in respect of Yaxham Parish).

Background papers:- [See The Committee Report Guide](#)

Lead Contact Officer

Name and Post: Susan Heinrich, Neighbourhood Planning Co-Ordinator
Telephone Number: 01362 656841
Email: Susan.Heinrich@breckland.gov.uk

Key Decision: **No**

Exempt Decision: **No**

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A The Report by the Independent Examiner on Yaxham Neighbourhood Plan