



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

14 December 2015

Agenda Status: Public

Directorate: Regeneration, Enterprise
& Planning

Report Title	Duston Neighbourhood Plan
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1. Purpose

- 1.1 To make the Duston Neighbourhood Plan following the referendum held on the 5 November 2015.

2. Recommendations

- 2.1 That Council 'makes' the Duston Neighbourhood Plan, in accordance with section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.
- 2.2 That the Duston Neighbourhood Plan and the Decision Statement (Appendix 1) be published on the Council's website and paper copies be provided in locations where people who live, work and carry on business in the area can view them.
- 2.3 That the Decision Statement and details on how to view the Duston Neighbourhood Plan be sent to the qualifying body (Duston Parish Council) and any person who asked to be notified of the Council's decision.
- 2.4 That Duston Parish Council be congratulated on the successful outcome of the referendum and the making of the Duston Neighbourhood Plan.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Duston Neighbourhood Plan (the Plan) was prepared by Duston Parish Council, which is the relevant body for the purposes of neighbourhood plan preparation. The application to designate the Duston neighbourhood area for the purposes of preparing a neighbourhood plan was made to the Council in

May 2013. On the 11 September 2013, following a 6 week consultation period, Northampton Borough Council agreed the designation of the Duston Neighbourhood Area. The map of the Neighbourhood Area can be found in the Plan.

- 3.1.2 Following community engagement and an issues and options consultation in May/ June 2014 a pre-submission draft Plan was prepared. This pre-submission Plan was published for consultation between 17 November 2014 and 9 January 2015. The Plan was revised and updated to reflect the consultation responses received. The Plan and its accompanying documents were then submitted to the Council for publication and examination on 23 February 2015. The submitted Plan was published for public consultation between 26 February and 14 April 2015. Comments received during the consultation period were sent to the appointed Independent Examiner, Mr John Parmiter FRICS FRSA MRTPI, for examination.
- 3.1.3 The Examination was conducted through written representations and the Examiner's report was published in May 2015. The Examiner concluded that once modified to meet all relevant legal requirements the Plan should proceed to referendum. The Examiner made various recommendations to modify policies and text to ensure that making the Plan will meet the Basic Conditions and legal requirements. The Plan was modified accordingly.
- 3.1.4 The referendum of the Plan took place on 5 November 2015. The Regulations state that if the majority of those who voted (more than 50%) are in favour of the Plan then it must be made (brought into legal effect) by the local planning authority. There is no minimum turnout for the referendum to be valid.
- 3.1.5 In accordance with the Neighbourhood Planning (Referendums) Regulations 2012 residents were asked the following question:

Do you want Northampton Borough Council to use the neighbourhood plan for Duston Parish to help it decide planning applications in the neighbourhood area?
- 3.1.6 At the referendum on 5 November 2015 1,796 residents voted Yes (85.6% of those voting) and 302 voted No (14.4% of those voting). 8 ballot papers were rejected. Turnout was 16.6%.
- 3.1.7 Once a neighbourhood plan has successfully passed all the stages of preparation, including an Examination and Referendum, it is made by the local planning authority and forms part of the Development Plan, meaning that it will be a material consideration when deciding planning applications.

3.2 Choices (Options)

- 3.2.1 Once a neighbourhood plan has been supported by a majority of those voting in a referendum the Council is obliged to proceed to make the Plan under section 38(A)(4) of the Planning and Compulsory Purchase Act 2004. The Council is not subject to this duty if the making of the Plan would breach, or otherwise be incompatible with, any EU obligation or any of the convention

Rights. The Plan does not breach and would not otherwise be incompatible with the conventions or obligations.

3.2.2 There are, therefore, no other options than to make the Plan so that it will form part of the Northampton Development Plan.

4. Implications (including financial implications)

4.1 Policy

4.1.1 The National Planning Policy Framework sets out that neighbourhood plans must be in general conformity with the strategic policies of the development plan. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than is set out in the Local Plan or undermine its strategic policies. In Northampton the strategic policies are set out in the adopted West Northamptonshire Joint Core Strategy Local Plan (Part 1).

4.1.2 Once a neighbourhood plan has successfully passed all of the stages of preparation, including an examination and referendum, it is made by the local planning authority and forms part of the Development Plan, meaning that it will be a material consideration when deciding planning applications.

4.2 Resources and Risk

4.2.1 The majority of the costs of preparing a neighbourhood plan are the responsibility of the neighbourhood planning group, in this case Duston Parish Council. The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 place duties on local planning authorities with regards to neighbourhood planning, including the role associated with supporting local neighbourhood forums in preparing their neighbourhood plans. To assist the Department for Communities and Local Government has made available grants to local planning authorities up to £30,000 for each neighbourhood plan which are paid in stages in accordance with the progress of the Plan. This funding is intended to cover staff time and other costs associated with the Council's statutory duties. In addition the Council has identified a small annual budget for Neighbourhood Planning to provide additional resources to meet the Council's statutory duties in relation to neighbourhood planning including publicity and administration costs such as referendums.

