
Gretton Neighbourhood Plan – Decision on Examiner’s Report

SYNOPSIS

To inform members of the recommendations made in the Examiner’s Report on the Gretton Neighbourhood Plan; and to seek member’s approval for the Neighbourhood Plan to proceed to referendum.

1. INFORMATION

- 1.1 Neighbourhood planning is part of the Government’s initiative to empower local communities to take forward planning proposals at a local level. This is outlined in Section 116 of the Localism Act. Neighbourhood Plans, once made, will form part of the Development Plan. Following an update to Neighbourhood Planning guidance in response to the Covid-19 pandemic, the neighbourhood plan will now carry significant weight in decision making if approved to proceed to referendum.
- 1.2 Neighbourhood planning is led by a town or parish council or neighbourhood forum, in this case the preparation of the Gretton Neighbourhood Plan has been led by Gretton Neighbourhood Plan Steering Group on behalf of Gretton Parish Council.
- 1.3 The production of a neighbourhood plan must follow a regulatory process summarised below. The Gretton Neighbourhood Plan is the most advanced neighbourhood plan in the borough and this has now reached stage 7, which is highlighted in bold:

Key Stage/Process	Action	Date
1. Neighbourhood Area designation	Gretton Parish Council applied to Corby Borough Council for Area designation	29 th August 2016
2. Pre-Submission Consultation	6 week consultation on draft Gretton Neighbourhood Plan undertaken by the local community	1 st October to 12 th November 2019
3. Submission	Neighbourhood Plan formally submitted to Corby Borough Council	24 th June 2020
4. Technical Compliance Check	Corby Borough Council checked that all regulatory procedures have been followed	26 th June 2020
5. Publication	6 week consultation undertaken by Corby Borough Council	17 th July to 11 th September 2020
6. Examination	Corby Borough Council sent the Neighbourhood Plan to independent examination	2 nd September 2020

7. Plan Proposal Decision	Corby Borough Council's Local Plans Committee considers examiner's report, including any recommended modifications and if satisfied with the Plan proposal, proceed to referendum	2nd December 2020
8. Referendum	Organised and funded by Corby Borough Council. Where 50% or more of those voting are in favour of the draft Neighbourhood Plan, it must be 'made' by the Council and it then forms part of the statutory Development Plan	Due to the ongoing Covid-19 situation the earliest the referendum can be held is 6 th May 2021.

Neighbourhood Area Application

- 1.4 The first stage in the process is the designation of the Neighbourhood Area; the Gretton Neighbourhood Area was approved by Corby Borough Council on 2nd November 2016.
- 1.5 Since then Gretton Parish Council has been gathering evidence, and preparing and consulting upon the Neighbourhood Plan. The Pre-submission consultation on the Neighbourhood Plan took place from 1st October to 12th November 2019.
- 1.6 The Plan was submitted to Corby Borough Council on 24th June 2020. In accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the Neighbourhood Plan was made available for comment. This consultation took place from 17th July to 11th September 2020. A copy of the submission Neighbourhood Plan, along with the accompanying appendices is available at this link:

<https://www.corby.gov.uk/home/planning-and-building-control/planning-policy/neighbourhood-planning>

Independent Examination

- 1.7 Following the consultation, an independent examiner was appointed by Corby Borough Council, with consent of the Parish Council, to carry out the examination of the Neighbourhood Plan. The examiner, John Parmiter FRICS MRTPI, examined the Plan by written representations, and undertook an unaccompanied site visit of the Neighbourhood Plan area.
- 1.8 The role of the examiner was to assess whether the Neighbourhood Plan meets certain legal requirements, known as the 'Basic Conditions' and various other requirements. The Basic Conditions are:
- 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

- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been compiled with in connection with the proposal for the neighbourhood plan

1.9 Regulation 32 of the Neighbourhood Planning (General) Regulations set out an additional condition to be considered, and is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects

1.10 The examiner must also consider whether the draft neighbourhood plan is compatible with Convention Rights.

1.11 The examiner has now issued his report, and there are a number of modifications which are necessary to ensure that the Gretton Neighbourhood Plan meets the basic conditions. A copy of the examiner's report is attached at Appendix 1.

1.12 The examiner's conclusion is that, subject to the modifications recommended in the report, the Gretton Neighbourhood Plan meets the basic conditions and other statutory requirements outlined in the report. The examiner recommends that, subject to the modifications proposed in the report, the Gretton Neighbourhood Plan can proceed to referendum.

The Local Planning Authority's Role

1.13 The local planning authority is responsible for determining whether the plan meets the basic conditions, with or without modifications, and on whether the neighbourhood plan should proceed to referendum. It must also decide on whether the referendum area should be extended beyond the neighbourhood area.

