

Planning Committee

01 April 2022

Agenda item number 9

Fleggburgh Neighbourhood Plan- proceeding to referendum

Report by Planning Policy Officer

Summary

The Fleggburgh 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 Fleggburgh Neighbourhood Plan proceeding to referendum.

1. Introduction

- 1.1. The Regulation 16 Fleggburgh Neighbourhood Plan was approved by members at Planning Committee in August 2021. This was followed by a statutory publication ran for eight weeks from Friday 20 August to Friday 15 October 2021 in which the Plan and its supporting documents were made available to the public and consultation bodies via the [Great Yarmouth Borough Council website](#)
- 1.2. During the publication period, 37 representations were received. The representations can be viewed here: <https://www.great-yarmouth.gov.uk/media/6567/FLES1---Representations-on-the-Fleggburgh-Neighbourhood-Plan/pdf/FLES1 - Representations on the Fleggburgh Neighbourhood Plan.pdf>.
- 1.3. These representations were submitted, along with the Neighbourhood Plan and supporting information, to the Independent Examiner, Nigel McGurk. The examination was conducted via written representations during winter of 2021/22 (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,

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

- 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.
- 1.5. 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 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 Fleggburgh. The report can be found here: [Fleggburgh Neighbourhood Plan - Great Yarmouth Borough Council \(great-yarmouth.gov.uk\)](https://www.great-yarmouth.gov.uk/Planning/Neighbourhood-Plans/Fleggburgh-Neighbourhood-Plan).
- 2.2. It is recommended that Planning Committee support the Examiner's report and support the Fleggburgh 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, 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. 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.
- 3.3. The referendum is set for 16th June (TBC).

- 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 (transposed into UK law) 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 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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Date of report: 21 March 2022