

PROPOSED SCHEME OF DELEGATION – NEIGHBOURHOOD PLANS

Designation of Neighbourhood Plan Areas:

The Local Planning Authority must designate Neighbourhood Areas as soon as possible and the Regulations state that this should take no longer than eight weeks where the application is made by a Parish Council and following parish council boundaries. On receipt of a Neighbourhood Area application it is recommended that the Corporate Director (Place & Economy) in consultation with the Portfolio Holder for Planning be given delegated authority to determine applications relating to the area to be covered by a proposed Neighbourhood Plan.

Representations on Emerging Plans:

The Local Planning Authority has a duty to provide advice and assistance to Neighbourhood Planning Groups and it is proposed that authority is delegated to the Assistant Director of Strategic Planning and Place to provide technical support and advice on emerging plans in line with the relevant legislation and practice guidance and submit representations on behalf of the Council at the Regulation 14 Consultation and examination stage. Prior to this, advice and support is given by officers on an informal basis.

Submission and Examination:

On receipt of a draft Neighbourhood Plan submitted to it for independent examination, a Local Planning Authority must satisfy itself that it complies with all the relevant statutory requirements (outlined in Regulation 15) before publicising the draft plan and arranging an independent examination (outlined in Regulations 16 and 17). It is proposed that the Assistant Director of Strategic Planning and Place be given delegated authority to determine whether the appropriate legal requirements (outlined in Regulation 15) have been met in relation to submission.

It is also proposed that the Assistant Director of Strategic Planning and Place be given delegated authority to identify and appoint an appropriate person to examine the Neighbourhood Plan and to submit the plan to the examiner. The appointment must be made in conjunction with the Qualifying Body who submitted the plan (pursuant to Paragraph 7 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act).

Referendum:

Following the independent examination of a Neighbourhood Plan, the Examiner will publish a report recommending that the plan go to referendum as is, or, that the plan

with proposed modifications go for referendum, or that the plan proposal be rejected. If a referendum is recommended the Examiner will indicate the area within which the referendum may be held. The Local Planning Authority must publish the Examiner's Report (as per Regulation 18) and take the decision as to whether to send the Plan to referendum. Regulation 18 also provides that the Local Planning Authority must consider what action to take in relation to the recommendations in the Examiner's report and whether any modifications to the plan are required. The Local Planning Authority must publish a decision notice in respect of any decision taken under Regulation 18 of the 2012 Regulations. On receipt of an Examiner's Report it is recommended that the Corporate Director, in consultation with the Portfolio Holder for Planning be given delegated authority to publish the Examiner's report, determine whether the Plan should go to public referendum, make any modifications to the draft plan to go forward to referendum and publish a decision statement in accordance with Regulation 19 of the 2012 regulations and establish the area(s) within which the referendum on a proposed Neighbourhood Plan should be held, taking into account the views of the independent examiner.

Making a Neighbourhood Plan:

Following a referendum, Cabinet will decide whether to make the Neighbourhood Plan or not. Subject to the outcome of the referendum being in support of the draft Neighbourhood Plan, a report would be prepared following referendum recommending the making of the draft Neighbourhood Development Plan provided it does not breach or is incompatible with any EU obligation or convention rights.