



Cedar Drive THRAPSTON Northamptonshire NN14 4LZ  
Telephone 01832 742010  
Email: [planningpolicy@east-northamptonshire.gov.uk](mailto:planningpolicy@east-northamptonshire.gov.uk)  
[www.east-northamptonshire.gov.uk](http://www.east-northamptonshire.gov.uk)

**Kings Cliffe Parish Council**

**C/O Email**

---

<b>Please ask for</b> Wayne Cattell	<b>Tel</b> 01832 742104	<b>Our Ref.</b> KCNDP-Reg15	<b>Your Ref.</b>	<b>Date:</b> 27 March 2019
--	----------------------------	--------------------------------	------------------	-------------------------------

Dear ~~XXXXXX~~

**Draft Neighbourhood Development Plan for King's Cliffe (King's Cliffe Neighbourhood Development Plan 2018-2031), submitted 19 March 2019: 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 King's Cliffe Neighbourhood Development Plan, for the period 2018-2031), 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;

---

**Council for the District of East Northamptonshire**

- The plan **HAS** been prepared by a qualifying body (King's Cliffe Parish Council) who are authorised to deliver a neighbourhood plan;
- 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 King's Cliffe 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, we aim that the consultation will take place from **Thursday 18<sup>th</sup> April – Monday, 3<sup>rd</sup> June 2019 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. We will now arrange for the appointment of an independent examiner for the King's Cliffe Neighbourhood Plan, with the aim that they will start the examination 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 King's Cliffe Neighbourhood Plan 2018-2031, 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



Wayne Cattell  
Principal Planning Policy Officer



## **East Northamptonshire Council**

### **Kings Cliffe 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**

<b>Paragraph/ Policy number in Plan</b>	<b>ENC comments</b>
Paragraph 7.5	Further to previous comments at the Regulation 14 Consultation Draft Stage, it must be recognised that the Local Plan (JCS Policy 30) 40% standard always applies subject to development viability.
Policy H1	As advised previously at the Regulation 14 Consultation Draft Stage , references to character, residential amenity and infrastructure capacity are too broad brush – the 2 <sup>nd</sup> sentence is not sufficiently positively worded and these criteria offer little/ not additional direction over and above the JCS Place Shaping criteria (Policy 8).
Policy SH1 Policy Explanation and justification supporting text	Previous comments at the Regulation 14 Consultation Draft Stage on this not quite addressed. It is noted you have referred to JCS Policy 9 in relation to water consumption. However, a broader reference is needed to JCS Policy 9 which sets out sustainable building design standards.

27 March 2018

Wayne Cattell

Principal Planning Policy Officer

East Northamptonshire Council

