



CABINET REPORT

Report Title	Growing Together Neighbourhood Plan: Examiners Report and Referendum
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	7 th December 2016
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	Yes
Directorate:	Regeneration, Enterprise & Planning
Accountable Cabinet Member:	Councillor Tim Hadland
Ward(s)	Talavera, Brookside, Rectory Farm

1. Purpose

- 1.1 For Cabinet to consider the Examiner's Report into the Growing Together Neighbourhood plan, including the proposed modifications to the Plan, and to consider whether the Neighbourhood Plan can proceed to Referendum.

2. Recommendations

- 2.1 That the recommendations set out in the Examiner's Report into the Growing Together Neighbourhood Plan (Appendix 1) are noted and the proposed modifications to the Growing Together Neighbourhood Plan are agreed.
- 2.2 That the Growing Together Neighbourhood Plan Decision Statement (Appendix 2) is agreed and published along with the Examiner's Report in accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 That it is agreed that the Growing Together Neighbourhood Plan, as modified, proceed to Referendum on 23 February 2017 in accordance with the Neighbourhood Planning (Referendums) Regulations 2012.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Growing Together Neighbourhood Plan (the Plan) was prepared by the Growing Together Neighbourhood Forum, which is the relevant body for the purposes of neighbourhood plan preparation. The application to designate the Growing Together Neighbourhood Area for the purposes of preparing a neighbourhood plan was approved by Cabinet on 11 September 2013. At the same time, Cabinet also approved the designation of the Growing Together Neighbourhood Forum under Section 61F of the Town and Country Planning Act (as amended) for the purposes of preparing the Neighbourhood Plan. A map of the Neighbourhood Area can be found in the draft Decision Statement (Appendix 2 to this report).
- 3.1.2 Following community engagement between 2012 and 2014, a pre-submission draft Plan was prepared. This pre-submission Plan was published for consultation between 15 June and 27 July 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 25 July 2016. The submitted Plan was published for public consultation between 28 July and 22 September 2016. Comments received during the consultation period were sent to the appointed Independent Examiner, Mr Christopher Edward Collison BA (Hons) MBA MRTPI MIED MCMI IHBC, for examination.
- 3.1.3 The Examination was conducted through written representations and the Examiner's Report was received by the Council on 9 November 2016 (Appendix 1 of this report). The Examiner concluded that once modified to meet all relevant legal requirements the Plan should proceed to referendum. The Examiner recommended nine modifications, which were aimed at clarifying the policies to ensure that the Plan will meet the Basic Conditions and legal requirements.
- 3.1.4 The Growing Together Neighbourhood Forum have reviewed the Examiner's recommendations and presented to the Council a modified plan that takes on board all of the Examiner's recommendations. It is considered that the modified Plan meets all the relevant legal requirements and can proceed to referendum.
- 3.1.5 The Examiner also considered whether or not the Referendum Area should extend beyond the designated Neighbourhood Area and recommended that the Referendum Area should be based on the Neighbourhood Area designated by the Council on 11 September 2013.
- 3.1.6 Subject to Cabinet's agreement it is proposed that the Neighbourhood Plan Referendum will be held on 23 February 2017 having consulted the Counting Officer.

3.2 Choices (Options)

3.2.1 Option 1: Agree

3.2.1.1 The Growing Together Neighbourhood Plan has been prepared by the Growing Together Neighbourhood Forum, a qualifying body approved by Cabinet on 11 September 2013, and has been found by the independent Examiner to meet the Basic Conditions and other legal requirements subject to the modifications recommended. Once the Neighbourhood Plan has successfully passed all the stages of preparation, including the 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.

3.2.2 Option 2: Do not agree

3.2.2.1 The Cabinet could defer or decide not to agree the modifications recommended to the Growing Together Neighbourhood Plan or not to agree that the Growing Together Neighbourhood Plan proceed to Referendum. However, as the Growing Together Neighbourhood Plan has been prepared by the Growing Together Neighbourhood Forum, a qualifying body approved by Cabinet on 11 September 2013, and has been found by the independent Examiner to meet the Basic Conditions and other legal requirements subject to the modifications recommended, there is no reason not to agree.

