

REPORT TITLE	Wells-Next-The-Sea Neighbourhood Plan Making Report
Executive Summary	The purpose of this report is to formally “make” the Wells-Next-The-Sea Neighbourhood Plan as part of the statutory Development Plan for North Norfolk. The Plan was subject to independent examination and successful referendum on the 4th of July 2024. The Council has a legal duty to “make” the neighbourhood plan within 8 weeks of the day after the referendum (30 th August 2024) was held unless it considers that doing so would breach European Union Obligations.
Options considered.	<ol style="list-style-type: none"> 1. Bring the Referendum version of the Wells-Next-The-Sea Neighbourhood Plan into effect as soon as practical and within the 8-week time frame and by no later than 30th August 2024. This would mean that the neighbourhood plan forms part of the Council’s statutory Development Plan for North Norfolk and will be a material consideration in the determination of planning applications in the designated Wells-Next-The-Sea Neighbourhood Area. 2. To not bring the Neighbourhood Plan into effect. This would mean that the Neighbourhood Plan would not form part of the Development Plan for North Norfolk and would not become a material consideration in the determination of planning applications.
Consultation(s)	Earlier iterations of the Neighbourhood Plan have undergone public consultation under Regulation 14 and 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The submitted version of the neighbourhood plan has undergone independent examination and the final modified version was subject to a public referendum on 4 th July 2024 in accordance with Paragraph 12(4) of Schedule 4B to the Town and Country Planning Act 1990.
Recommendations	<ol style="list-style-type: none"> 1. In order to comply with the statutory timeframe, the Planning Policy & Built Heritage Working Party recommends to the Leader to make a delegated decision on behalf of Cabinet, that having been subject to successful local referendum; <ol style="list-style-type: none"> a. The Wells-Next-The-Sea Neighbourhood Plan be made (brought into force) as part of the statutory Development Plan for North Norfolk in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) as soon as practical and within the 8 week statutory time frame and no later than 30th August 2024; b. The issuing of the Decision Statement

	<p>required under Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in order to bring it to the attention of the qualifying body, and the people who live, work and or carry out business in the Neighbourhood Area, is delegated to the Director of Planning in conjunction with the Acting Planning Policy Manager.</p>
<p>Reasons for recommendations</p>	<p>All Neighbourhood Development Plans are required to gain a majority of those voting in favour (50% plus) at a local referendum in order to proceed and be considered for adoption by the Local Planning Authority. If the Plan receives a positive result, then the local planning authority has a legal duty to bring the plan into force within an eight-week period following the day after the referendum was held, unless it considers that doing so would breach European Union Obligations.</p> <p>The Referendum version of the Wells-Next-The-Sea Neighbourhood Development Plan is considered to meet the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and be compatible with EU obligations as incorporated into UK law and the Convention rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).</p>
<p>Background papers</p>	<p>Further supporting evidence, the referendum version of the Neighbourhood Plan, Design Guidance and Codes the examiners report and associate notices can be found at: www.north-norfolk.gov.uk/wellsnp</p>

<p>Wards affected</p>	<p>Wells-Next-The-Sea</p>
<p>Cabinet member(s)</p>	<p>Cllr Andrew Brown, Portfolio Holder for Planning & Enforcement</p>
<p>Contact Officer</p>	<p>Neighbourhood Plan lead: Iain Withington, Acting Planning Policy Manager iain.withington@north-norfolk.gov.uk</p>

<p>Links to key documents:</p>	
<p>Corporate Plan:</p>	<p>Developing our communities</p>

Medium Term Financial Strategy (MTFS)	N/A
Council Policies & Strategies	Adopted and emerging Local Plan

Corporate Governance:	
Is this a key decision	No
Has the public interest test been applied	No
Details of any previous decision(s) on this matter	N/A

1. Purpose of the report

- 1.1 **The purpose** of this report is to seek authority to bring into effect and “make” the Wells-Next-The-Sea Neighbourhood Plan, as part of the statutory Development Plan for North Norfolk in accordance with section 38A (4) of the Planning and Compulsory Purchase Act 2004. In doing so the Neighbourhood Plan will be a material consideration in the determination of planning applications in the identified Wells-Next-The-Sea Neighbourhood Area.

