



Planning Policy Committee 23 April 2018

Neighbourhood Planning – Update report

Purpose of report

To inform Members as to the status of submitted Neighbourhood Plans for Rushden, Glapthorn and Brigstock. It will also provide information as to those Neighbourhood Plans that are anticipated to be published for consultation in 2018.

Attachment(s)

Appendix 1: Brigstock Neighbourhood Development Plan 2011-2031, submitted 5 March 2018: Legal Check under Schedule 4B of the Town and Country Planning Act 1990

1.0 Background

1.1 Since the 2011 Localism Act and Neighbourhood Planning (General) Regulations 2012 (as amended) were implemented a significant number of Town/ Parish Councils across the District have taken up the opportunity to provide Neighbourhood Plans. To date 17 Neighbourhood Areas have been designated across the District. Of these, four Neighbourhood Plans (Chelveston cum Caldecott, Higham Ferrers, Raunds and Stanwick) have now been “made” (adopted) and now form part of the statutory development plan for the District.

1.2 Late in 2017, a further two Neighbourhood Plans were submitted to East Northamptonshire Council for independent examination:

- Rushden Neighbourhood Plan – submitted 26 October 2017 and currently under examination, with publication of the final Examiner’s report anticipated imminently and the referendum scheduled to take place on 24 May 2018;
- Glapthorn Neighbourhood Plan 2016-2031 – submitted 14 December 2017 and currently under examination, with publication of the final Examiner’s report anticipated imminently and a possible referendum set for 5 July 2018.

1.3 In addition to the above the Brigstock Neighbourhood Development Plan 2011-2031, was submitted for independent examination on 5 March 2018. It is anticipated that the King’s Cliffe Neighbourhood Plan will be submitted in the near future, while other Plans (e.g. Barrowden and Wakerley) are likely to come forward during 2018.

1.4 This report focuses upon providing summary feedback from the Regulation 16 consultation for the Glapthorn Neighbourhood Plan, which concluded on 26 February. It will also consider the recently submitted Neighbourhood Plan for Brigstock and provide the latest information about Neighbourhood Plans that are likely come forward during 2018.

2.0 Regulation 16 consultation – Glapthorn Neighbourhood Plan submission version

2.1 On 14 December 2017, Glapthorn Parish Council formally submitted the Glapthorn Neighbourhood Plan to this Council for examination. Alongside the draft Neighbourhood Plan itself, the Parish Council also submitted a suite of other documents, in accordance with Regulation 15. These include the Basic Conditions Statement and Consultation Statement (incorporating Equalities Impact Assessment (EIA), Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) screening opinions). On 15 December, East Northamptonshire

Council wrote to the Parish Council to confirm that the submission documents fulfil the relevant statutory requirements.

- 2.3 Submission of the draft Neighbourhood Plan required the Local Planning Authority to:
- Carry out a 6 weeks consultation under Regulation 16, on behalf of Glapthorn Parish Council; then
 - Appoint an independent Examiner, to assess the draft Neighbourhood Plan against the five “basic conditions”.
- 2.4 The Regulation 16 consultation took place from 12 January – 26 February 2018, inclusive. Responses from 10 parties were received¹.
- 2.5 **Representations from statutory consultation bodies**
6 representations were received, from the following statutory consultation bodies:
- Anglian Water;
 - Environment Agency;
 - Historic England;
 - National Grid;
 - Natural England; and
 - Northamptonshire County Council Development Management (DM).
- 2.6 Representations from statutory consultees raised the following issues/ possible concerns regarding the submission Plan:
- Proposed amendments to development management Policy 3(4), to ensure protection, improvement and flood risk management for Glapthorn Brook (Main River), in accordance with Joint Core Strategy (Local Plan) Policy 5 (Water Environment, Resources and Flood Risk Management) – Anglian Water and Environment Agency;
 - Northamptonshire County Council (NCC) responded, based on the County Council’s adopted Planning Obligations Framework and Guidance Document “Creating Sustainable Communities – Jan 2015”; with reference to the requirements for section 106 planning contributions for education, fire and rescue, road safety, libraries and broadband – NCC Development Management.
- 2.7 The responses from Historic England, the National Grid and Natural England made no objections to the submission Plan. However, these did ask to be kept informed about future Neighbourhood Plans.
- 2.8 **Representations from other consultees**
4 representations were received from the following landowners and/ or their representatives:
- Pro-Vision (for Living Land);
 - Francis Jackson (for Bewick);
 - Ryan Baxter;
 - WW Planning (for Brown).
- 2.9 Pro-Vision has submitted objections on behalf of Living Land, arguing that the plan contains policies and statements which restrict housing development on a site which is recognised by the District as being suitable for development (land east of Cotterstock Road/ north of St Peter’s Road, Oundle). Pro-Vision argues that this contains policies and statements which attempt to stifle the sustainable development of this site, contrary to the longer-term strategy of the adopted development plan and taking no account of Oundle’s status as a Market Town (JCS Policy 11).