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 the Growing Together Neighbourhood Forum. 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 (DCLG) has made available grants to local planning authorities

up to £10,000 for each neighbourhood plan which are paid in stages in accordance with the progress of the Plan. The funding is intended to cover staff time and other costs associated with the Council's statutory duties. However, these DCLG grants are limited by the number of Neighbourhood Areas and Forums that have been designated in a local planning authority's (LPA) area. The Growing Together Neighbourhood Forum received a Front Runner grant from DCLG in 2013 of £20,000 to assist with the progression of the Neighbourhood Plan. In total the Growing Together Neighbourhood Forum has received DCLG grants of £30,000. To date £25,278 has been spent, including the cost of the independent Examiner.

- 4.2.2 £20,000 can be claimed from DCLG by a LPA per Neighbourhood Plan once a date has been set for the referendum following a successful examination. This money can only be used for neighbourhood planning purposes.
- 4.2.3 In addition the Council has a small 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.
- 4.2.4 Referendum costs will be met from the grant application to the DCLG for the referendum and from within the existing Neighbourhood Plans budget. Staff resources to manage the referendum process will come from the Council's existing staff, primarily Electoral Services who will be supported by staff within the Regeneration, Enterprise and Planning Directorate.

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. The Housing and Planning Act 2016 has introduced additional requirements for neighbourhood planning which have been incorporated into the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, and the Neighbourhood Planning (Referendums) (Amendment) Regulations 2016. These Regulations amend the 2012 Regulations introducing timescales within which the Council must act in relation to the different stages of the neighbourhood planning process.
- 4.3.2 In relation to the Growing Together Neighbourhood Plan the 2012 Regulations as amended require the following:

Decision on Examiner's Recommendations

- 4.3.3 The Council must decide what action to take in response to each recommendation made by the Examiner's report within five weeks of receiving the Examiner's report unless the Council proposes to not accept the Examiner's recommendations or the Council has agreed additional time with

the Neighbourhood Forum. As there is no disagreement with the Examiner's recommendations and no identified benefit to postponing the decision on the Examiner's recommendations it is considered that the Council must decide what action to take in response to each of the recommendations by 15 December 2016.

- 4.3.4 As soon as possible after making the decision on the Examiner's recommendations the Council is required to 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:
- The Decision Statement; and
 - Details of where and when the Decision Statement may be inspected; and
 - The Examiner's Report.

Date by which the Referendum must be held

- 4.3.5 The Council must hold the referendum within 56 working days of the date that a decision to hold one has been made unless:
- the referendum can be combined with another poll that is due to be held within three months of the end of the 56 working days; or
 - there are unresolved legal challenges to the Council's decision to hold a referendum; or
 - the Council and the Forum agree a different timetable.
- 4.3.6 As no other poll is expected to take place in the Borough within the specified period and there is no identified reason to agree a different timetable with the Forum it is expected that the referendum will be held within 56 working days of this Cabinet meeting, i.e. by 28 February 2017. If a legal challenge was received to the decision to hold a referendum it is unlikely that the referendum would take place in this timescale.
- 4.3.7 The 2012 Regulations state that if the majority of those who vote in the referendum (more than 50%) do so 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. The Council will be required to make the Plan within 8 weeks of the result unless there are unresolved legal challenges.

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: Improving the local environment; Protecting and enhancing key local open spaces; New play areas and recreation facilities; New community facilities and improving and enhancing existing community facilities; New high quality housing and improving the condition, appearance and energy efficiency of existing housing;

Enhancing the existing footpath & cycle network and introducing new links;
and Creating new employment generating uses for the local community.

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 Growing Together 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, the Growing Together Neighbourhood Forum has undertaken community engagement and public consultation at every stage of the Plan preparation process. A summary is provided in Section 2 of the Plan - 'How the Plan was Prepared'. Full details are available in the Growing Together Neighbourhood Plan Consultation Statement 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 2016 – 2020: Priority Safer Communities; Priority Housing for Everyone; Priority Protecting our Environment; Priority Love Northampton.

4.6.2 In particular, Priority Love Northampton of the Corporate Plan states:

“Northampton to have a great community spirit, with people actively participating in local democracy, taking pride in Northampton, its environment and its communities.”

4.7 Other Implications

4.7.1 None.

5 Background Papers

5.1 Growing Together Neighbourhood Plan Basic Conditions Statement (Submission Version) (July 2016)

- 5.2 Growing Together Neighbourhood Plan Consultation Statement (Submission Version) (July 2016)
- 5.3 Growing Together Neighbourhood Plan Submission Version (July 2016)

Appendix 1 – Growing Together Neighbourhood Development Plan: A Report of the Independent Examination (November 2016)

Appendix 2 – Draft Growing Together Neighbourhood Plan Decision Statement Regulation 18 (November 2016)

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