2. Introduction & Background

- 2.1 The provisions of the Localism Act 2011 introduced powers to allow local communities to prepare Neighbourhood Development Plans and to shape future development within their area. North Norfolk District Council positively supports communities to be involved in producing a Neighbourhood Development Plan and actively encourages community-led development. Wells-Next-The-Sea town council as the “qualifying body” have been preparing the neighbourhood plan since the application for the designation of the parish as a Neighbourhood Area was approved in February 2019. The Plan is the fifth town/parish Council to bring forward a successful Neighbourhood Plan in the District and to reach this formal ‘adoption’ stage.
- 2.2 Neighbourhood Plans should be bespoke and specific, addressing land use planning issues at a local level in support of and in general conformity with the strategic policies of the North Norfolk Local Plan. They should not promote less development than set out in the strategic policies for the area and should actively seek opportunities to allocate additional growth and provide more locally derived policy considerations based on appropriate evidence and general conformity with the strategic policies of the Council and wider development plan. The policies can help shape sustainable development by influencing local planning decisions as material considerations in the determination of an appropriate application.

- 2.3 All Neighbourhood Plans are required to be legally compliant and meet a set of requirements referred to as 'the basic conditions' under schedule 4B section 8 of the Town and Country Planning Act 1990 (as amended); these are that they:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - are in general conformity with the strategic policies contained in the development plans for the area (Local Plan /Core Strategy);
 - do not breach, and be otherwise compatible with EU obligations;
 - are not likely to have a significant effect on a European site either alone or in combination with other plans or projects.
- 2.4 An earlier version of the emerging neighbourhood plan underwent formal public and statutory consultation under regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in July-September 2022.
- 2.5 Following a further review and revision, the emerging draft neighbourhood plan was submitted to the Council for independent examination on 20th June 2023 and the submitted plan was published for consultation under regulation 16 between 2nd October and 13th November 2023.
- 2.6 The draft neighbourhood plan was subject to independent examination and a report issued by the independent examiner on 15th April 2024.
- 2.7 On 20th May 2024 the statutory Decision Statement was issued. The notice publicised the decision that the Council had considered the independent recommendations and the reasons for them, including any proposed modifications and that the Council agrees that, subject to the incorporation of the modifications set out in the report, and any necessary further consequential changes to the supporting text, the Neighbourhood Plan should proceed to public referendum.
- 2.8 The referendum version of the neighbourhood plan, supporting documentation, incorporating the Councils required modifications and the examiners report can be found at www.north-norfolk.gov.uk/wellsnp

3. Proposals and Options

- 3.1 All Neighbourhood Development Plans are required to gain a majority of those voting in favour (i.e. 50% plus on the day) at a local referendum in order to proceed and be considered for adoption by the Local Planning Authority. If the Plan receives a positive result, then under Paragraph 38A(4)(a)&(b) of the Planning and Compulsory Purchase Act 2004 (as amended) the Council has a legal duty to bring the plan into force as soon as reasonably practicable. The date prescribed for such purposes¹ is the last day of an eight-week period following the day after the referendum was held, unless the Council considers that doing so would breach European Union Obligations.
- 3.2 The specified question asked at referendum was "*Do you want North Norfolk District Council to use the Neighbourhood Plan for Wells-Next-The-Sea to*

¹ Section 18A(1) The Neighbourhood Planning (General) Regulations 2012 (as amended 2016)

help it decide planning applications in the Neighbourhood Area?”

- 3.3 **On 4th July 2024 a positive outcome was reached by the local community.** With 58% of the electorate voting, 819 votes supported the neighbourhood plan while 175 voted against. 82.4% of those that voted on the day were in favour of its use in the determination of relevant planning applications. The referendum was held in conjunction with the UK Parliamentary General Election.
- 3.4 In order to comply with regulations, once the Plan is “made” (i.e. brought into force) by the District Council a Decision Statement must be published on the District Council’s website. This Decision Statement must also be made available using other available means to demonstrate that the District Council has resolved to ‘make’ the Neighbourhood Plan. The Council must notify the relevant town/parish council of its decision and bring it to the attention of any other person or organisation who asked to be informed about the decision.
- 3.5 On adoption there is also the requirement to undertake minor consequential changes to the referendum version of the neighbourhood plan e.g. to update dates, document title and to undertake updates to the adopted Policies Map which accompanies the Development Plan. This Policies Map illustrates geographically the application of the policies in the adopted Development Plan for the District. The update of the Policies Map is to ensure compliance with paragraph 9 of the Local Planning Regulations 2012.
- 3.6 The Council must also publish a final copy of the made Neighbourhood Plan and make it available on the website and through other media.
- 3.7 **The Council maintains the option not** to make the Neighbourhood Plan under *38A(6) of the Planning and Compulsory Purchase Act 2004* (as amended), if it believes that the plan would be incompatible with any European Union obligations or Human Rights conventions.
- 3.8 The Wells-Next-The-Sea Neighbourhood Development Plan is considered to meet the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and be compatible with EU obligations as incorporated into UK law and the Convention rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).

