

Ref:

675/16

Please leave blank for completion by DS officers

Executive Decision Record

A1 Service Area:

Planning

A2 Title

Forwarding the Anglesey Neighbourhood Plan to Referendum

A3 Decision Taken By

Deputy Leader and Chief Officer

A4 Chief Officer

Please print name

Please sign

A5 Leader/Deputy Leader

Please print name

Please

A6 Date of Decision

~~May 2016~~ 2nd June 2016

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?

No

A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.

Paragraph []

A8 Which Scrutiny Committee should this decision be submitted to?

(please tick as appropriate)

Scrutiny (Promoting Local Economic Growth) Committee

Scrutiny (Value for Money Council Services) Committee

Scrutiny (Protecting and Strengthening Communities) Committee

B1 What is the Decision?

To agree and publish the attached decision statement, sending the Anglesey Neighbourhood plan to referendum on Thursday 21st July 2016.

B2 What are the reasons for the Decision?

The Anglesey Neighbourhood Plan (ANP) was subject to Regulation 16 (Publicity) consultation between 18th January and 29th February 2016. All representations made during this period were collated and passed directly to the Independent Examiner of the NDP, Dr Angus Kennedy. Dr Kennedy considered the representations and the submission documents when examining whether the NDP meets the basic conditions:

- Has appropriate regard to national policy
- Contributes to the achievement of sustainable development
- Is in general conformity with strategic policies in the development plan for the local area
- Is compatible with human rights requirements and
- Is compatible with European Union obligations

Under the terms of Neighbourhood Planning legislation the examiner is required to make one of three determinations:

- The Plan should go forward to referendum because it meets all the 'Basic Conditions'
- The Plan should proceed to Referendum if modified
- The Plan should not proceed to Referendum as it does not meet all the legal requirements

Dr Angus Kennedy considered the plan met the Basic Conditions subject to a number of modifications (listed in the accompanying decision statement). It is the responsibility of the Local Authority to consider each of the recommended modifications made by the examiner and decide whether they meet the basic conditions, and make the changes to the plan.

The attached decision statement goes through each modification in turn and includes the Council's response. The Council has accepted the majority of the modifications, as we consider they meet the basic conditions. There are a small number of *suggested* changes to the Basic Conditions statement and Consultation Statement, which are not part of the ANP but part of the submission documents. Accordingly those *suggested* changes to submission documents have not been made but as the Decision Statement is a public document the reasoning behind the suggestions and the Council's response will be in the public realm.

Therefore, in accordance with the Regulations, the Anglesey Neighbourhood Plan (as modified in the attached Decision Statement) will proceed to Referendum. The date of the Referendum is set for 21st July 2016.

B3 What are the contributions to Corporate Priorities?

Neighbourhood Plans will form part of the statutory development plan for the borough when 'made' and as such will form part of the planning framework used for decision making on planning applications made in the Neighbourhood Plan areas. It is therefore of relevance to the Corporate Plan priority of 'Protecting and Strengthening Communities – love where you live'.

The questions contained in this questionnaire are not to be altered in any way. If you have any queries regarding the contents of this document, please contact Andrea Davies Ext 1306 or refer to Part 3 Section 6 of the Constitution.

B4 What are the Human Rights considerations?

There are no Human Rights issues arising from this decision.

B5 What are the financial implications?

There are no financial issues arising from this decision. All Neighbourhood Planning expenses are paid for using DCLG Neighbourhood Planning grant funding.

Revenue	2015/16	2016/17	2017/18

Capital	2015/16	2016/17	2017/18

B6 Is the Decision wholly in accordance with the Council’s policy framework?

Yes

B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?

Yes/No (please delete as appropriate)

AND

B6.2 Has it got the appropriate approvals under those provisions?

Yes/No (please delete as appropriate)

B7 Is the Decision wholly in accordance with the Council’s budget?

Yes

B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?

Yes/No (please delete as appropriate)

AND

B7.2 Has it got the appropriate approvals under those provisions?

Yes/No (please delete as appropriate)

B8 What are the Equalities implications?

B8.1 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.

B8.2

B9 What are the Risk Assessment implications?

B9.1 Positive (Opportunities/Benefits):

B9.2 Negative (Threats):

B9.3 The risks do not need to be entered in the Risk Register.

B10 What are the Legal Considerations?

B10.1 ESBC has a legal obligation (via the 2004 Act and NP regulations) to take the decision to send a neighbourhood development Plan to Referendum if it considers that (as amended) it meets the basic conditions.

B11 What are the Sustainability implications?

B11.1 The Anglesey Neighbourhood Plan meets the Basic Conditions, one of which is 'contributing to the achievement of sustainable development'.

B11.2 Positive (Opportunities/Benefits):

B11.3 Negative (Threats):

B12 What are the Health & Safety implications?

B12.1 A Risk Assessment has not been carried out and entered into Harriet for all significant hazards and risks because there are no significant hazards or risks arising from this decision.

B12.2

B12.3

B12.3.1 Positive (Benefits)

B12.3.2 Negative (Threats)

B13. Is this a Key Decision?

No

Note A Key Executive Decision is one where:

- 1. REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000**
- 2. CAPITAL – Any capital project with a value in excess of £150,000**
- 3. A decision which significantly affects communities living or working in an area comprising two or more wards.**

B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would seriously prejudice the public interest?

Yes/No *(please delete as appropriate)*

B13.2 If Yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?

Yes/No *(please delete as appropriate)*

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to Andrea Davies, Democratic Services.