



RECORD OF DELEGATED DECISION (OFFICER)

1. Decision Reference No.	CEX377
2. Name/Title of Officer	Edd de Coverly, Chief Executive
3. Email address of Officer	edecoverly@melton.gov.uk
4. Title / Subject Matter:	Asfordby Neighbourhood Development Plan – Regulation 19 decision statement
5. Type of Decision: (The decision will be published in its entirety unless it contains exempt information as described in Section 1.4 of the Council's Access to Information Rules)	Public
6. Key Decision?	No
7. Decision Taken: Authority to 'make' the Asfordby Neighbourhood Development Plan part of Melton Borough Council's Development Plan.	
8. Reasons for Decision: All neighbourhood plans are required to gain a majority of 50% plus one in favour at a local referendum in order to be 'made' by the local planning authority. The Council is satisfied that the Neighbourhood Plan (referendum version) complies with the legal requirements. According with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and following a successful referendum for the Asfordby Neighbourhood Plan, now Melton Borough Council must 'make' the neighbourhood plan, allowing it to form part of the development plan and to be used in the determination of planning applications in the parish of Asfordby. Background Information Asfordby Parish was designated as a neighbourhood area in January 2013. The Melton Borough Council Local Plan was adopted on 10 October 2018. Following the submission of the draft plan to Melton Borough Council, and the independent examination, the examiner concluded that subject to the modifications in his report, the plan should proceed to a referendum. With the publication of a Decision Statement in August 2023, 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 Asfordby 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).	

A referendum was held on 28 September 2023 and a 'yes' vote was returned with 282 out of 326 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 (24 November 2023) if more than half of those voting have voted in favour of the plan.

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

Consequently, the Asfordby Neighbourhood Development Plan needs to be 'made' (publication of 'Regulation 19 decision statement') before the 24 November 2023 and planning applications in the Parish of Asfordby 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 permits 'Local Planning and Neighbourhood Planning Functions' to the Chief Executive Officer in consultation with relevant Portfolio Holder (Governance, Environment and Regulatory Services).

10. Background Papers attached?

Yes, Asfordby Regulation 19 Decision Statement.

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 24 November 2023.</p> <p>[Legal Approval – 4 October 2023]</p>
<p>Finance</p>	<p>The Council can apply for the neighbourhood planning grant of £20k to support with the costs of delivery which will be submitted in the next claim window from government. The grant can be on the basis that it has reached referendum stage and a date set – which was held on 28 September 2023.</p> <p>[Finance Approval – 2 October 2023]</p>
<p>HR</p>	<p>There are no HR implications as a result of this decision</p> <p>[HR Approval – 24 October 2023]</p>
<p>13. Signature of Decision Maker with authority to sign (See Section 9):</p>	<p>Edd de Coverly Chief Executive</p>
<p>14. Consultation with:</p>	<p>Councillor Margaret Glancy Portfolio Holder for Governance, Environment and Regulatory Services</p>
<p>15. Date:</p>	<p>10th November 2023</p>