

Appendices: 1



**NORTHAMPTON**  
BOROUGH COUNCIL

# **COUNCIL**

## **3 April 2017**

**Agenda Status: Public**

**Directorate: Regeneration, Enterprise & Planning**

<b>Report Title</b>	<b>Growing Together Neighbourhood Plan</b>
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### **1. Purpose**

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- 1.1 To make the Growing Together Neighbourhood Plan following the referendum held on the 23 February 2017.

### **2. Recommendations**

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- 2.1 That Council 'makes' the Growing Together Neighbourhood Plan, in accordance with Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.
- 2.2 That the Growing Together 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 Growing Together Neighbourhood Plan be sent to the qualifying body (Growing Together Neighbourhood Forum) and any person who asked to be notified of the Council's decision.
- 2.4 That the Growing Together Neighbourhood Forum be congratulated on the successful outcome of the referendum and the making of the Growing Together Neighbourhood Plan.

### 3. Issues and Choices

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#### 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. The map of the Neighbourhood Area can be found in the Plan.
- 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 published in November 2016. 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 23 February 2017. 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 the Growing Together neighbourhood area (namely: Blackthorn, Cherry Lodge, Goldings, Lings, Lumbertubs and Overstone Lodge) to help it decide planning applications in the neighbourhood area?***
- 3.1.6 At the referendum on 23 February 2017, 901 residents voted Yes (91.47% of those voting) and 80 voted No (8.12% of those voting). Four ballot papers were rejected. Turnout was 13%.

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)**

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### **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 of 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. This money can only be used for neighbourhood planning purposes. To date £25,478 has been spent, including the cost of the independent Examiner.

- 4.2.2 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.
- 4.2.3 The final costs of the referendum are yet to be confirmed but are estimated to be in the region of £25,000. It is hoped these costs will be met from the DCLG grant of £20,000, which was applied for in December 2016. At the time of writing this report the decision on this grant was not known but it is expected sometime during March 2017. Any expenditure over the £20,000 or if the Council are unsuccessful in the grant application will need to be funded from the existing Neighbourhood Plans budget.
- 4.2.4 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.
- 4.2.5 On 21 September 2015 the Council approved the Community Infrastructure Levy (CIL) Charging Schedule for the Borough and that all liable developments granted planning permission, including those allowed by an appeal decision, and submitted on or after 1st April 2016 will need to pay the Levy. Once the Plan is made the Council will engage with the community to agree how best the 25% of the CIL receipts from development within the Growing Together Neighbourhood Area should be spent.

### **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 the 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 set out the steps that must be followed in relation to neighbourhood planning.
- 4.3.2 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.

- 4.3.3 The 2012 Regulations as amended require the Council to make a neighbourhood plan approved at referendum within 8 weeks of holding the referendum, beginning with the day immediately following the day the referendum was held. In the case of the Growing Together Neighbourhood Plan this means the Council must make the Plan by 21 April 2017.
- 4.3.4 The Plan has been consulted on and subjected to a referendum in accordance with the 2012 Regulations.
- 4.3.5 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.
- 4.3.6 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 the Growing Together Neighbourhood Forum] 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 Growing Together 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**

- 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 and 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 Neighbourhood 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**

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5.1 Growing Together Neighbourhood Plan

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

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

Appendix 1 - Growing Together Neighbourhood Plan Decision Statement

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