



North
Northamptonshire
Council

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Record of Delegated Decision

Decision made by	George Candler
Decision Title	Hargrave NDP Statement of Decision on the Examiner's Report
Date of decision (same as date form signed)	13 April 2022
Key Decision	No
Decision	That North Northamptonshire Council should act upon the conclusions of the Examiner's Report on the Hargrave Neighbourhood Plan (the Plan) and that the Plan should proceed to referendum
Reason/s for Decision	<p>The Localism Act 2011 introduced new powers for community groups to prepare neighbourhood plans for their local areas. The Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and to take plans through a process of Examination and Referendum. The local authority is required to take decisions at key stages in the process within time limits that apply, as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended).</p> <p>The Hargrave Neighbourhood Plan has been prepared by Hargrave Parish Council with on-going engagement with the local community and Local Planning Authority. Prior to the Examination it has been through two periods of statutory public consultation. The second of these consultations was organised by North Northamptonshire Council inviting representations on the plan in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), during a six-week period ending on 28 June 2021</p> <p>North Northamptonshire Council, with the consent of the Parish Council, appointed Nigel McGurk to carry out the independent examination of the Plan to advise whether it meets various legal requirements known as</p>

'Basic Conditions'. For clarity, the basic conditions are:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- b) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- c) The making of the order (or 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).
- d) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- e) Prescribed conditions are met in relation to the order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

The Examiner's Report was received on 29 November 2021. The report concludes that, subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Referendum. The Examiner also recommended that the referendum area should be based on the designated Hargrave Neighbourhood Area which is contiguous with the Hargrave Parish area.

The role of North Northamptonshire Council at this stage is to decide what action to take in response to the Examiner's Report and any other prescribed matters. It is guided by Regulation 18 of the Neighbourhood Plan (general) Regulations 2012 (as amended). This states that before publishing its decision statement the Council must consider the following:

Whether to decline to consider a plan proposal under Paragraph 5 of Schedule 4b to the 1990 Act.

There are no grounds to decline to consider the plan under paragraph 5. There are no previous plan proposal submissions or repeat proposals for this neighbourhood area.

Whether there are reasons to refuse a plan proposal under Paragraph 6 of Schedule 4b for the 1990 Act. Paragraph 6 says the Authority must consider:

- whether the qualifying body is authorised to act in relation to the neighbourhood area concerned as a result of section 61f of the 1990 Act.

The qualifying body is Hargrave Parish Council. They have made the correct application for the designation of their neighbourhood area and are authorised to act. Preparation of the Plan was supported by a Steering Group made up of parish councillors and other volunteers from the local community, The Examiner is also satisfied that Hargrave Parish Council is the qualifying body for this neighbourhood area, see Examiner's Report paragraph 3.

- whether the proposal by Hargrave Parish Council complies with provision made by or under that section, in this case the Planning and Compulsory Purchase Act 2004, Section 38b (1), which says:
 - A neighbourhood development plan must specify the period for which it is to have effect.
The front cover of the Plan confirms the plan period runs until 2031.
 - A neighbourhood development plan may not include provision about development that is excluded development.
The Plan does not contain any policies relating to excluded development. The examiner agrees, see Examiner's Report paragraph 20.
 - A neighbourhood development plan may not relate to more than one neighbourhood area. *The plan does not relate to more than one neighbourhood area and there is no other neighbourhood development plan in place within this neighbourhood area. The examiner agrees, see Examiner's Report paragraph 18.*

What action to take in response to the recommendation of an examiner made in a report under Paragraph 10 of Schedule 4b to the 1990 Act (considered above), and what modifications, if any, they are to make to the draft plan under paragraph 12(6) of schedule 4b to the 1990 Act. Paragraph 12(6) sets out the modifications that the examiner can recommend be made to a neighbourhood plan proposal. It also states that if the Authority can make modifications to a neighbourhood plan to enable the plan to meet the 'Basic Conditions' or for the purposes of correcting errors, then it must make these modifications rather than refuse a plan proposal. The Authority must consider, under part (d), whether there are any other modifications which are required to ensure the Basic Conditions are met, to ensure the plan is compatible with convention rights, to ensure the requirements of legislation are met, or to correct errors.

	<p><i>No other modifications, further to those recommended by the examiner, are necessary.</i></p> <p>Whether to extend the area to which the referendum take place</p> <p><i>The neighbourhood plan designated area is conterminous with the Hargrave Parish Council boundary. The Examiner is satisfied that the Plan should proceed to a referendum based on the area formally designated by East Northamptonshire Council (now subsumed in North Northamptonshire Council) on 6th September 2019, see paragraph 147 of the Examiner's Report. There are no reasons to oppose this recommendation.</i></p>
<p>Alternative options considered and rejected</p>	<p>Because it is a requirement of the Neighbourhood Planning (England) Regulations 2012 (as amended) that the Local Planning Authority has to consider each of the Examiner's Report recommendations, decide if the plan as modified can proceed to referendum and if the referendum area should be the same as the designated Neighbourhood area the Council has to make these decisions there are no other alternative options in terms that a decision has to be made within 5 weeks of the receipt of the Examiner's Report.</p> <p>The Examiner's recommendations are not binding on the Council, who may choose to make a decision which differs from the Examiner's, provided it sets out the reasons, notifies prescribed persons and invites representations on the alternative proposal.</p> <p>However, having considered, with the Parish Council, the recommendations made by the Examiner, the Council believes that the recommended modifications are suitable to improve the clarity of the Plan and ensure that it meets the Basic Conditions.</p> <p>Hargrave. Parish Council could also withdraw the Plan at this stage if it was not content with the recommendations of the examiner or North Northamptonshire Council's intention to proceed based on the examiner's recommendations. However, they have agreed to proceed to referendum.</p> <p>In light of the Examiner's Report, it is considered that not taking the Plan forward to referendum would be a failure of the Council's duty to support neighbourhood plans.</p>
<p>Legal implications</p>	<p>The role of North Northamptonshire Council at this stage is to decide what action to take in response to the Examiner's Report and any other prescribed matters. It is guided by Regulation 18 of the Neighbourhood Plan (general) Regulations 2012 (as amended).</p>

	Once the decision statement is published, the plan can progress to referendum.
Financial implications	The arrangements for claiming financial support for neighbourhood planning in 2021/22 were confirmed by the Government on 29 June 2021. Payment of £20,000 is available, and a claim will be submitted once the decision statement has been issued confirming that the Plan will proceed to referendum.
Other implications	None identified
Background papers considered	Update on financial support for neighbourhood planning in 2021/22
Declarations/conflict of interest?	None
Consultation	<p>The Plan is the product of extensive local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which are accepted by the Parish Council.</p> <p>The relevant Executive and Ward Members have been advised of the exercise of delegated powers.</p>
Exempt Decision?	No
Officer/ Executive member	<p>George Candler, Executive Director of Place and Economy</p> <p>Councillor David Brackenbury</p>