

EXECUTIVE

22nd JUNE 2021

Report Title	Ecton Neighbourhood Plan
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Lead Member	Councillor Steven North – Portfolio Holder for Growth and Regeneration

Key Decision	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number for exemption from publication under Schedule 12A Local Government Act 1974	

List of Appendices

Appendix A – Ecton Neighbourhood Plan

Appendix B – Draft Decision Statement

1. Purpose of Report

1.1. To formally make the Ecton Neighbourhood Plan.

2. Executive Summary

2.1 The Ecton Neighbourhood Plan has been prepared by Ecton Parish Council, through a Neighbourhood Plan Steering Group, and is proposed to form part of the statutory development plan for the area. This means that its policies and proposals will be the starting point for decision makers when determining any planning application either partly or wholly within the neighbourhood area.

2.2 The Neighbourhood Plan provides a clear understanding of the desires and aspirations of the people within the parish with regards to future development. This was confirmed when the plan was endorsed by a majority of voting residents on the day of the referendum, 6 May 2021. Following the community's

endorsement of the plan the final step is for it to be formally 'made' by this council.

3. Recommendations

3.1 It is recommended that the Executive:

- a) Make the Ecton Neighbourhood Plan, so that it becomes part of the statutory development plan for the area

3.2 *Reason for Recommendations:*

- *To accord with legislation*

4. Report Background

- 4.1 Neighbourhood planning was introduced by the Localism Act 2011. Ecton is one of a number of parishes in the area to exercise the powers granted to communities by the Act that enables them to produce neighbourhood plans. When formally made a neighbourhood plan comprises part of the statutory development plan and carries full weight when determining planning applications in the geographical area covered by its policies.
- 4.2 The first legal step towards the production of the Ecton Neighbourhood Plan was taken on 15 December 2014 when the Borough Council of Wellingborough formally designated the entire parish of Ecton as the relevant 'neighbourhood area' to be covered by the policies of the plan. Since this time a significant amount of work has been undertaken by the parish council and its representatives, aided by officers of the council, to ensure a plan is produced that is technically robust and reflects the wishes of the community.
- 4.3 A key milestone in the process was reached when the plan was found to be both legally and technically compliant by an independent examiner, subject to minor modifications. The report of Christopher Edward Collison BA (Hons) MBA MRTPI MIED MCMI IHBC was formally issued on 28 April 2020 and recommended that the plan proceeded to referendum subject to the modifications that he recommended.
- 4.4 The plan, alongside the examiner's report and the schedule of the borough council's proposed changes, was considered by the Principal Planning Manager of the Borough Council of Wellingborough under delegated authority and a decision statement was agreed and issued on 19 May 2020. This concluded that with the proposed modifications the plan meets the Basic Conditions in full, is compatible with the European Union obligations and Convention rights and complies with the definition of a neighbourhood plan and the provisions that can be made by a neighbourhood plan. Accordingly, the plan proceeded to a referendum on 6 May 2021.

5. Issues and Choices

- 5.1 The referendum gives the community the final say on whether a plan should come into force in their area. The regulations specify the question to be asked. Section 38A of the Planning and Compulsory Planning Act 2004 as updated by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 require that if the majority of those who vote in a referendum are in favour of the draft neighbourhood plan, then the neighbourhood plan must be made by the local planning authority within 8 weeks of the referendum.
- 5.2 For the plan to formally move towards adoption there was a requirement that it gained the support of the people of the parish, to be indicated by a simple majority voting 'yes' (50% plus one person of all those who turned out to vote). The referendum resulted in support for the plan amongst the residents of the parish, receiving 201 yes votes and 25 voting no. This return represents a 55.72% turnout and an 87.77% majority voting 'yes'.
- 5.3 As a majority has voted in favour of the plan it should be made by the council within 8 weeks of the referendum (i.e. by 1 July 2021). The 8 week time limit does not apply where a legal challenge has been brought in relation to the decision to hold a referendum or around the conduct of the referendum. There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan. These are where it considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any EU or human rights obligations.
- 5.4 As a result of the Borough Council of Wellingborough's previous decision to allow the plan to proceed to referendum on the basis that the plan satisfied all legal requirements, alongside the successful outcome of the referendum itself, and the fact that no legal challenge has been brought, councillors are asked to formally 'make' the Ecton Neighbourhood Plan. The Neighbourhood Planning Act 2017 stipulated that a Neighbourhood Plan forms part of the statutory development plan following a successful referendum. In the very limited circumstances where a local planning authority decides not to make a neighbourhood plan, it would cease to be part of the development plan for the area.
- 5.5 Regulations 19 and 20 of The Neighbourhood Planning (General) Regulations 2012 require the council as soon as possible after making the plan to publish the decision and reasons for the decision (decision statement) and publicise the plan. A draft decision statement is appended as Appendix B which can be published following the resolution of the Executive. The title page of the plan and the Foreword will also be updated.
- 5.6 As part of the development plan for the area the neighbourhood plan must be considered when determining planning applications in the neighbourhood area alongside other documents such as the North Northamptonshire Joint Core Strategy and the Plan for the Borough of Wellingborough.

6. Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 The making of the Neighbourhood Plan will have limited implications on finance. The plan has now been drafted in full and the council's support required towards the plan will now end.
- 6.1.2 As part of the development plan, the neighbourhood plan provides a further suite of policies that must be considered by development management officers as and when planning applications are submitted falling within the neighbourhood area of Ecton. This may account for a limited amount of additional officer time when considering the full suite of policies applicable to any application in the neighbourhood area prior to a decision being reached.
- 6.1.3 The online policies map, which graphically illustrates policies of the development plan, will need to be updated to include the policies of the neighbourhood plan. This will be done as soon as practicable. It is likely that this will initially be done for the Wellingborough area only until such time as a North Northamptonshire wide online policy map is available.

6.2 Legal

- 6.2.1 The Localism Act 2011 (Part 6, Chapter 3, Sections 116-121 and Schedule 9 and 10), The Planning and Compulsory Purchase Act 2004 (as amended), The Neighbourhood Planning (General) Regulations 2012 (SI 2012 No.637), The Neighbourhood Planning (General) (Amendment) Regulations 2015 (SI 2015 No.20), The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 (SI 2016 No.873) and the Neighbourhood Planning Act 2017 set out the powers and duties in preparing Neighbourhood Plans.
- 6.2.2 Paragraphs 5-7 of Schedule 9 of The Localism Act 2011 amends section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA) so as to make Neighbourhood Development Plans part of the development plan in accordance with which planning applications must be determined. Section 3 of the Neighbourhood Planning Act 2017 further amends section 38 of the PCPA to provide that a neighbourhood development plan for an area becomes part of the development plan for that area after it is approved in a referendum. In the very limited circumstances that the local planning authority decide not to make the neighbourhood development plan, it will cease to be part of the development plan for the area.
- 6.2.3 There are considered to be no circumstances which would warrant the council not making the plan. If the plan was not formally made that decision could be challenged.
- 6.2.4 Government Guidance states that decisions on neighbourhood planning shall be taken by the Executive. The requirement for a decision by the Executive is due to Neighbourhood Development Plans not being development plan documents as defined in regulation 5 of the Town and Country Planning (Local

Planning) England Regulations 2012 and as such not coming within the list of plans and strategies listed in Column 1 of the table to Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

6.3 Risk

- 6.3.1 As referred to in the legal section above, if the council decides not to make the plan there is a risk that this decision could be legally challenged.

6.4 Consultation

- 6.4.1 Statutory consultation has taken place during the preparation of the neighbourhood plan. There is no requirement for consultation as a result of this decision on whether to make the plan.

6.5 Consideration by Scrutiny

- 6.5.1 None

6.6 Climate Impact

- 6.6.1 Policies within the plan seek to ensure the provision of sustainable development. Of particular note are policies which support the protection and enhancement of natural features (Policy 11); provision for electric vehicle charging (Policy 12) and provision of ducting to enable broadband (Policy 13). These policies are anticipated to have a positive effect in mitigating climate change impact.

6.7 Community Impact

- 6.7.1 Neighbourhood planning is intended to improve community cohesion. The plan has been prepared with full engagement of the local community and the referendum showed a clear majority of people voting supporting the plan.

7. Background Papers

- 7.1 Background papers relating to the preparation of the neighbourhood plan are available on the Ecton village website:
<http://www.ectonvillage.co.uk/neighbourhood-plan/> . Details of the process and various stages of plan preparation including the examination and examiners' report are also available on the council's website:
https://www.wellingborough.gov.uk/info/200143/neighbourhood_planning/1259/ecton_neighbourhood_plan_information
- 7.2 There are no background papers relating specifically to the decision to make the plan.