

Tasburgh Neighbourhood Plan – Consideration of Examiner’s Report

Report Author(s): Richard Squires
Senior Community Planning Officer
(01603) 430637
richard.squires@southnorfolkandbroadland.gov.uk

Portfolio: External Affairs and Policy; Stronger Economy

Ward(s) Affected: Hempnall

Purpose of the Report:

South Norfolk Council has received the independent examiner’s report in relation to the Tasburgh Neighbourhood Plan. The examiner suggests several recommended modifications to the Neighbourhood Plan and concludes that, subject to these modifications, it should proceed to referendum. South Norfolk Council should now decide whether it is satisfied with these recommendations.

Recommendations:

1. Cabinet to approve each of the recommended modifications to the Tasburgh Neighbourhood Plan, as detailed within the examiner’s report, and publish a Decision Statement setting out the Council’s response and announcing the intention for the Neighbourhood Plan to proceed to a referendum.

1. Summary

- 1.1 South Norfolk Council has now received the report of the independent examiner appointed to inspect the submitted Tasburgh Neighbourhood Plan (see Appendix 1). In accordance with paragraph 12 of Schedule 4B of the Town & Country Planning Act 1990, South Norfolk Council should now decide on what action to take in respect of each of the examiner's recommendations.
- 1.2 The examiner has recommended fifteen modifications to the Neighbourhood Plan in order to ensure it meets the Basic Conditions of neighbourhood planning. On the basis that these modifications are made, the examiner is satisfied that the Plan should proceed to a referendum.

2. Background

- 2.1 The submitted Tasburgh Neighbourhood Plan (which can be viewed [here](#)) was approved by South Norfolk Council on 9th October 2023. This was followed by a statutory six week publication period in which the Plan and its supporting documents were made available for inspection and subject to representations from the public and stakeholder bodies. This was in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 2.2 During the six week publication period, which took place between 18th October and 29th November 2023, a total of twenty-nine representations were received from fourteen different organisations/individuals (click [here](#) for details of responses). These representations were submitted, along with the Neighbourhood Plan and supporting information, to the independent examiner, Mr Andrew Ashcroft, the appointment of whom was confirmed by South Norfolk Council in November 2023.
- 2.3 The examination was conducted via written representations during December 2023/January 2024 (the examiner deciding that a public hearing would not be required).

3. Current position/findings

- 3.1 The recommended modifications are set out in the examiner's report (see Appendix 1). It is worth noting that the report includes a subsequent addendum on page 2, which relates to a further recommended modification to Policy TAS9 within the Neighbourhood Plan.
- 3.2 For ease of reference, all of the examiner's recommendations and the proposed responses from South Norfolk Council are set out in the Decision Statement, comprising Appendix 3 to this report.
- 3.3 Each of the recommendations involves modifying the wording of policies/ supporting text within the Neighbourhood Plan, in order to bring the document in line with the Basic Conditions of neighbourhood planning, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

- 3.4 During the Regulation 16 publication stage, South Norfolk Council submitted eleven representations relating to different elements of the submitted Plan. These representations, the examiners recommendations relating to the respective elements of the Neighbourhood Plan, and some subsequent commentary from Council officers for the purposes of this report, are available to view within Appendix 2.
- 3.5 The examiner has made recommendations that address each of the Council's representations on Neighbourhood Plan policies.
- 3.6 Having reviewed the examiner's report, officers consider that the recommendations substantially address the concerns raised by the Council and are well reasoned. Therefore it is not considered that there is any clear need for the Council to take a different view to that of the examiner and officers are content with the recommended modifications.

4. Proposed action

- 4.1 It is proposed that South Norfolk Council approves each of the examiner's recommended modifications, as detailed in his report, and authorises the Neighbourhood Plan to proceed to a referendum within the neighbourhood area.
- 4.2 Following this decision, officers will publish the Council's Decision Statement on its website and notify Tasburgh Parish Council and those individuals and organisations which responded at the Regulation 16 publication stage.
- 4.3 This will fulfil South Norfolk Council's obligations in terms of paragraph 12 of Schedule 4B of the Town & Country Planning Act 1990.

5. Other options

- 5.1 South Norfolk Council could decide not to approve either one of the examiner's recommendations, should it wish, and make alternative proposals.
- 5.2 However, should the local planning authority propose to make a decision that differs from any of the examiner's recommendations (and the reason for the difference is wholly or partly as a result of new evidence or a new fact or a different view taken by the authorities about a particular fact) then the local authority:
- (a) is required to notify all those identified in the Neighbourhood Plan consultation statement about this position and invite representations over a six week period;
 - (b) may refer the issue to an independent examination if it is considered appropriate.
- 5.3 Officers do not consider that any of the examiner's recommended modifications would prevent the Neighbourhood Plan from meeting the Basic Conditions set out in paragraph 8 of Schedule 4B of the 1990 Act.

6. Issues and risks

- 6.1 **Resource Implications** – Officers will be required to publish the Decision Statement online and send a copy to the Parish Council and previous consultees.
- 6.2 The preparation for and holding of the local referendum will demand a significant amount of officer time, particularly from within the Electoral Services team and, to a lesser extent, the Place Shaping team. This will be met from the existing staff resource.
- 6.3 The Council is required to pay for the referendum and this will be met from within the existing budget. The average cost of a Neighbourhood Plan referendum is approximately £4,500. It is worth noting that, to date, the Council has been able to claim £20,000 from DLUHC for each Neighbourhood Plan that has been approved to proceed to a referendum. However, DLUHC has yet to confirm that funding will be available for 2024/25.
- 6.4 **Legal Implications** – The procedures highlighted within this report follow legislation set out in the Neighbourhood Planning (General) Regulations 2012 (as amended) and Schedule 4B of the Town & Country Planning Act 1990.
- 6.5 **Equality Implications** – An Equalities Impact Assessment has been completed on the submitted Neighbourhood Plan.
- 6.6 **Environmental Impact** – Habitats Regulation Assessment and Strategic Environmental Assessment Screening Reports have been produced for the Plan and agreed with the Environment Agency, Historic England and Natural England.
- 6.7 **Crime and Disorder** – The Plan is not likely to have any impacts on crime and disorder, nor is it likely to have any impacts on disadvantaged groups.
- 6.8 **Risks** – No other particular risks associated with the Neighbourhood Plan are identified.

7. Conclusion

- 7.1 In accordance with the conclusions of the independent examiner, it is proposed that Cabinet agrees to make the recommended modifications to the Tasburgh Neighbourhood Plan and to approve it for a referendum within the neighbourhood area.

8. Recommendations

- 8.1 Cabinet to approve each of the recommended modifications to the Tasburgh Neighbourhood Plan, as detailed within the examiner's report, and publish a Decision Statement setting out the Council's response and announcing the intention for the Neighbourhood Plan to proceed to a referendum.

Background papers

[Tasburgh Neighbourhood Plan – Submission Version](#)

[Tasburgh NP Regulation 16 Consultation Responses](#)

Appendix 1: Tasburgh Neighbourhood Plan Independent Examiner’s Report

Appendix 2: South Norfolk Council Reg. 16 representations and examiner responses

Appendix 3: Tasburgh Neighbourhood Plan – Proposed Decision Statement