4.2.2 Publicity costs associated with making the Neighbourhood Plan will be met within the existing Neighbourhood Plans budget and staff resources to implement the Plan will come from the Council's existing staff - primarily within the Regeneration, Enterprise and Planning Directorate.

4.2.3 On 21 September 2015 the Council approved the Community Infrastructure Levy (CIL) Charging Schedule for the Borough and that this will take effect from 1 April 2016. Once the Plan is made, Duston Parish Council, as the qualifying body, will be eligible to receive 25% of the CIL receipts from development within Duston parish. The administrative arrangements between the Borough Council and the Parish Council will be agreed as part of the introduction of the CIL charge.

4.3 Legal

4.3.1 Neighbourhood planning is part of the Government's initiative to empower local communities to bring forward planning proposals at local level, as outlined in Section 116 of the Localism Act 2011. The Act and the subsequent Neighbourhood Planning (General) Regulations 2012 (known as the 2012 Regulations) confer specific functions on local planning authorities in relation to neighbourhood planning and sets out the steps that must be followed in relation to neighbourhood planning.

4.3.2 The Plan has been consulted on and subjected to a referendum in accordance with the 2012 Regulations.

4.3.3 As with any planning decision, there is a risk of a legal challenge to the Plan and/ or judicial review of the Council's decision to make the Plan. The risk is managed by ensuring that the requirements set out in the 2012 Regulations are followed. Once the Plan is made it carries significant weight and the local planning authority is obliged to consider proposals for development against the policies in the Plan.

4.3.4 In accordance with the 2012 Regulations the Council, must as soon as possible after deciding to make the neighbourhood plan:

i. Publish on the website and in such other manner as is likely to bring the Plan to the attention of people who live, work or carry on business in the neighbourhood area:

- (1) The decision document
- (2) Details of where and when the decision document may be inspected

ii. Send a copy of the decision document to:

- (1) The qualifying body [in this case Duston Parish Council] and
- (2) Any person who asked to be notified of the decision.

In addition, the Council will, as soon as possible after deciding to make the neighbourhood plan:

iii. Publish on the website and in such other manner as is likely to bring the Plan to the attention of people who live, work or carry on business in the neighbourhood area:

- (1) The Duston Neighbourhood Plan; and
- (2) Details of where and when the Plan may be inspected.

iv. Notify any person who asked to be notified of the making of the Plan that it has been made and where and when it may be inspected.

4.4 Equality and Health

- 4.4.1 The Plan contains policies which seek to address a range of equality issues which were identified through the community engagement and evidence gathering stages of the Plan's preparation including the type and design of housing (including housing for older people and people with disabilities); access to public transport; protection and enhancement of local shopping and services; retention and enhancement of open space; and enhancement of existing and creation of new community facilities.
- 4.4.2 In addition, the Plan preparation process required the production of a Basic Conditions Statement which includes the need to assess whether the plan is compatible with the Human Rights Act and other relevant national and European obligations. The independent Examiner to the Duston Neighbourhood Plan concluded that the Plan meets the Basic Conditions, as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.
- 4.4.3 In order to meet the Basic Conditions, the making of the Plan must:
- Have due regard to national policies and advice;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the Development Plan for the area; and
 - Not breach, and be otherwise compatible with, European Union obligations and the European Convention on Human Rights.

4.5 Consultees (Internal and External)

- 4.5.1 In accordance with the 2012 Regulations Duston Parish Council has undertaken community engagement and public consultation at every stage of the Plan preparation process. A summary is provided in Section 1 of the Neighbourhood Plan. Full details are available in the Duston Neighbourhood Plan Statement of Community Involvement which is a background paper to this report.

4.6 How the proposals deliver Priority Outcomes

- 4.6.1 The policies contained in the Plan contribute to the delivery of the following priorities as provided in the Corporate Plan 2012 – 2015: Priority 2 (Invest in safer, cleaner neighbourhoods); Priority 5 (Better homes for the future); Priority 6 (Creating empowered communities); and Priority 7 (Promoting health and well-being).
- 4.6.2 In particular, Priority 6 of the Corporate Plan states that the Council will encourage individuals, communities and groups to get involved and contribute to activities within their local neighbourhoods in order to promote integration and cohesion within communities and foster a sense of pride across the Town.

4.7 Other Implications

4.7.1 None.

5. Background Papers

5.1 Duston Neighbourhood Plan

5.2 Duston Neighbourhood Plan: Report of Examination (May 2015)

5.3 Duston Neighbourhood Plan: Statement of Community Involvement (February 2015)

Appendix 1 - Decision Statement

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