

Cabinet Meeting Resolution

Executive
Forward Plan
Reference

E2788

**Making Neighbourhood Plans: amendment to Council's
Neighbourhood Planning Protocol**

Date of Meeting	9-Sep-15
The Issue	<i>The Neighbourhood Planning Protocol needs to be amended with regard to the process of the Council making and bringing into force Neighbourhood Plans to make it clear that this is a Cabinet decision.</i>
The decision	<p>RESOLVED (unanimously) that the Cabinet APPROVED the amendments to My Neighbourhood: A Neighbourhood Planning Protocol for Bath & North East Somerset to:</p> <ol style="list-style-type: none"> 1) Clarify that the decision to make (bring into force) a Neighbourhood Plan once it has passed its referendum should be made by Cabinet; 2) Clarify the process of issuing a Decision Statement following Independent Examination; and 3) Delegate authority to the Divisional Director – Development to issue a Decision Statement once a Neighbourhood Plan has been made; and 4) Clarify the process of approving Neighbourhood Area applications for Parish & Town Councils, where the boundary of the proposed Neighbourhood Area is different to the Parish/Town Council boundary; and 5) Make minor factual alterations
Rationale for decision	It is recommended that changes to the NPP are made in order to clarify the decision making process in respect of designating a Neighbourhood Area, issuing a Decision Statement following Independent Examination; the making of a Neighbourhood Plan or Order, issuing a Decision Statement following a plan being made, as well as minor factual and typographical amendments
Other options considered	<p>No other options were considered given the conclusion that neighbourhood planning is an Executive power.</p> <p>CALL IN:</p> <p>The Stowey Sutton Neighbourhood Development Plan passed its referendum on 7th August 2015 and the Council has a legal duty to make the plan as soon as reasonably practicable after the referendum. This is the subject of a later report. The changes to the NPP with regard to the making of Neighbourhood Plans and issuing of a Decision Statement thereafter are required to take effect immediately so that the Council can comply with this statutory duty. It is therefore considered that this decision falls within the exceptions to call in contained in rule 5 of the Call in</p>

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Procedure Rules, namely, that the effect of call in would be to cause the Council to miss a statutory deadline.

For clarity, it is considered that the other recommended changes to the NPP in this report (designating a Neighbourhood Area, the issuing of decision statements following an Examiners Report and minor factual changes) do not fall within rule 5.

The Decision is not subject to Call-In