

RECORD OF DELEGATED DECISION (OFFICER)

1. Decision Reference No.	CEX126
2. Name/Title of Officer <small>(who is taking the Decision)</small>	Chief Executive in consultation with the relevant Portfolio Holder
3. Email address of Officer	<u>edecoverly@melton.gov.uk</u>
4. Title / Subject Matter:	Hoby with Rotherby Neighbourhood Development Plan – Regulation 19 decision statement
5. Type of Decision: <small>(The decision will be published in its entirety unless it contains exempt information as described in Section 1.4 of the <u>Council's Access to Information Rules</u>)</small>	Public
6. Key Decision?	No
7. Decision Taken: Authority to 'make' the Hoby with Rotherby Neighbourhood Development Plan part of Melton Borough Council's Development Plan.	
8. Reasons for Decision: <p>Hoby with Rotherby Parish was designated as a neighbourhood area in June 2015. The Melton Borough Council Local Plan was adopted on 10 October 2018. Following the submission of the draft plan to Melton Borough Council which was in accordance with both the National Planning Policy Framework and the adopted Local Plan and the independent examination in September-October 2020, the examiner concluded that, subject to the modifications in his report, the plan should proceed to a referendum.</p> <p>With the publication of a Decision Statement in December 2020, Melton Borough Council agreed that all the examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum. With the examiner's recommended modifications, the Hoby with Rotherby Neighbourhood Development 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 the relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).</p> <p>A referendum was held on 6th May 2021 and a 'yes' vote was returned with 207 out of 245 persons that voted. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended, the Neighbourhood Planning (General) (Amendment) Regulations 2015 and the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 requires that the Council must 'make' the Neighbourhood Plan within 8 weeks (2nd July 2021) if more than half of those voting have voted in favour of the plan.</p>	

It was declared by the Counting Officer that more than half of those voting had voted in favour of the Hoby with Rotherby Neighbourhood Plan being used to help decide planning applications in the plan area.

Consequently, the Hoby with Rotherby Neighbourhood Development Plan needs to be 'made' (publication of 'Regulation 19 decision statement') before the 2nd of July and planning applications in the Parish of Hoby with Rotherby must be considered against the neighbourhood plan, as well as existing planning policy, such as the Melton Local Plan and the National Planning Policy and associated Guidance.

9. Authority / Legal Power:

The Chief Executive Officer in consultation with relevant Portfolio Holder has delegated powers. Chapter 2 – 1 of the constitution, paragraph 2.47 delegates 'Local Planning and Neighbourhood Planning Functions' to the Chief Executive Officer in consultation with relevant Portfolio Holder.

10. Background Papers attached?

(Background papers are to be attached (unless exempt))

Yes, Hoby with Rotherby Regulation 19 Decision Statement (draft).

11. Alternative options available / rejected:

1. None. Following a successful referendum, the local authority must 'make' the neighbourhood plan and it will become part of the statutory development plan, unless it is considered that 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) (Section 38(A), paragraph 6 of the Planning and Compulsory Purchase Act 2004). The Council do not consider this to be the case and consequently, making the Neighbourhood Plan is the only reasonable alternative.

12. Implications:

<p>Legal</p>	<p>Regulation 19 of The Neighbourhood Planning (General) Regulations 2012 states that ‘as soon as possible after deciding to make a neighbourhood development plan under section 38A(4) of the 2004 Act or refusing to make a plan under section 38A(6) of the 2004 Act, a local planning authority must – (a) publish on their website and in such other manner as they consider is likely to bring the decision to the attention of people who live, work or carry on business in the neighbourhood area – (i) a statement setting out the decision and their reasons for making that decision (“the decision statement”); (ii) details of where and when the decision statement may be inspected; and (b) send a copy of the decision statement to – (i) the qualifying body; and (ii) any person who asked to be notified of the decision.</p> <p>Regulation 18A of The Neighbourhood Planning (General) Regulations 2012 and section 38A(4)(b) of the 2004 Act establish that the Local Authority must ‘make’ the Neighbourhood Plan as soon as reasonably practicable after the referendum is held and, in any event before the last day of the period of 8 weeks beginning with the day immediately following the referendum day. As a result, the Decision Statement which formally ‘make’ the neighbourhood plan needs to be published by the 2nd July 2021.</p> <p>Legal Approval 23 June 2021</p>
<p>Finance</p>	<p>None. The associated claim has been already submitted.</p> <p>As stated in the ‘Update on financial support for neighbourhood planning in 2020/21’ (June 2020) ‘Local Planning Authorities can now claim £20,000 from when they issue a decision statement detailing their intention to send the plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) rather than when a referendum date has been set’.</p> <p>This has been budgeted to be received in 2021/22</p> <p>Finance Approval 04 June 2021</p>
<p>HR</p>	<p>None</p> <p>HR Approval 23 June 2021</p>
<p>13. Signature of Decision Maker with authority to sign (See Section 9): Please do no ‘pp’ for a Senior Officer</p>	<p>Email approval received Edd de Coverly Chief Executive</p>
<p>14. Consultation with: (Where applicable - attach email as confirmation)</p>	<p>Email approval received Councillor Leigh Higgins Portfolio Holder for Growth and Prosperity (and Deputy</p>

	Leader)
15. Date:	23 June 2021

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