¹ https://www.east-northamptonshire.gov.uk/downloads/download/4613/glapthorn_regulation_16_consultation_responses

- 2.10 Paul Johnson (Francis Jackson, on behalf of Mr Bewick) supports the inclusion of site B15, but also argues for the allocation of site B4 (land south of Main Street) as an additional deliverable site if other sites do not deliver the level of housing envisaged during the plan period (to 2031).
- 2.11 Baxter (landowner) and WW Planning (on behalf of Brown), have made site specific objections; to the proposed Local Green Space designation and settlement boundary respectively. Baxter argues that the proposed Local Green Space does not meet the national criteria (NPPF paragraphs 76-78), and that the criteria have been inconsistently applied in defining the extent of the area. WW Planning argues that the settlement boundary to the south of the village has been inconsistently and too tightly drawn with an imaginary and wholly arbitrary line about half way along the gardens of houses at the central-southern area of the village.
- 2.12 The independent examination for the Glapthorn Neighbourhood Plan commenced in early-March 2018. The Examiner is now assessing the Plan, its supporting documents and the Regulation 16 representations.

3.0 Brigstock Neighbourhood Development Plan 2011-2031 – Plan submission (“Regulation 15”), March 2018

- 3.1 On 5 March 2018, Brigstock Parish Council formally submitted the Brigstock Neighbourhood Development Plan to this Council for examination. Alongside the draft Neighbourhood Plan itself, the Parish Council also submitted a suite of other documents, in accordance with Regulation 15. These include the Basic Conditions Statement and Consultation Statement.
- 3.2 Officers reviewed the set of submission documents. In response, on 21 March 2018 the Council wrote to the Parish Council to confirm that it was satisfied that the submission draft version of the Neighbourhood Plan and associated documentation fulfilled all of the relevant statutory requirements (**Appendix 1**). Following recent discussions with Examiners for the Rushden and Glapthorn Neighbourhood Plans, Appendix 1 also incorporates an initial officer review of the submission version Neighbourhood Plan, accompanying the Regulation 15 Legal Check.
- 3.3 The Regulation 16 consultation is currently underway. This started on 6 April 2018. The closing date for representations is Monday, 21 May 2018 (4pm). An Examiner has been appointed for the Neighbourhood Plan and he will commence his examination in June 2018. Officers will review the Regulation 16 consultation feedback, with a view to reporting this to the next Planning Policy Committee meeting.

4.0 Rushden, Glapthorn and Brigstock Neighbourhood Plans – the next stages

- 4.1 Feedback from the Rushden Neighbourhood Plan Regulation 16 consultation was reported to the previous Planning Policy Committee (19 February 2018). The finalised Examiner’s report is due to be published imminently, which should then enable the Town Council to sign off the referendum version of the Neighbourhood Plan; allowing for the Plan to go the referendum. Rushden Neighbourhood Plan policies will receive significant weight in determining planning applications.
- 4.2 The Neighbourhood Plan for Glapthorn has also reached an advanced milestone in the process. At this advanced stage the plan policies will receive some weight when determining relevant planning applications within the parish. This weight would be heightened where the Neighbourhood Plan complements and supports current policies within the adopted North Northamptonshire Joint Core Strategy 2011-2031 (Local Plan Part 1). The Glapthorn Neighbourhood Plan Examiner’s report is due to be published by May.
- 4.3 The examination for the Brigstock Neighbourhood Plan is due to start in June 2018. The Examiner will assess the representations received during the Regulation 16

consultations in carrying out the independent examination of the Plan Neighbourhood Plan examinations are normally undertaken through written representations; however, where appropriate the Examiner may decide to hold hearing sessions.

- 4.4 For each Neighbourhood Plan the Examiner will publish his report. Those for Rushden and Glapthorn are likely to be available by the committee date (23 April). If a Plan is deemed to have fulfilled the basic conditions (normally, in practice, incorporating modifications that the Examiner deems necessary), then it would proceed to a local referendum. The Rushden and Glapthorn Neighbourhood Plan referenda are scheduled to take place on 24 May and 5 July 2018 respectively; that for the Brigstock Neighbourhood Plan is likely to take place during Autumn 2018.

