

WEST NORTHAMPTONSHIRE COUNCIL PLANNING POLICY COMMITTEE

26 June 2023

**PORTFOLIO HOLDER FOR PLANNING, BUILT ENVIRONMENT AND RURAL
AFFAIRS: COUNCILLOR REBECCA BREESE**

Report Title	Nether Heyford Parish Council Neighbourhood Plan
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List of Appendices

Appendix A – Proposed Decision Statement including Table 1, Examiner’s recommended modifications, further editorial changes to the Nether Heyford Neighbourhood Development Plan and actions to be taken.

1. Purpose of Report

- 1.1. For members to consider the recommendations of the Independent Examiner following the examination of the Nether Heyford Neighbourhood Development Plan (NHNDP) and to seek approval to put the plan to referendum.

2. Executive Summary

- 2.1 The report summarises the process which has been followed to produce the NHNDP and presents the outcomes of the independent examination, including the Examiner's recommendations.

3. Recommendations

- 3.1 It is recommended that Planning Policy Committee:
- a) Notes and welcomes the significant progress in making the NHNDP by Nether Heyford Parish Council.
 - b) Accepts the Examiner's recommended modifications in respect of the NHNDP.
 - c) Accepts the Examiner's recommendation that the NHNDP, as modified in accordance with recommendation (b) above, should proceed to a referendum of voters within Nether Heyford Parish.
 - d) Approves the proposed decision statement set out in Appendix 1, subject to recommendations (b) and (c) above and any necessary factual alterations.
 - e) Agrees that delegated authority be given to the Interim Head of Planning and Climate Change Policy to make further minor editorial changes to the NHNDP to address any factual and typographical errors and to reflect the fact that the document will be in its intended final form.
 - f) Agrees that the costs of the referendum be met from the existing budget for neighbourhood planning.

4. Reason for Recommendations

- 4.1 In order for a Neighbourhood Development Plan (NDP) to be "made" (adopted) the Neighbourhood Planning (General) Regulations 2012 (SI 2012 No. 637) require the council to make a decision on the Examiner's recommendations before agreeing to send it to referendum.

5. Report Background

- 5.1 The Localism Act 2011 introduced three types of neighbourhood planning including Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build.
- 5.2 Neighbourhood Development Plans ("NDPs") is a plan making power allowing local communities to shape development in their area. When "made" (or adopted), NDPs form part of the development plan alongside the Council's Part 1 and Part 2 Local Plans.

- 5.3 The Neighbourhood Planning Regulations 2012 set out the statutory process a qualifying body (QB) (a parish council, town council or forum) must follow when preparing a NDP or order, following designation of a neighbourhood area.
- 5.4 A draft NDP is drawn up and consulted on by the QB and then submitted to the local planning authority for further formal consultation. This is followed by an examination undertaken by an independent examiner, who makes recommendations. The recommendations can be that the plan should proceed to referendum unchanged, that it should not proceed to referendum or, the usual course of action, that it should proceed to referendum with certain modifications. The local planning authority (West Northamptonshire Council (WNC)) must consider whether to accept the Examiner's recommendations. In doing so, the council must decide if, with the proposed modifications, the plan would meet the basic conditions and would not contravene convention rights or European Union obligations. The Examiner will also recommend, and WNC will decide, what area should be used for the referendum if one is held; this may be larger than the neighbourhood area if the impacts are important to a wider area.
- 5.5 There would need to be a good reason not to accept the Examiner's recommendations and the greater the divergence of WNC's decision is from the recommendations the stronger the justification would need to be.
- 5.6 If a NDP proceeds to referendum, and if it is approved by most of those voting, the council has a duty to have the plan made, at which point it becomes part of the statutory development plan for the council when deciding planning applications. The council must then publish a decision statement explaining what it has done.

6. Issues and Choices

6.1 Plan preparation

- 6.2 The Nether Heyford neighbourhood area which covers the entire Nether Heyford Parish, was subject to an application to designate for the purposes of preparing a neighbourhood plan by Nether Heyford Parish Council on 9 September 2016. The area was formally designated by South Northamptonshire Full Council on 17 February 2017.
- 6.3 A draft NDP was published by Nether Heyford Parish Council for public consultation under Regulation 14 between the end of September 2021 to 12 November 2021. Following submission of the NHNDP to WNC in December 2022, the plan was published for formal Regulation 16 consultation. The consultation period ran from 13 December 2022 to 7 February 2023. With the agreement of the parish council, the independent Examiner, Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU was appointed to independently examine the plan to see whether it met the basic conditions (see below) and should proceed to referendum.
- 6.4 NDPs are not tested for their soundness, but are tested to ensure they meet the "basic conditions" set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 which are that:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
- The making of the neighbourhood plan contributes to the achievement of sustainable development.
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).

