

WEST NORTHAMPTONSHIRE COUNCIL

COUNCIL

20 May 2021

Report of the Assistant Director – Growth, Climate and Regeneration

Report Title	'Making' (Adoption) Ashton Neighbourhood Plan
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Contributors/Checkers/Approvers		
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List of Appendices

Appendix A – Ashton Neighbourhood Plan

Appendix B – Ashton Neighbourhood Plan Referendum – Declaration of Results of Poll

Appendix C – Draft Decision Statement for the 'making' of the Ashton Neighbourhood Plan

1. Purpose of Report

- 1.1. To consider the outcome of the Referendum on the Ashton Neighbourhood Plan and to formally 'make' the Neighbourhood Plan.

2. Executive Summary

- 2.1 The Ashton Neighbourhood Plan was considered at Referendum on 06 May 2021. This report details the development of the plan and asks members to make a decision on its adoption.

3. Recommendations

- 3.1 It is recommended that Council:

- a) To note the Referendum result of the 06 May 2021, where 95.7% of those who voted, were in favour of the Ashton Neighbourhood Plan, which is above the required 50%;
- b) To 'make' the Ashton Neighbourhood Plan, so that it has effect as part of the statutory Development Plan for the area;
- c) To approve the issuing and publication of a Decision Statement.
- d) To authorise the Assistant Director of Growth, Climate and Regeneration, in consultation with the Portfolio Holder for Planning, to finalise the necessary documents to support adoption including the Decision Statement (draft at Appendix C) and to make such minor editorial corrections to the Neighbourhood Plan (Appendix A) as deemed necessary ahead of publication.

- 3.2 Reason for Recommendations:

Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) requires a Local Planning Authority, to 'make' the Neighbourhood Development Plan, if more than half of those voting in the applicable referendum have voted in favour of the Plan.

4. Report Background

- 4.1 The Localism Act 2011 gave Town/Parish Councils and designated Neighbourhood Forums ("Qualifying bodies") powers to prepare Neighbourhood Plans (including both Neighbourhood Development Plans (NDOs) and Neighbourhood Development Orders (NDOs)). Neighbourhood Plans once 'made' become part of the Local Development Plan and must be used in the determination of planning applications.
- 4.2 Work on the Ashton Neighbourhood Plan commenced in November 2015 with the designation of the Ashton parish as a Neighbourhood Plan Area. In February 2019 a draft Plan was published for public consultation with a final submission plan publicised in August 2019.
- 4.3 In April 2020 the independent examination of the Ashton Neighbourhood Plan commenced with a further period of publicity taking place between 01 June and 17 July

2020. The report of the Examiner was received by South Northamptonshire Council on 20 November 2021.

- 4.4 On 20 January 2021 South Northamptonshire Council's Planning Policy and Regeneration Strategy Committee approved the Modifications recommended by the Examiner of the Ashton Neighbourhood Plan (the Plan) and agree that the Plan, including those Modifications, should proceed to Referendum.
- 4.5 Referendum on the Ashton Neighbourhood Plan took place on 06 May 2021.

5. Issues and Choices

- 5.1 On 24 March 2021 an Information Statement was published giving notice of the Referendum on the Ashton Neighbourhood Plan. The Neighbourhood Plan and other required information and material were made available for public viewing on the Council's website and upon request. The documents published in accordance with the Neighbourhood Planning Regulations were:
- The Information Statement;
 - The draft Ashton Neighbourhood Plan (the referendum version);
 - The report of the independent examiner into the Ashton Neighbourhood Plan;
 - Summaries of the written representations submitted to the independent examiner;
 - A Decision Statement of the Local Planning Authority's satisfaction that the Ashton Neighbourhood Plan (as recommended for modification by the Examiner) meets the necessary legal and procedural requirements, and background information.
- 5.2 Those eligible to vote and that were formally registered on the Electoral Register were sent the required information and material before the referendum by the Councils Elections team.
- 5.3 At Referendum those voting were asked the question (as specified by the Regulations):
- “Do you want West Northamptonshire Council to use the Neighbourhood Plan for Ashton to help it decide planning applications in the neighbourhood area?”**
- 5.4 More than 50% of those who voted, voted 'Yes' in response to this question. The declaration of poll results is attached at Appendix B to this report. 117 people voted in favour of the Neighbourhood Plan with, 5 against, providing a majority vote of 95.7%, with 4.3% voting 'no'. There was a 38.5% overall turnout.
- 5.5 The results of the Referendum have been publicised on the district Council's website.
- 5.6 Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) requires a Local Planning Authority, to 'make' the Neighbourhood Development Plan, if more than half of those voting in the applicable referendum have voted in favour of the Plan.
- 5.7 The plan is also not known to breach or be in incompatibility with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The

plan making process has been followed and has met all of the relevant legal and procedural requirements. There are also not considered to be any other material considerations under The Neighbourhood Planning Act 2017.

- 5.8 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended) as soon as possible following the decision to make the Neighbourhood Plan the Council must publish a Decision Statement stating that the Plan has been made and its reasons for making the Plan. A copy of the Decision Statement must be sent to the qualifying body (Ashton Parish Council) and anyone who asked to be notified of the decision. The District Council must also publish where and when the Decision Statement can be inspected. A copy of the draft Decision Statement is at Appendix C to this report.

6. Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 In accordance with guidance as set out in paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), the local planning authority must take key decisions in the neighbourhood planning process and provide advice or assistance to a parish neighbourhood area. The costs of supporting and advising the neighbourhood plan group, formal public consultation, appointing and funding the Examiner, undertaking the examination and the holding of the referendum are the responsibility of the Local Planning Authority.
- 6.1.2 There have been costs associated with the preparation for and the undertaking of the examination which include the Examiner's fees, Referendum cost and staff resources, which have been met from the Councils Planning Policy budget.
- 6.1.3 As the Plan has been successful at examination the Council now qualifies to claim against the Ministry of Housing Communities and Local Government's Neighbourhood Planning Grant. This is to help to cover the costs of the examination and any other further steps that may be needed for the neighbourhood plan to come into legal force, including the referendum.

6.2 Legal

- 6.2.1 The Ashton Neighbourhood Plan will form part of the statutory Development Plan for West Northamptonshire covering Ashton Parish in the former South Northamptonshire District.
- 6.2.2 As set out above the District Council is under a duty in these circumstances to 'make' the plan in light of the published Referendum results.

6.3 Risk

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

6.4 **Consultation**

6.4.1 Ashton Neighbourhood Plan Referendum – 06 May 2021

6.5 **Consideration by Overview and Scrutiny**

6.5.1 None.

6.6 **Climate Impact**

6.6.1 The Plan promotes sustainable development in line with national planning guidance and the policies of the Development Plan. Consultation with a variety of statutory bodies and individuals was undertaken during the Plans preparation.

6.7 **Community Impact**

6.7.1 The Plan has been produced for Ashton Parish Council by the residents of Ashton.

7. Background Papers

7.1 Ashton Neighbourhood Plan Consultation Drafts and Examiners Report:

<https://www.southnorthants.gov.uk/info/47/neighbourhood-plans/29/ashton-neighbourhood-plan>

Ashton Neighbourhood Plan – South Northamptonshire Council's Planning Policy and Regeneration Strategy Committee 20 January 2021:

<https://www.southnorthants.gov.uk/info/5/your-council>