5.0 Other emerging Neighbourhood Plans

- 5.1 Further Neighbourhood Plans are expected to come forward for consultation and (potentially) submission during 2018. Ongoing discussions between qualifying bodies (Town/ Parish Councils)/ Neighbourhood Planning Groups and officers have revealed good progress for several other Neighbourhood Plans. The King's Cliffe Neighbourhood Plan, which was published for Regulation 14 consultation in July 2017, is likely to be submitted for examination in the near future. In addition Oundle has very recently been published for Regulation 14 consultation.
- 5.2 Furthermore, the 1st draft (Regulation 14 version) Barrowden and Wakerley Neighbourhood Plan is to be published by Barrowden Parish Council for consultation from 14 April – 26 May 2018, inclusive. Preparation has been led by Barrowden Parish Council (Qualifying Body) on behalf of Wakerley Parish Meeting. It is intended an officer response to the draft Plan (which will also be shared with Rutland County Council), will be prepared.
- 5.3 Further details about progress with other Neighbourhood Plans may be obtained from the Council's Neighbourhood Planning web page (<https://www.east-northamptonshire.gov.uk/neighbourhoodplanning>) and/ or individual Town/ Parish Council Neighbourhood Plan pages.

6.0 Equality and Diversity Implications

- 6.1 There are no equality and diversity implications arising from this report. Neighbourhood Plans must be supported by Equalities Impact Assessments, which should ensure compliance with the relevant equalities and Human Rights legislation.

7.0 Legal Implications

- 7.1 Each Neighbourhood Plan has been/ is being prepared in accordance with the Neighbourhood Planning (General) Regulations 2012, as amended. The forthcoming referenda for the Rushden and Glapthorn Neighbourhood Plans will be carried out in accordance with the requirements of the Neighbourhood Planning (Referendums) Regulations 2012, as amended. Given that this report is provided for information only however, there are therefore no legal implications arising from it.

8.0 Risk Management

- 8.1 There are no significant risks arising from this report.

9.0 Resource and Financial Implications

- 9.1 The Government (Housing, Communities and Local Government) provides £20,000 to the local planning authority for each Neighbourhood Plan to cover the cost of each referendum, upon successful completion of the neighbourhood planning examination. Payments of £20,000 are due from the Ministry of Housing, Communities and Local Government to cover the costs of each referendum. Payments of £20,000 per

referendum were due to the Council during the 2017/18 financial year, to cover the costs of the Chelveston cum Caldecott, Stanwick and Raunds Neighbourhood Plan referenda. Two further payments of £20,000 each will be due during the 2018/19 financial year, to cover the costs of the Rushden and Glapthorn referenda respectively.

10.0 Constitutional Implications

10.1 Day to day matters of Planning Policy, including providing proactive guidance and/ or comments by East Northamptonshire Council regarding emerging Neighbourhood Plans, have already been delegated to the Planning Policy Committee. As such, there are no constitutional implications arising from the proposals.

11.0 Customer Service Implications

11.1 There are no customer service implications arising from this report.

12.0 Corporate Outcomes

12.1 The relevant Corporate Outcomes are:

- Good Quality of Life – delivery of delivery of regeneration, economic development, sustainable development and strong communities
- Effective Partnership Working – effective joint working with Neighbourhood Planning bodies
- Effective Management – providing the necessary support to ensure that Neighbourhood Plans are legally compliant

13.0 Recommendation

13.1 This report is presented to Members for information. The Committee is therefore recommended to:

- (1) Note the current stage in preparation of the Glapthorn Neighbourhood Plan 2016-2031 and the summary of Regulation 16 consultation representations at section 2.0 (above);
- (2) Note the current stage in preparation of the Brigstock Neighbourhood Development Plan 2011-2031; and
- (3) Note the progress of other Neighbourhood Plans that are anticipated to come forward during 2018.

(Reason – to support the forthcoming Glapthorn and Brigstock Neighbourhood Plans through examination)

Legal	Power: Town and Country Planning Act 1990 (Amended by the Localism Act 2011) Neighbourhood Planning (General) Regulations 2012 (as amended) Neighbourhood Planning (Prescribed Dates) Regulations 2012 Neighbourhood Planning (Referendums) Regulations 2012 (as amended) Conservation of Habitats and Species Regulations 2010				
	Other considerations: None				
Background Papers: Planning Policy Committee, 19 February 2018, Agenda Item 7 Brigstock Neighbourhood Plan submission documents ²					
Person Originating Report: Michael Burton, Principal Planning Policy Officer ☎ 01832 742221 ✉ mburton@east-northamptonshire.gov.uk					
Date: 13 April 2018					
CFO		MO		CX	

² https://www.east-northamptonshire.gov.uk/info/200187/neighbourhood_planning/1511/neighbourhood_planning/12

Appendix 1: Brigstock Neighbourhood Development Plan 2011-2031, submitted 5 March 2018: Legal Check under Schedule 4B of the Town and Country Planning Act 1990



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By email:

Nigel Searle (Clerk, Brigstock Parish Council)
Colin Wilkinson (Planit-X)

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

Council for the District of East Northamptonshire

- 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;
- 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 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 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