

# **BROUGHTON & DALBY PARISH NEIGHBOURHOOD PLAN**

## **DECISION STATEMENT (PROCEEDING TO REFERENDUM)**

**Thursday 25<sup>th</sup> January, 2018**

**Planning Policy, Regulatory Services, Melton Borough Council**

### **1 INTRODUCTION**

- 1.1 Pursuant to the Melton Borough Council Constitution, the Melton Economic & Environmental Affairs Committee within whose remit the approval of Neighbourhood Planning falls is authorised to make decisions on Neighbourhood Plan proposals following the examination of a Neighbourhood Plan proposal in accordance with the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) and all other relevant legislation.

### **2 BACKGROUND**

- 2.1 Broughton & Dalby Parish received formal area designation for the purposes of preparing a NP the 23<sup>rd</sup> November, 2017. This area comprises of the whole of the Parish of Broughton & Dalby, inclusive of all three settlements, Nether Broughton, Queensway & Old Dalby.
- 2.2 Broughton & Dalby Parish Council – the ‘qualifying body’, submitted the draft Broughton & Dalby Neighbourhood Plan, along with supporting documents, to Melton Borough Council in July, 2017 for consultation, independent examination and the remaining stages of the draft Plan’s preparation in accordance with the Neighbourhood Planning (General) Regulations 2012. The Council conducted a ‘Regulation 16’ 6-week formal public consultation on the Plan, from the 20<sup>th</sup> July, 2017, until 30th August 2017.
- 2.3 Following this period, Melton Borough Council through NPIERS appointed an independent examiner, Mr John Slater, in September, 2017, to examine the Plan and consider whether it should proceed to referendum.
- 2.5 The examiners final report was issued to the LPA on the 15<sup>th</sup> December, 2017 and recommended that, subject to modifications, the Broughton & Dalby Neighbourhood Plan could proceed to referendum. Moreover it stated that the Neighbourhood Plan Area (Broughton & Dalby Parish) was an appropriate area in which to hold the referendum. On Monday the 8th September, it was brought to the authority’s attention that an administration mistake had been made meaning one of the regulation 16 responses had not been published for the Examiner, nor been subject to his consideration. This meant that, if unrectified, the plan would be vulnerable to judicial review as a legitimately

submitted response had not been considered during the Examination. Having liaised with the Examiner and the QB, officers arranged for the examination to be reopened so the representations could be taken into account. This process concluded on the 17<sup>th</sup> January, with an additional report to consider the previously missed representation.

- 2.6 Melton Borough Council's Melton Economic & Environmental Affairs Committee met at a special meeting on the 24<sup>th</sup> January, 2018 to decide whether or not to advance the plan, with regard for the examiners report and officers advice. Their decision was to unanimously approve the plan to go forward to referendum, including all of the recommendations made by the Examiner and that the referendum area is appropriate.

### **3 DECISION AND REASONS**

- 3.1 Having considered the examiner's recommendations and reasons for them, Melton Borough Council concurs with the examiner's view and have decided to make modifications to the draft Broughton & Dalby Neighbourhood Plan to ensure that it meets legal requirements including the Basic Conditions as set out in legislation.
- 3.2 The Council is satisfied that the Neighbourhood Plan, as modified, complies with the legal requirements and can proceed to referendum.
- 3.3 The Council also agrees with the examiner that the referendum area should reflect the extent of the parish of Broughton & Dalby.
- 3.4 Melton Borough Council will set a date for the Referendum in due course, however there is a statutory duty to hold this referendum in 56 working days from the date of this decision.