6.5 Examination outcomes

- 6.6 The Examiner's report on the NDP was received by WNC on 9 May 2023 and has been published on the council's website. In her report, the examiner concludes that, subject to a number of modifications, the plan has met all the legal requirements and should proceed to referendum. She noted that the NHNDP has been underpinned by community support and engagement.
- 6.7 A schedule of the examiner's recommendations is set out in Table 1 to the proposed decision statement, which is appendix A of this report. These consist of removal of three (3) policies and alterations to fifteen (15) policies which are necessary for clarity and accuracy.
- 6.8 The policies that are proposed to be deleted are Policy H2 Part A, H2 Part B and BE6. The reasons are set out below.
- 6.9 Policy H2 is in two parts: H2 Part A allocates land off Bugbrooke Road for education and community uses with some limited housing. This intends to facilitate the relocation of Bliss School. Policy H2 Part B supports the possible relocation of Bliss School, and if that was successful, the development of the existing site.
- 6.10 On consideration of consultation responses, including those by West Northamptonshire Council as owner of the land proposed for allocation, the Independent Examiner concludes that the proposals are premature and not deliverable or achievable at this time. Further work in terms of educational needs as well as on deliverability, viability and the impact of the proposals is requested by various consultees and the Independent Examiner recommends the deletion of Policy H2 Parts A and B.
- 6.11 Policy BE6 of the NHDNP requires applications for 5 or more dwellings to be presented to the Parish Council and allow villagers to comment on proposals before submission. The Independent Examiner noted that Planning Practice Guidance only requires mandatory pre-application with communities when certain wind turbine developments are proposed. As such, the Independent Examiner recommends Policy BE6 be deleted.
- 6.12 It is considered that the recommended modifications (including accuracy changes) should be

approved to ensure that the NHNDP meets the basic conditions. The revised NHNDP should then proceed to referendum in the Nether Heyford Neighbourhood Area (Nether Heyford Parish) to determine if local people support it.

6.13 Decision making process

6.14 The council is required to issue its final decision on the NHNDP within five weeks of the receipt of the Examiners report. In the case of the NHNDP, the Examiner's report was received on 9 May 2023. Agreement was sought from the QB (Nether Heyford Parish Council) to a small extension of time to allow this decision to be made at Planning Policy Committee on 26 June 2023. Nether Heyford Parish Council agrees with this.

6.15 Referendum

6.16 The referendum should be carried out for the Nether Heyford Neighbourhood Plan. This is recommended by the examiner and there are no reasons to differ from her recommendation. As set out in the proposed decision statement the date for the referendum is provisionally set for 7 September 2023. Prior to the referendum the suggested changes would be made to the NDP for it to be published as one of the specified documents in respect of the referendum.

6.17 The referendum would follow a similar format to an election. All those registered to vote within the neighbourhood area would be given the opportunity to vote. Voters would be given a ballot paper with the question (the wording of which is specified in the Regulations) "Do you want WNC to use the Neighbourhood Plan for Nether Heyford to help it decide planning applications in the neighbourhood area?". Voters would be given the opportunity to vote "yes" or "no".

6.18 Making the Plan

6.19 If more than 50 per cent of those voting in the referendum vote 'yes', then the council is required to make the plan. If the referendum is unsuccessful then the council takes no further action and Nether Heyford Parish Council would have to decide what it wished to do.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 The council is required to fund the examination and referendum. It is not expected that the cost of the referendum will exceed £3,600. This will be met from existing budgets of the Planning Policy Team. The council receives some financial support from the government to support neighbourhood planning, which is paid into an earmarked reserve.

7.2 Legal

7.2.1 In accordance with the Neighbourhood Planning Regulations 2012 the Council is required to consider the report of the independent examiner. If the Council is satisfied that the plan, as modified, meets the basic requirements and all other statutory requirements, a referendum must be held.

7.3 Risk

7.3.1 There are no significant risks arising from the proposed recommendations in this report.

7.4 Consultation

7.4.1 The Council and Nether Heyford Parish Council have been informing and engaging residents throughout the process through informal and formal consultations.

7.5 Consideration by Overview and Scrutiny

7.5.1 Not applicable.

7.6 Climate Impact

7.6.1 The neighbourhood plan must demonstrate that it meets the basic conditions, one of which requires the plan to contribute to the achievement of sustainable development. By meeting this condition, the plan will positively contribute to reducing the impact of climate change.

7.7 Community Impact

7.7.1 The Nether Heyford NDP has been subject to formal and informal consultation in accordance with the Neighbourhood Planning (General) Regulations 2012. A consultation statement was produced by the QB which sets out the consultation and engagement activity undertaken, what comments were received and how the plan responded to these.

8. Background Papers

8.1 [Nether Heyford Neighbourhood Development Plan - Submission Draft \(Regulation 16\)](#)

8.2 [Report of the Independent Examiner into the Nether Heyford Neighbourhood Plan, May 2023](#)