

Planning Committee

31 March 2023

Agenda item number 9

Hemsby Neighbourhood Plan- Proceeding to Referendum

Report by Planning Policy Officer

Summary

The Hemsby Neighbourhood Plan, and the representations received on the submitted Plan during the publication stage, have been subject to an independent examination by a suitably qualified individual who endorsed the Plan, with some changes, for referendum.

Recommendations

To support the Examiner's report and support the Hemsby Neighbourhood Plan proceeding to referendum.

1. Introduction

- 1.1. The submitted Hemsby Neighbourhood Plan was approved by the Broads Authority at Planning Committee in September 2022. This was followed by a statutory publication period between 27 September 2022 and 08 November 2022 in which the Plan and its supporting documents were made available to the public and consultation bodies.
- 1.2. During the publication period, representations from various different organisations/ individuals were received. [Reg. 16 Publication Consultation Responses Report](#).
- 1.3. These representations were submitted, along with the Neighbourhood Plan and supporting information, to the independent Examiner, Tony Burton. The examination was conducted via written representations during late 2022/early 2023 (the Examiner deciding that a public hearing would not be required).
- 1.4. Legislation directs that an Examiner considers whether:
 - a) the draft plan meets the 'basic conditions'¹ 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

¹ [Basic conditions for neighbourhood plan to referendum \(www.gov.uk\)](http://www.gov.uk)

- d) the draft plan is compatible with the Convention rights.
- 1.5. 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 should be made before the Plan proceeds to referendum.
- 1.6. If the Broads Authority and Great Yarmouth Borough Council 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.

2. The Examiner's report

- 2.1. The [Examiner's Report \(great-yarmouth.gov.uk\)](http://great-yarmouth.gov.uk) concludes that, subject to amendments (as set out in the report), the Neighbourhood Plan can proceed to referendum. The Examiner also concluded that the area of the referendum does not need to be extended beyond the parish of Hemsby.
- 2.2. It is therefore recommended that Planning Committee support the Examiner's report and support the Hemsby Neighbourhood Plan 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 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. Great Yarmouth Borough Council will make the appropriate amendments to the plan as set out in the Examiner's Report.
- 3.2. Should the recommendation be to proceed to a referendum, 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 likely made available by Great Yarmouth Borough Council.
- 3.3. The referendum is set for 22 June 2023.
- 3.4. If more than half of the people who vote in this referendum vote in favour of the proposal then Great Yarmouth Borough Council and Broads Authority must adopt/make 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.

- 3.5. This means that, should the referendum result support the Neighbourhood Plan, then the Plan 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'.
- 3.6. 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:
 - 3.6.1. They are required to notify all those identified in the consultation statement about this position and invite representations;
 - 3.6.2. They 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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