

**Making the Acle Neighbourhood Plan part of the Development Plan for the
Broads Authority**
Report by Planning Policy Officer

Summary:	On 8 January the referendum for the Acle Neighbourhood Plan was held. 299 residents voted in favour of the Plan and 53 against. A <u>majority 'yes' vote of 85%</u> . The turnout represented 16.29% of the electorate.
Recommendation:	To make the Acle Neighbourhood Plan part of the Development Plan/Local Plan for the Broads Authority.

1 Introduction

- 1.1 Acle Parish Council was identified as the qualifying body and the parish of Acle was designated as a Neighbourhood Area in June 2013, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.
- 1.2 Acle Parish Council developed a neighbourhood plan with its local community and submitted it to Broadland District Council and the Broads Authority. The submitted version of the plan was publicised and comments were invited from the public and stakeholders. The consultation period ran from 14 July to 25 August 2014.
- 1.3 Broadland District Council appointed independent Examiner Rosemary Kidd, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
- 1.4 The Examiner concluded that, subject to the modifications proposed in her report, the plan meets the 'basic conditions' set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004, and should proceed to a Referendum.
- 1.5 A referendum was held on 8 January 2015, where 85 per cent of those who voted were in favour of the plan¹.

¹ 299 residents voted in favour of the Plan and 53 against. So this represents a majority 'yes' vote of 85%. The turnout represented 16.29% of the electorate. Please see Appendix A for the declaration of the result of the poll.

- 1.6 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority must make the neighbourhood plan if more than half of those voting have voted in favour of the plan being used to help decide planning applications in the plan area. Broadland District Council and the Broads Authority are not subject to this duty if (and only if) the making of 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). However it is not considered that the plan is in breach of this legislation.

2 Financial Implications

- 2.1 Adoption of the Neighbourhood Plan requires a small amount of officer time in order to publicise the fact that the Plan forms part of the criteria for determining planning applications within the parish.
- 2.2 Planners will have to consider the document alongside existing Local Plan documents when determining planning applications within Acle Neighbourhood Area. However, this will form part of the existing process in determining applications and should not require extra resources.

3 Conclusion

- 3.1 The independent Examiner found that, subject to the modifications proposed in her report, the plan meets the basic conditions and other requirements prescribed by the relevant legislation.
- 3.2 The referendum held on the 8 January 2015 met the requirements of The Localism Act 2011 and The Neighbourhood Planning (Referendums) Regulations 2012. Greater than 50 per cent of those who voted were in favour of the plan being used to help decide planning applications in the plan area.
- 3.3 Accordingly it is recommended that the Acle Neighbourhood Plan is made part of the Development Plan/Local Plan for the BA.
- 3.4 Broadland Council and the BA will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.

4 Links of Relevance

- 4.1 The Inspector's Report: http://www.broadland.gov.uk/PDF/Acle_NDP_-_Examiners_Report2.pdf
- 4.2 The BA's Acle Neighbourhood Plan webpage: <http://www.broads-authority.gov.uk/planning/planning-policies/neighbourhood-planning/acle>
- 4.3 Broadland District Council's Neighbourhood Plan webpage: http://www.broadland.gov.uk/housing_and_planning/6136.asp

Background papers:	None
Author:	Natalie Beal
Date of report:	9 January 2015
Broads Plan Objectives:	None
Appendices:	APPENDIX A - Declaration of Result of Poll

DECLARATION OF RESULT

ACLE NEIGHBOURHOOD PLANNING REFERENDUM

8TH JANUARY 2015

I, the undersigned, being the Counting Officer at the Neighbourhood Planning Referendum for the Acle area held on the 8th day of January 2015, do hereby give notice that the number of votes recorded at the said Referendum is as follows:

QUESTION IN REFERENDUM	
Do you want Broadland District Council and the Broads Authority to use the Neighbourhood Plan for Acle area to help it decide planning applications in the neighbourhood area?	
Number of votes cast in favour of a 'YES'	299
Number of votes cast in favour of a 'NO'	53

The number of ballot papers rejected was as follows:	
a) want of official mark	
b) voting for more than one answer	
c) writing or mark by which the voter/proxy could be identified	
d) unmarked or void for uncertainty	
Total	0

The total number of votes recorded represented 16.29 % of the registered electors (eligible electorate 2160)

And I do hereby declare that more than half of those voting have voted **in favour** of the Acle Neighbourhood Plan

Philip Kirby
Counting Officer

Date **8 January 2015**

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