

Brundall Neighbourhood Plan – proceeding to referendum

Report by Planning Policy Officer

Summary:	The Brundall Neighbourhood Plan and the representation received on the submitted Plan during the publication stage have been subject to an independent examination by a suitably qualified individual. The examiner's report has concluded that, subject to certain specified modifications, the Neighbourhood Plan should proceed to a referendum within the neighbourhood area (i.e. the civil parish of Brundall). This report presents the findings of the Examiner's report, proposed that Planning Committee agrees with the Examiner's conclusions and recommends the Neighbourhood Plan for a referendum within the neighbourhood area.
Recommendation:	It is proposed that Planning Committee approve the examiner's recommendations, as detailed with Appendix 1, allowing the Neighbourhood Plan to proceed to a referendum within the neighbourhood area (the civil parish of Brundall).

1 Introduction

1.1 The submitted Brundall Neighbourhood Plan was approved by the Broads Authority on 29 May 2015. This was followed by a statutory six week publication period in which the Plan and its supporting documents were made available to the public and consultation bodies via:

- Broadland District Council website (www.broadland.gov.uk/neighbourhoodplans)
- Broadland District Council offices
- The Broads Authority offices & website
- Brundall Library

1.2 All of those consultation bodies listed within Brundall Parish Council's consultation statement (a supporting document to the Neighbourhood Plan) were notified of the publication, as were residents who had responded to the consultation on the draft document. In addition, a public notice was put on local notice boards and on the Brundall Parish Council website.

1.3 During the six week publication period, a total of 9 representations were received from consultation bodies (see Appendix 2 for details). These representations were collated for submission, along with the Neighbourhood Plan and supporting information, to an independent examiner for the purposes

of an examination. The Neighbourhood Planning (England) Regulations 2012 require the local planning authority to send the Neighbourhood Plan and supporting information, as well as copies of all representations received during the publication period, to an appointed independent examiner, for them to consider the suitability of the Plan.

- 1.4 In choosing an independent examiner, a local planning authority must appoint someone who:
- is independent of the parish/town council
 - has no interest in any land that may be affected by the draft plan, and
 - has appropriate qualifications and experience
- 1.5 Following the six week publication period, the examiner appointed by Broadland Council and the Broads Authority, in liaison with Brundall Parish Council, was sent a copy of the published Neighbourhood Plan and supporting documents, as well as copies of each of the representations received.
- 1.6 Legislation directs that an examiner must only consider:
- (a) whether the draft plan meets the ‘basic conditions’ of a Neighbourhood Development Plan;
 - (b) whether the draft plan complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by such a plan;
 - (c) whether the area for referendum should extend beyond the neighbourhood area; and
 - (d) whether the draft plan is compatible with the Convention rights.
- 1.7 The examination was conducted via written representations during October 2015 (the examiner decided that a public hearing would not be required). The examiner’s report, detailing recommendations, has now been submitted to Broadland Council and the Broads Authority (see Appendix 1).
- 1.8 Planning legislation states that once a local planning authority has been issued with an examiner’s report, they must consider the recommendations. If the authority is satisfied with the examiner’s recommendations then any specified modifications can be made before the Plan proceeds to referendum.
- 1.9 Local planning authorities can also decide to extend the area in which the referendum is to take place, should it wish, or it could decide that it is not satisfied with the plan proposal, with respect to meeting basic conditions, compatibility with Convention rights and the definition and provisions of the Neighbourhood Plan, even if modified.
- 1.10 If the Broads Authority and Broadland Council are satisfied then they will need to publicise their decision (a decision statement) and move to a referendum. If they are not satisfied, then they must refuse the plan proposal and publicise their decision.

2 The Issues

- 2.1 The Examiner has recommended that, subject to certain modifications, the Neighbourhood Plan meets the basic conditions and other statutory requirements, and that it can proceed to a referendum within the neighbourhood area.
- 2.2 The recommended modifications are set out in the Examiner's report (Appendix 1). However, for ease of reference we have set out all of the recommendations and the Broads Authority and Broadland District Council's response in a separate table at Appendix 4 to this report.
- 2.3 Some of these recommendations involve simple additions or minor amendments to general wording within the Neighbourhood Plan document (see Appendix 3 for a reference copy of the original submitted Neighbourhood Plan). However, there are a number of recommended modifications to policies that are quite detailed, including the deletion of some policies. The detail of the examiner's recommendations and the responses to those recommendations have been reviewed and formulated by Broadland District Council, The Broads Authority and Brundall Parish Council and these can be seen in Appendix 4.
- 2.4 It should be noted that one further amendment has been requested by the Parish Council in order to clarify a phrase in Policy 1, describing the location of a local centre in the village. This amendment is detailed in Appendix 4.

3 Proposed Action

- 3.1 It is proposed that Planning Committee approve the examiner's recommendations, as detailed within Appendix 1, allowing the Neighbourhood Plan to proceed to a referendum within the neighbourhood area (the civil parish of Brundall).
- 3.2 Should the Examiner's recommendations be met with full approval by Broadland Council and the Broads Authority, then a decision statement will then be produced which will be published, along with the Examiner's report, on the Broads Authority and Broadland Council's website and made available in the other locations highlighted in 1.1.
- 3.3 The next steps will involve Broadland Council publishing information and giving at least 28 days' notice of the referendum (not including weekends, bank holidays, days of public thanksgiving). Again, this information will be made available on the Broadland Council and Broads Authority websites and at the Broadland District Council offices and at the alternative locations mentioned in 1.1.
- 3.4 Given this period of notice, should Broadland Council and the Broads Authority approve the Examiner's recommendations detailed within this report, then it is anticipated a referendum could be held in March 2016.

- 3.5 If more than half of the people who vote in this referendum vote in favour of the proposal then Broadland Council and Broads Authority must adopt the Neighbourhood Plan as soon as reasonably practicable, unless it considers that this would breach or be incompatible with any EU obligation or the Human Rights Convention.
- 3.6 This means that, should the referendum yield positive results for the Neighbourhood Plan, then the Plan would be subject to Broadland Council and the Broads Authority ratification before it is fully adopted.
- 3.7 Should the local planning authority propose to make a decision that differs from the examiner's recommendations (and the reason for the difference is wholly or partly as a result of new evidence or a new fact or a different view taken by the authority about a particular fact) then they:
- are required to notify all those identified in the consultation statement about this position and invite representations;
 - may refer the issue to an independent examination if they think it appropriate.

4 Financial Implications

- 4.1 Officer time in assisting Broadland District Council with the Neighbourhood Plan process. Referendum and examination costs have been borne by Broadland District Council.

Background papers: None

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Date of report: 2 December 2015

Appendices: **APPENDIX 1:** Brundall Neighbourhood Plan – Report by Independent Examiner
APPENDIX 2: Brundall Neighbourhood Plan Publication – Response Summary
APPENDIX 3: Brundall Neighbourhood Plan – Submission Version
APPENDIX 4: Brundall Neighbourhood Plan – Examiner's Recommendations and Broadland District Council's Response

All appendices can be found here: <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-8-january-2016>