



East
Northamptonshire
Council

Cedar Drive THRAPSTON Northamptonshire NN14 4LZ
Telephone 01832 742010
Email: planningpolicy@east-northamptonshire.gov.uk
www.east-northamptonshire.gov.uk

By email:

Nigel Searle (Clerk, Brigstock Parish Council): [REDACTED]

Colin Wilkinson (Planit-X): [REDACTED]

Please ask for Michael Burton	Tel 01832 742221	Our Ref. MB/BNDP-Reg15	Your Ref.	Date: 21 March 2018
---	----------------------------	----------------------------------	------------------	-------------------------------

Dear Nigel and Colin

Draft Neighbourhood Development Plan for Brigstock (Brigstock Neighbourhood Development Plan 2011-2031), submitted 5 March 2018: Legal Check under Schedule 4B of the Town and Country Planning Act 1990

I write to you on behalf of East Northamptonshire Council (ENC) to confirm our receipt of the submission version of your draft neighbourhood development plan (the Brigstock Neighbourhood Development Plan, for the period 2011-2031), along with accompanying supporting documentation. Firstly, I would like to wholeheartedly congratulate your neighbourhood planning group on successfully reaching the submission stage in the neighbourhood planning process.

As you may be aware, under Paragraphs 5 and 6 of Schedule 4B of the Town and Country Planning Act (TCPA) 1990 there is now a requirement for ENC, as the local planning authority, to undertake a check of the compliance of the plan along with its process to date. The relevant legal tests are set out in the 1990 TCPA and relevant sections of the Planning and Compulsory Purchase Act (PCPA) 2004. It is then an obligation of the local planning authority to issue a written statement clarifying the compliance (or otherwise) of the plan. Accordingly, this letter comprises the formal view of ENC and recommends whether it should be submitted for independent examination.

At this stage it is not a duty of the local planning authority to consider the plan proposal against the 'basic conditions' tests set out under Paragraph 8(2) of the TCPA 1990 (this is the role of the independent examiner). Nevertheless, for the purposes of added surety and as a result of the Council's close working with the Parish Council and Neighbourhood Planning Group throughout the plan making process, I can confirm that ENC is comfortable that the draft Neighbourhood Plan is in general conformity with relevant national and local strategic policy as well as relevant EU obligations. To assist the process, I have also briefly prepared an initial check (attached as an annex to this letter), highlighting instances where, in my professional opinion, there is a possibility that the draft Plan could be challenged with reference to the Basic Conditions.

I note that your submissions include the Basic Conditions Statement, which provides your detailed consideration of the plan submission against the requirements of the TCPA 1990 and the PCPA 2004. In a similar manner, I am pleased to confirm the following on behalf of ENC:

- The plan **DOES** accord with all relevant provisions of the PCPA 2004 in that it: specifies a plan period; does not include any provision for excluded development; and does not relate to more than one neighbourhood area;
- The plan **DOES NOT** comprise a 'repeat proposal' as defined under Paragraph 5 of the TCPA 1990;
- The plan **HAS** been prepared by a qualifying body (Brigstock Parish Council) who are authorised to deliver a neighbourhood plan;

Council for the District of East Northamptonshire

- The submission **DOES** comprise the relevant documentation required under Paragraph 1 of Schedule 4B of the TCPA 1990 and as prescribed by Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ('the Regulations');
- The statutory consultation undertaken to date **DOES** comply with the requirements and regulations set out under Paragraph 4 of the TCPA 1990 and as prescribed by Regulation 14 of the Regulations; and
- The plan **DOES** comply with all other provisions under section 61E(2), 61J and 61L of the TCPA 1990.

The Brigstock Neighbourhood Development Plan will now be publicised under Regulation 16 of the 2012 Neighbourhood Planning (General) Regulations, as amended. Following this, the plan will be made available for independent examination.

ENC is now required to publicise the Neighbourhood Plan along with details of how to make representations to it on its website for a minimum of 6 weeks. In accordance with Regulation 16, consultation will take place from **Friday, 6 April – Monday, 21 May 2018** inclusive (6 weeks).

Alongside this the Council can assist in publicising and consulting on the plan to ensure the regulations and the Council's Statement of Community Involvement are properly met. As already discussed, we have now arranged for the appointment of an independent examiner for the Brigstock Neighbourhood Plan, who will start the examination in **June 2018**; soon after the end of the Regulation 16 consultation.

Finally, on behalf of ENC this letter represents the Council's formal view that the draft Brigstock Neighbourhood Plan 2011-2031, as submitted, complies with all of the relevant statutory requirements. Please do not hesitate to contact me if you have any further queries regarding the neighbourhood planning process from hereon.

Yours sincerely

Michael Burton
Principal Planning Policy Officer



East Northamptonshire Council

Brigstock Neighbourhood Development Plan 2011-2031 – submitted 5 March 2018 (Regulation 15, Neighbourhood Planning (General) Regulations 2012, as amended)

Initial review of the submission version Neighbourhood Plan, to accompany Legal Check under Schedule 4B of the Town and Country Planning Act 1990

Paragraph/ Policy number in Plan	ENC comments
Policy B3	<p>North of Stanion Road</p> <p>Policy contains detailed development criteria for the site specific allocation. Arguably these requirements could, in the way that they are phrased, be regarded as insufficiently flexible.</p>
Policy B5 (2 nd sentence)	<p>Affordable Housing</p> <p>The statement – “<i>On windfall housing developments of 11 dwellings or more, the minimum affordable housing provision is 40%</i>” – is not considered to fully conform to the requirements of the Local Plan (North Northamptonshire Joint Core Strategy 2011-2031, Policy 30).</p> <p>Instead, it would be more appropriate to cross refer to the Local Plan Affordable Housing requirements; i.e. “<i>The Local Plan requires that, subject to development viability, new housing development of 11 dwellings or more should provide 40% of the dwellings to be affordable</i>”.</p>

21 March 2018

Michael Burton

Principal Planning Policy Officer

East Northamptonshire Council