

# NON KEY DECISION: REPORT TO CABINET MEMBER

DECISION TO BE TAKEN BY: Councillor Michael King  
Cabinet Member for Economy and Development

REPORT AUTHOR: Sarah Watson  
Planning Policy Officer

REPORT NO. SEG54

DATE: 25 September 2017

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| <b>SUBJECT OF<br/>NON KEY<br/>DECISION:</b> | <b>Colsterworth and District Neighbourhood Plan –<br/>Correction of Minor Error</b> |
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| <b>CABINET<br/>MEMBER REMIT:</b>                            | Economy and Development  |  |
| <b>CRIME AND<br/>DISORDER<br/>IMPLICATIONS:</b>             | None   |  |
| <b>FREEDOM OF<br/>INFORMATION<br/>ACT<br/>IMPLICATIONS:</b> | This report is publicly available on the Council's website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a> via your Council and Democracy link  |  |
| <b>INITIAL EQUALITY<br/>IMPACT<br/>ASSESSMENT</b>           | <b>Carried out and appended<br/>to report?</b><br><br><b>Not Applicable</b>  | <b>Full impact assessment<br/>required?</b><br><br><b>Not Applicable</b> |
| <b>BACKGROUND<br/>PAPERS:</b>                               | The Localism Act 2011 ( <a href="http://www.legislation.gov.uk/ukpga/2011/20/contents">http://www.legislation.gov.uk/ukpga/2011/20/contents</a> )<br>The Neighbourhood Planning (General) Regulations 2012 ( <a href="http://www.legislation.gov.uk/uksi/2012/637/contents/made">http://www.legislation.gov.uk/uksi/2012/637/contents/made</a> )<br>Colsterworth and District Neighbourhood Plan and background documents which can be found at ( <a href="http://www.southkesteven.gov.uk/colsterworthanddistrictplan">www.southkesteven.gov.uk/colsterworthanddistrictplan</a> )<br>Notice of result of Poll for referendum 3 August 2017 – Colsterworth and District<br><a href="http://www.southkesteven.gov.uk/index.aspx?articleid=12476">http://www.southkesteven.gov.uk/index.aspx?articleid=12476</a> |  |

**(1) PURPOSE OF REPORT**

- 1.1 To consider whether a minor amendment to the Colsterworth and District Neighbourhood Plan should be made, following its adoption on 5 September 2017.

**(2) RECOMMENDATION(S)**

- 2.1 That the modification to the Colsterworth and District Neighbourhood Plan is made.

**(3) REASONS FOR RECOMMENDATION(S)  
(including any alternative options considered and rejected)**

- 3.1 The Colsterworth and District Neighbourhood Plan became part of the Development Plan for South Kesteven on 5 September 2017, following a successful examination and Referendum.
- 3.2 Following this, the Parish Council raised concern that there was a “typo” on the front cover – one of the pictures was incorrectly labelled “North”, rather than “North Witham”.
- 3.3 Whilst the document has been formally made part of the Development Plan, the Town and Country Planning Act does permit minor changes to be made (under Section 61M(4)), which states:  
“A local planning authority may at any time by order modify a neighbourhood development order that they have made for the purpose of correcting errors.”
- 3.4 The typo identified by the Parish Council is an error and can therefore be corrected in accordance with the legislation.

**(4) COMMENTS FROM FINANCIAL SERVICES**

- 4.1 The costs can be met from the Central Government New Burdens grant which is earmarked for use such as supporting new Neighbourhood Planning.

**(5) COMMENTS FROM LEGAL AND DEMOCRATIC SERVICES**

- 5.1 A local planning authority must, by virtue of section 38A (4) (a) of the Planning and Compulsory Purchase Act 2004, make a neighbourhood development plan to which the proposal relates if in each applicable referendum more than half of those voting have voted in favour of the plan unless, the authority consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligations or any of the Convention rights within the meaning of the Human Rights Act. There is no apparent incompatibility with EU or any other Convention rights.

- 5.2 It is possible to correct minor errors under section 61M (4) of the Town and Country Planning Act 1990, which states:

“A local planning authority may at any time by order modify a neighbourhood development order that they have made for the purpose of correcting errors.”

**(6) OFFICER CONTACT**

Roger Ranson  
Business Manager Spatial and Economic Growth  
01476 406438

**(7) DATE DECISION EFFECTIVE:**

**If decision taken on 2<sup>nd</sup> October 2017 date effective will be 11<sup>th</sup> October 2017**