

**BRECKLAND COUNCIL**  
**DELEGATED DECISION AUTHORISATION RECORD (Blue Form)**

<b>PORTFOLIO:</b>	Strategic & Operational Planning		
<b>REPORT TITLE:</b>	Watton Neighbourhood Plan Regulation 16 consultation comments and legal check		
<b>AUTHOR:</b>	Andrew Holdsworth: Assistant Director Economy & Growth		
<b>URGENCY -</b> Delete as appropriate:	<b>None</b> – 5-day Scrutiny Delay	<b>URGENT</b> – <i>sign form overleaf</i>	
	<b>CHECKLIST – Please Tick</b>		<b>KEY DECISION – Tick as appropriate</b>
1.	Financial Report Considered and/or Proforma B included		This <b>IS NOT</b> a Key Decision X
2.	VAT Implications have been considered		This <b>IS</b> a Key Decision <b>already included in Forward Plan</b>
3.	Legal Advice included		This <b>IS</b> a Key Decision <b>NOT</b> in Forward Plan, <b>BUT PUBLICISED FIVE DAYS PREVIOUSLY</b> 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:
<b>CONFIDENTIALITY:</b> Delete as appropriate	No confidential or exempt information to be excluded from the Press and Public		
<b>Decision: Wording For Decision Record</b>			
<b>ACTION AGREED</b>	<p>1) To confirm that Watton Neighbourhood Plan meets the requirements of the 1990 Town and Country Planning Act schedule 4B, section 6 and advise Watton Town Council to this effect.</p> <p>2) To submit Breckland Council's comments, along with the others received, under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 to the Independent Examiner as the Council's response to the Submission version of the Watton Neighbourhood Plan;</p>		
<b>REASON(S)</b>	To meet the requirements of the above legislation.		
<b>Signatures: Authority for Action</b>			
<b>Chief Officer Comments:</b>	Recommendation: Signature and date .....		
1.	<b>I agree the above decision as a matter falling within my delegated powers.</b> Executive Member: ..... Date: .....		
2.	<b>Does this have political sensitivity or strategic importance? NO</b> <b>If Yes:</b> Leader (Please delete * as appropriate): *I agree above decision/*Refer to Cabinet Signed: ..... Date: .....		

## Additional Options Considered and/or Reasons for Decision

### Background - Submission of Regulation 15 Documents

- 1.1 Watton Town 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

### Background - Regulation 16 Neighbourhood Plan publicising

- 1.3 Once submitted, the Watton 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 Watton Neighbourhood Plan started on the 30 January 2023 and closes on the 7 April 2023. Copies of the Plan were made available to view by calling the Council's Offices at Elizabeth House, Dereham to request a paper copy.

The Watton Neighbourhood Plan sets out the vision for the town as follows: Watton will maintain its reputation as a vibrant, helpful and friendly Town with a cohesive and inclusive community. It will be regarded as a welcoming town for business and residents alike with facilities serving the needs of all sectors whilst maintaining its Market Town character. Watton will have ample open and formal spaces for health and recreation and a strong sense of place with links to surrounding landscapes. Watton will have strong links with but an identity separate from other Brecks towns celebrating both its own unique history and demonstrating its future sustainable development. It will provide equal opportunities for living, working and learning for all its residents during their healthy, safe and prosperous lives.

Watton is an historic market town in the Breckland District of Norfolk that was one of the parishes of the old Hundred of Wayland. There is a weekly market which has been in existence for more than 900 years. It has many Grade 2 listed buildings.

### Comments on the Plan

- 1.6 The production of this well-presented plan is welcomed. It is also important for Breckland Council to provide 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 or evidence included or associated with this version of the plan.

- 1.7 Officers have made a number of comments. In reviewing the document the following issues are of particular importance:
- WTN7 Country Park- A country park designation is not appropriate for a neighbourhood plan. The power to designate a site as suitable or adaptable for a country park lies with the local authority Section 6.1 Countryside Act 1968. Part of the proposed area is contrary to the housing allocation for Watton in Breckland Local Plan. We are very happy to explore the issue with the Town and would suggest this issue is best explored through the Breckland Local Plan Update currently underway.
  - WTN8 Whist the Council supports the designation of some of the areas proposed by the Town Council as Local Green Spaces, there are a number of sites put forward as Local Green Space that are not, in the District Council's view, consistent with the NPPF (para 102(b)). It is important that NPPF is applied consistently and Local Green Spaces are defined based on robust evidence.
  - WTN 10: It is considered that an inconsistent approach has been applied to non-designation and insufficient justification has been provided for any of the proposed sites to meet the necessary criteria for a Non-designated Heritage Asset
- 1.8 It is important to address these matters at this stage, as it is the main opportunity to raise these matters with the Independent Examiner. They will be combined, along with the more minor / typographic issues identified by the Council during consultation, with the other comments received during the consultation period, and provided to the Independent Examiner.

#### **Meeting the requirements of the 1990 Town and Country Planning Act**

- 1.9 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 Watton Town Council need to have met. The Council's consideration against these requirements is set out below.
- 1.10 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. Watton Town Council is authorised to act in relation to their neighbourhood area as it was designated by Breckland Council on 8 August 2017.
- 1.11 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 Town Council where there have been issues.
- 1.12 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.
- 1.13 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.
- 1.14 Lastly, in relation to (4), that Breckland inform Watton Town Council whether or not it has 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 Town Council view of the above.
- 1.15 In light of the assessment contained above, the Watton 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.

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**Exceptional Urgency**

I certify that this matter is so urgent that the normal five-day scrutiny delay on action should not apply.

.....  
Chief Officer

Dated: .....

.....  
Executive Member

Dated: .....

.....  
Leader

Dated: .....

<b>KEY DECISION</b> not on the Forward Plan or publicised.	<b>TO BE COMPLETED BY COMMITTEE STAFF:</b>
I agree to the Decision proceeding:  ..... Chairman of Overview & Scrutiny Commission  Dated: .....	Decision Record Ref No.:D21/23..... Entry on Decision Record: Confirmed:JB ..... Date of Entry: 6 April 2023 ..... For action on:18 April 2023 ..... Passed to:Andrew D’Arcy.....