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	Our ref:	Reg 15/AD
	Date:	29 April 2021

Dear [REDACTED]

**Draft Neighbourhood Development Plan for Hargrave (Hargrave Neighbourhood Development Plan 2011-2031), submitted 23 April 2021:**

**Legal Check under Schedule 4B of the Town and Country Planning Act 1990**

I write to you on behalf of North Northamptonshire Council (NNC) to confirm our receipt of the submission version of your draft neighbourhood development plan (the Hargrave 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 NNC 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 North Northants 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 NNC is comfortable that the draft Neighbourhood Plan is in general conformity with relevant national and local strategic policy as well as relevant retained EU obligations. To assist the process, I have also briefly prepared an initial check (attached as an annex to this letter), highlighting a small number of potential issues or minor amendments that would need to be considered through the Plan examination. However, this initial check has not revealed any specific instances where, in my professional opinion, there is a significant 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 North Northamptonshire Council:

- 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 (Hargrave 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 Hargrave 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.

NNC 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 over the 6 weeks (dates yet to be agreed).

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 Hargrave Neighbourhood Plan, who will be appointed and undertake the examination after the end of the Regulation 16 consultation.

Finally, on behalf of NNC this letter represents the Council's formal view that the draft Hargrave Neighbourhood Plan 2011-2031, as submitted, complies with all 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



Planning Policy Officer

## North Northamptonshire Council

### Hargrave Neighbourhood Development Plan 2011-2031 – submitted 23 April 2021: (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	NNC comments
	The following factual corrections have been identified:
Paragraphs 1.8 and 4.0.5	ENC submitted the Local Plan for examination in Mach 2021 ( <i>updated information</i> )
Paragraph 4.3.1	Typo: “preferrable” – should be <b>preferable</b>
Plan policies	No specific amendments to individual policies are identified at this stage.
HNDP2 & HNDP3	It is noted that reference to “roadside infill” have been added to the Glossary. It is also considered that it would be helpful to include additional explanation/ definition for “roadside infill” in the supporting text for HNDP2 & HNDP3 to improve the readability of the document.
HNDP3	It is noted that site 3.1 (north of Church Street) has been deleted as a housing land allocation, in response to a number of representations and instead designated as Local Green Space.  It is noted that there is a clear explanation, rationale and justification for this in the Consultation Statement. However, this change does represent a significant amendment to the Plan which has not been subject to formal consultation. There is possible scope for this to be challenged on procedural grounds, as happened in the case of the Oundle Neighbourhood Plan at Regulation 16 consultation stage (July/ August 2019).
Glossary	DPD – replace reference to Stratford-on-Avon with local reference: North Northamptonshire is more relevant as an example

29 April 2021

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Planning Policy Officer

North Northamptonshire Council