4. Corporate Priorities

Neighbourhood plans, and the Council’s support in their production, assists the council in achieving its corporate priorities. In particular, the Neighbourhood Plan seeks to ensure the local community has influence in decisions on relevant planning applications and, supports the Council in its delivery of affordable housing and in addressing the wider housing needs of the parish.

5. Financial and Resource Implications

- 5.1 The Council’s support for neighbourhood planning is contained in the existing Local Plan Budget, supplemented by DLUHC (formally known as MHCLG) grant. There are no further financial implications within this report. The local planning authority is responsible for financing the independent examination and referendum for each neighbourhood plan. Should the NP not be “made” there is likely to be resource and minor financial implications.

6. Legal Implications

- 6.1 A failure to “make” the Neighbourhood Plan and within the decreed time limit would mean that the Council would be in breach of their legal duty.
- 6.2 Section 38A(1) of the Planning and Compulsory Purchase Act 2004 (as amended) (as enabled by Part 6, Chapter 3, Section 116 of the Localism Act 2011) grants local communities the right to set policies through a neighbourhood plan as part of the planning system for determining planning applications. It is not a legal requirement but a right which communities can choose to use. On adoption it forms part of the statutory development plan and sits alongside the Local Plan.
- 6.3 Under section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities have a legal duty to make a neighbourhood development plan following a positive referendum result. Under section 38A (6) of the Planning and Compulsory Purchase Act 2004 (as amended), the only exception to this is if the Council considers that it would be incompatible with any European Union obligations or Human Rights conventions.
- 6.4 The Policies Map illustrates geographically the application of the policies in the adopted development plan. The adoption of the Policies Map is to ensure compliance with Regulation 9 Town and Country (Local Planning) (England) Regulations 2012.
- 6.5 In accordance with the provisions of Regulation 19 of the Neighbourhood Planning (General) Regulations 2012, once the neighbourhood plan is formally made by the Council’s ‘Decision Statement’, setting out the decision to make the Plan and their reasons for it, it is required to be published on the Council’s website, and elsewhere if it’s considered necessary, to publicise such decision to those who live and work in the neighbourhood area.

7. Risks

- 7.1 A failure to “make” the Neighbourhood Plan and within the decreed time limit would mean that the Council would be in breach of their legal duty.

8. Net Zero Target

- 8.1 No assessment has been made against the council’s [Net Zero 2030 Strategy & Climate Action Plan](#).

9. Equality, Diversity & Inclusion

- 9.1 Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 There are no direct implications on equality within this report. The neighbourhood development plan has been subject to a requirement within the 'basic conditions' not to breach any EU obligations or any Human Right obligations. This was tested at the independent examination.

10. Community Safety issues

N/A

11. Conclusion and Recommendations

11.1 The Wells-Next-The-Sea Neighbourhood Plan has been prepared in accordance with the relevant legislative requirements, including public consultation, independent examination and local referendum. More than 50% of those voting in the referendum voted in favour of the plan and therefore the Council is formally required to make the plan.

11.2 Subject to cabinet approval or appropriate scheme of delegation to the leader in order to meet statutory deadlines it is recommended that the neighbourhood plan be made by resolution and the Decision Statement be issued within the statutory 8-week period and no later than 30th August 2024. Once made, the neighbourhood plan will become part of the statutory development plan. It will thereafter be an important material consideration in the determination of planning applications for development in the parish of Wells-Next-The-Sea.

2. In order to comply with the statutory timeframe, the Planning Policy & Built Heritage Working Party recommends to the Leader to make a delegated decision on behalf of Cabinet, that having been subject to successful local referendum;

- a. The Wells-Next-The-Sea Neighbourhood Plan be made (brought into force) as part of the statutory Development Plan for North Norfolk in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) as soon as practical and within the 8 week statutory time frame and no later than 30th August 2024;**
- b. The issuing of the Decision Statement required under Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in order to bring it to the attention of the qualifying body, and the people who live, work and or carry out business in the Neighbourhood Area, is delegated to the Director of Planning in conjunction with the Acting Planning Policy Manager.**

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