



**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>	Swaffham Neighbourhood Plan - Making (adoption) of the Swaffham Neighbourhood Plan
<b>Summary Background</b>	To ‘make’ the Swaffham 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 Co-ordinator (susan.heinrich@breckland.gov.uk)
<b>Ward(s) Affected</b>	Swaffham
<b>Urgent?</b>	No
<b>Key Decision?</b>	No
<b>In Key Decision Plan?</b>	No
<b>Date Decision Taken</b>	Tuesday, 21 May 2019
<b>Date Published</b>	Tuesday, 21 May 2019
<b>Call-In Expiry</b>	Tuesday, 28 May 2019
<b>Exempt Information?</b>	No
<b>Decision (Action Agreed)</b>	It was <b>AGREED</b> : 1) That the Swaffham 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 Town and Country Planning Act (Option1);  2) To publish this decision as required by paragraph (9) of

	<p>section 38A of the Town and Country Planning Act;</p> <p>3) To advise Swaffham Town Council and any other prescribed persons about this, to meet the requirements of paragraph (10) of section 38A of the Town and Country Planning Act;</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>Recommended that Members endorse Option 1 following a positive pvote in favour for making the Swaffham Neighbourhood Plan through a Referendum and there is considered to be compliance, rather than being incompatible, with European obligations and Human Rights conventions.</p>
<b>Options</b>	<p><b>Option 1</b> - agree to “make” the Swaffham 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 Town and Country Planning Act as “...more than half of those voting to have voted in favour of the plan ...”, and to undertake the required publication, advise the Town Council and other prescribed persons and subsequently update the district policies map.</p> <p><b>Option 2</b> – do not make the Swaffham Neighbourhood Plan where “...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).”</p>
<b>Further Information</b>	<p>Made Swaffham Neighbourhood Plan_cabinet_report - final Swaffham_NP_Referendum_version_FINAL_18.03.19_(low_res)</p>