

BABERGH DISTRICT COUNCIL

URGENT ACTION - NO SPECIFIC POWERS

ACTION FOR WHICH CHIEF EXECUTIVE HAS DELEGATED POWERS SUBJECT TO CONSULTATION WITH THE CABINET MEMBER FOR PLANNING

SERIAL NO: BDC - 0016

SUBJECT MATTER:

Formal adoption by Babergh District Council of the 'Assington Neighbourhood Plan 2018 – 2036' following a majority yes vote at the local referendum held on 24 February 2022.

Specifically:

1. That the Assington 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:

The change to operational procedures (effective from Sept. 2021) now means that neighbourhood plans with majority 'yes' votes at referendum can be 'made' (adopted) outside of a Full Council meeting, but that the decision must still be signed-off by the Chief Executive in consultation with the relevant Cabinet Member for Planning.

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 Assington Neighbourhood Plan within the prescribed time period.

BACKGROUND:

1. On 5 July 2021, Babergh Cabinet resolved that subject to modification, the Assington Neighbourhood Plan should proceed to a referendum. With those modifications having been satisfactorily completed, the referendum took place on 24 February 2022.
2. The count took place on 25 February 2022. The declared result was:

Response	Votes Cast	% of total
Yes	153	94.44%
No	9	5.56%
Other	0	-
Total	162	100%

Electorate: 422 Ballot Papers Issued: 162 Turnout: 38.39%

3. If the majority of those who vote in a referendum are in favour of the draft Plan, then that Plan must be 'made' (adopted) by the local planning authority within 8 weeks beginning with the day immediately following that on which the last applicable referendum was held. 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 EU obligations 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 5 July 2021 confirmed that the Assington 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 Plan should be duly made.

FINANCIAL IMPLICATIONS:

The Assington 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 Assington Neighbourhood Plan as part of the District Council's development plan and to issue a statement to this effect within the prescribed period.

DATE ACTION AUTHORISED:

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

Signed:.....Councillor Clive Arthey Dated: 2 March 2022

Cabinet Member for Planning, Babergh District Council

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

Signed:..Arthur Charvonja

Dated: 2 March 2022

Chief Executive

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 Cabinet Member for Planning is not available within a day to sign the form, please send it to Committee Services who will then arrange the necessary signature.)