

# Planning Committee

03 December 2021

Agenda item number 12

## Three Neighbourhood Plans proceeding to referendum

Report by Planning Policy Officer

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### Summary

The three Neighbourhood Plans which have been prepared for Filby, Rollesby and Winterton on Sea, and the representations received on the submitted Plans during the publication stage, have been subject to an independent examination by a suitably qualified individual. They have endorsed the three Plans, with some changes, for referendum.

### Recommendation

That Planning Committee endorses the Examiner's Reports and agrees that all three Neighbourhood Plans shall proceed to referendum.

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## 1. Introduction

- 1.1. The three Neighbourhood Plans which were submitted in respect of Filby, Rollesby and Winterton on Sea were approved by the Broads Authority and made available to the public and consultation bodies.
- 1.2. During the publication period, representations were received. These representations were submitted, along with the Neighbourhood Plans and supporting information, to the independent Examiner, Ann Skippers. The examination was conducted via written representations during September/October/November 2021 (the Examiner deciding that a public hearing would not be required).
- 1.3. Legislation directs that an Examiner considers whether:
  - a) the draft plan meets the 'basic conditions'<sup>1</sup> of a Neighbourhood Development Plan,
  - b) the draft plan complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by such a plan,
  - c) the area for referendum should extend beyond the neighbourhood area, and d)
  - the draft plan is compatible with the Convention rights.

- 1.4. Planning legislation states that once a local planning authority (LPA) has been issued with an Examiner's report, they must consider the recommendations. If the LPA is satisfied with the Examiner's recommendations then any specified modifications should be made before the Plan proceeds to referendum.
- 1.5. If the Broads Authority and Great Yarmouth Borough Council, as the relevant LPAs, are satisfied then they will need to publicise their decision (a decision statement) and move to a referendum (should that be what the examiner recommends). If they are not satisfied, then they must refuse the plan proposal and publicise their decision. This decision would be subject to a further six week consultation, with a possibility of a further independent examination.
- 1.6. More information can be found here:  
[Filby Neighbourhood Plan](#)  
[Rollesby Neighbourhood Plan](#)  
[Winterton-on-Sea Neighbourhood Plan](#)

## 2. The Examiner's Reports

- 2.1. The Examiner's reports conclude that, subject to amendments (as set out in the reports), the Neighbourhood Plans can proceed to referendum. The Examiner also concluded that the area of the referenda does not need to be extended beyond the relevant parish council boundary. The reports can be found here:  
[Filby](#)  
[Rollesby](#)  
[Winterton on Sea](#)
- 2.2. In terms of the comments that the Broads Authority made on the Plans, not all have been addressed and/or supported by the Examiner. Whilst this is disappointing, the changes proposed by the Examiner seem reasonable and are useful.
- 2.3. It is therefore recommended that Planning Committee support the Examiner's reports and support the Filby, Rollesby and Winterton on Sea Neighbourhood Plans each proceeding to referendum.

## 3. Next Steps

- 3.1. Should the Examiner's recommendations be met with full approval by Great Yarmouth Borough 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 Great Yarmouth Borough Council's website and made available in the other locations. The three parish councils will make the appropriate amendments to the plans as set out in the Examiner's Reports.

- 3.2. Should the recommendation be to proceed to a referendum for all three Plans, then the next steps will involve Great Yarmouth Borough Council publishing information and giving at least 28 days' notice of the referendum (not including weekends and Bank Holidays). Again, this information will be made available on the Great Yarmouth Borough Council and Broads Authority websites and is likely to be made available by the three parish councils. Given this period of notice, should Great Yarmouth Borough Council and the Broads Authority approve the Examiner's recommendations, then it is anticipated the referenda could be held in February 2022.
- 3.3. If more than half of the people who vote in the referenda vote in favour of the proposal then Great Yarmouth Borough Council and Broads Authority must adopt/make the Neighbourhood Plans as soon as reasonably practicable, unless it considers that this would breach or be incompatible with any EU obligation or the Human Rights Convention.
- 3.4. This means that, should the referenda yield positive results for the Neighbourhood Plans, then the Plans would be subject to Great Yarmouth Borough Council and the Broads Authority ratification before it is 'made', although the NPPG says that 'A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum'.
- 3.5. 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 Great Yarmouth Borough Council with the Neighbourhood Plan process. Referendum and examination costs have been borne by Great Yarmouth Borough Council.

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