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By email:

Steve Cheeseman (WNPPG): [REDACTED]

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Sarah Rodger (Clerk, Warmington Parish Council): [REDACTED]

Please ask for
Michael Burton

Tel
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Our Ref.
MB/WNDP-Reg15

Your Ref.

Date:
22 May 2019

Dear Steve, Nigel and Sarah

Draft Warmington Neighbourhood Plan, submitted 14 May 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 Warmington Neighbourhood Plan, for the period 2011-2031), along with accompanying supporting documentation. Firstly, I would like to wholeheartedly congratulate the Warmington Neighbourhood Plan Planning Group (WNPPG) 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 WNPPG 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 (Warmington 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 Warmington Neighbourhood 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, 14 June – Monday, 29 July 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. Alongside the Regulation 16 consultation we will begin the process for the appointment of an independent examiner for the Warmington Neighbourhood Plan, who will start the examination during **August 2019**; 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 Warmington Neighbourhood Plan, as submitted and covering the remainder of the current Local Plan period to 2031, 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

Warmington Neighbourhood Plan – submitted 14 May 2019 (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 W1	<p>Community Engagement in Planning Previous comments regarding Policy W1 are reiterated; that this represents a community aspiration rather than a development plan (Neighbourhood Plan) policy. It should be remembered that the Plan will be examined independently, so the Examiner may be satisfied that the W1 could be retained, if he/ she concludes that it does not breach the “basic conditions”, the tests that the Neighbourhood Plan will need to meet. Alternatively, the Examiner may decide that W1 is not appropriate as a Neighbourhood Plan policy and instead unilaterally modify the Plan, to re-designate W1 as a Community Aspiration.</p>
Map 4	<p>Possible Housing Development Sites It may be helpful to reinstate the green lines, from the previous draft (26 April) version of the Plan (Map 3), in order to provide additional clarification in identifying where the current Local Plan (RNOTP) settlement boundary is proposed to be modified.</p>
Policy W3	<p>Site Allocation for Future Housing Development The 1st sentence, with reference to RNOTP Policy WAR1, is supporting/ descriptive text (rather than actual policy) and should be removed from Policy W3. This amendment is considered necessary because Policy W3 would replace RNOTP Policy WAR1 once the Neighbourhood Plan is ‘made’.</p>

Paragraph/ Policy number in Plan	ENC comments
Map 6	<p>Local Green Spaces</p> <p>Map 6 (site 17) relates to a domestic property with a large curtilage. This property, 3 Spinney Close, has been subject to a recent Lawful Development Certificate case (reference 19/00468/LDP; granted 13 May 2019).</p> <p>As previously stated, if you are seeking to include 3 Spinney Close and its curtilage within the Local Green Space (LGS) designation it will be necessary to publish your assessments as part of the Neighbourhood Plan evidence base. The Examiner will consider all such site proposals closely. It is possible that the Examiner could delete some proposed LGS sites if he/ she is not satisfied that these fulfil the national criteria (NPPF paragraph 100).</p> <p>In the case of 3 Spinney Close, the proposed LGS designation includes the residential property itself and outbuildings within the domestic curtilage. These have recently been passed as lawful development, so there is some probability that the site would not be regarded as meeting the required standards (NPPF paragraph 100 criteria).</p>

22 May 2019

Michael Burton

Principal Planning Policy Officer

East Northamptonshire Council