

BABERGH DISTRICT COUNCIL

URGENT ACTION - NO SPECIFIC POWERS

ACTION FOR WHICH CHIEF EXECUTIVE HAS DELEGATED POWERS SUBJECT TO CONSULTATION WITH CHAIRMAN OF THE DISTRICT COUNCIL

SERIAL NO: BDC0002

SUBJECT MATTER:

Formal adoption by Babergh District Council of the Elmsett Neighbourhood Plan following a majority 'yes' vote at the local referendum held on 7 November 2019.

Specifically:

1. That the Elmsett Neighbourhood Plan be formally 'made' (adopted) as part of the District Council's Development Plan and be used to help determine planning applications where relevant.
2. That a Decision Statement (see draft attached) be published with immediate effect.

MEETING TO WHICH MATTER RELATES:

Full Council. A report seeking formal adoption of this Neighbourhood Plan was due to be presented to Full Council on 10 December 2019. That meeting has been cancelled and an alternate date has yet to be set, but is unlikely to be before late January 2020.

REASON FOR ACTION BEING TAKEN OUT OF MEETING:

To enable Babergh District Council to meet its statutory obligation under Regulation 18A(1) of the Neighbourhood Planning (General) Regulations 2012 (as amended) by 'making' (adopting) the Elmsett Neighbourhood Plan within the prescribed eight week time limit (i.e. by no later than Friday 3 January 2020).

BACKGROUND:

1. On 12 September 2019, Babergh Cabinet resolved that the Elmsett Neighbourhood Plan should proceed to a local referendum. The local referendum was held on Thursday 7 November 2019.
2. The count took place on 7 November 2019 and more than 50% of those who voted were in favour of the Plan. The declared result was:

Response	Votes Cast	% of total
Yes	292	93.58%
No	20	6.40%
Other	0	-
<i>Total</i>	312	<i>(100%)</i>

Electorate: 656 Ballot Papers Issued: 312 Turnout: 47.56%

3. The relevant regulations require that, if the majority of those who vote in a referendum are in favour of the draft Plan, then that Plan must be made by the local planning authority within eight weeks of the referendum. In light of the declared result, no other option can be considered.
4. The District Council is only able to exercise further discretion at this point if it considers that this Plan would be in breach of any environmental legislation or any of the Convention Rights (within the meaning of the Human Rights Act, 1998). The Plan is not in breach of either pieces of legislation.
5. The report presented to Cabinet on 12 September 2019 confirmed that the Elmsett Neighbourhood Plan, as modified to incorporate the Examiner's Recommendations, complies with the 'Basic Conditions' as set out in Paragraph 8(2), Schedule 4B the Town and Country Planning Act, 1990. Accordingly the Elmsett Neighbourhood Plan should be duly made.

FINANCIAL IMPLICATIONS:

The Elmsett Neighbourhood Plan once 'made' (adopted) enables the Parish Council to receive 25% of any Community Infrastructure Levy receipts from development in its area.

ACTION AUTHORISED:

To 'make' (adopt) the Elmsett Neighbourhood Plan as part of the District Council's Development Plan and to instruct the appropriate officer to issue a decision statement to this effect within the prescribed time period.

DATE ACTION AUTHORISED:

I have been consulted on this matter details of which are given above and have no observations to make.

Signed: .....

Dated: .....

Chairman of Babergh District Council

I being the duly authorised officer authorise the taking of the action referred to above.

Signed: 
Chief Executive

Dated: 9th December 2019

Details reported to Council for noting.

- (NOTE: (i) This form to be completed and given to Committee Services for inclusion in the Register of Delegated Action and for reporting to the appropriate Committee. The signature of the Chief Executive should be obtained prior to the form being sent to Committee Services.
- (ii) If the Chairman is not available within a day to sign the form, please send it to Committee

Services who will then arrange the necessary signature.)