1.14 Once the Council received the examiner's report it must decide what action to take. Regulation 18 of the Neighbourhood Plan (General) Regulations 2012 (as amended) states that the local planning authority must decide:

- (a) to decline to consider a plan proposal under paragraph 5 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) or a modification proposal under paragraph 5 of schedule A2 to the 2004 Act;
- (b) to refuse a plan proposal under paragraph 6 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) or a modification proposal under paragraph 8 of schedule A2 to the 2004 Act;
- (c) 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 (as applied by section 38A of the 2004 Act) in relation to a neighbourhood plan or under paragraph 13 of Schedule A2 to the 2004 Act in relation to a proposed modification of a neighbourhood development plan;
- (d) what modifications, if any, they are to make to the draft plan under paragraph 12 (6) of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) or paragraph 14 (6) of Schedule A2 to the 2004 Act;
- (e) whether to extend the area to which the referendum (or referendums are) to take place; or
- (f) that they are not satisfied with the plan proposal under paragraph 12 (10) of

Schedule 4B to the 1990 Act (as applied by section 38A if the 2004 Act) or the draft plan under paragraph 14 (4) of Schedule A2 to the 2004 Act.

- 1.15 There are no grounds to decline to consider the Neighbourhood Plan under part (a) as this relates to repeat proposals; or to refuse to consider the Plan under part (b) as the requirements of this part have been met.
- 1.16 In relation to part (c), the examiner has made a series of recommendations; the local authority needs to consider what action to take in relation to these. The local authority must also consider, under part (d) whether there are any other modifications which are required to ensure the basic conditions are met; to ensure the neighbourhood plan is compatible with the Convention rights, to ensure the requirements of legislation are met, and to correct errors.
- 1.17 If the local authority is not satisfied that the plan meets the basic conditions, is not compatible with Convention rights or requirements of legislation are not met then they must refuse the Neighbourhood Plan under part (f).
- 1.18 The local authority must also consider whether to extend the area to which the referendum is held under part (e).
- 1.19 The Neighbourhood Plan (General) Regulations 2012 state that a Local Planning Authority must publish the actions which will be taken in response to the recommendations of the examiner. This is known as a 'Decision Statement'.
- 1.20 If the authority proposed to make a decision which differs from that recommended by the examiner then relevant people must be notified and invited to make representations. A six week period must be given for people to make representations. If the local authority considers it appropriate then the issue can be referred to further examination. The 'Decision Statement' must then be issued.

Consideration of the Examiner's report and proposed modifications

- 1.21 Having considered each of the recommendations made in the examiner's Report and the reasons for them, Officers believe that the Examiner has undertaken a fair and robust examination of the submitted Neighbourhood Plan, properly considering all duly made representations and recommend that the Council accept all of the examiner's modifications to the draft Plan. Gretton Neighbourhood Plan Steering Group has advised that it has agreed all the modifications recommended by the Independent Examiner. The examiner's modifications and officer's recommendations for each of these are set out in the draft decision notice attached at Appendix 2.
- 1.22 Officers have considered whether any other modifications are required to ensure that the Neighbourhood Plan meets the required conditions. It is not considered that any additional modifications are required. However it is recommended that a number of minor modifications are made to reflect modifications made by the examiner and to improve the clarity of the plan. These minor modifications are set out in table 2 of Appendix 2. As these are minor modifications, which are not a different view to the examiners, it is not necessary for the Council to re-consult on these minor modifications.
- 1.23 Officers consider that, subject to the examiner's modifications being made to the plan, the Gretton Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended), is

compatible with the Convention Rights and meets the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act (as amended).

- 1.24 The Council will need to make the required modifications to the Gretton Neighbourhood Plan before it proceeds to referendum.
- 1.25 It is recommended that Members agree that the modifications to the plan are made and that the modified Neighbourhood Plan proceeds to referendum.
- 1.26 It is recommended that Members agree the decision notice and that this is published as soon as possible on the Council's 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 in accordance with Regulation 18 (2) of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Referendum

- 1.27 In relation to the referendum, the examiner concluded that there is no reason to alter or extend the Plan area for the purpose of holding a referendum. The Council agrees with this recommendation and therefore, the area for the referendum should be the Gretton Neighbourhood Plan area as approved by Corby Borough Council on 2nd November 2016 (shown in Appendix 3).
- 1.28 The Neighbourhood Planning (Referendums) Regulations 2012 (as amended) required that the referendum is normally held within 56 days of the date on which the decision that the referendum must be held is made, unless the local authority and Parish Council agree that the referendum does not need to be held by that date.
- 1.29 Unfortunately due to the Covid19 pandemic the Government has issued a new [paragraph 107](#) to the Planning Practice Guidance for Neighbourhood Planning which states that "*All neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are postponed in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 until 6 May 2021*". The Council's Local Plans team is currently liaising with the Authority's Democratic Services Manager to arrange the referendum in May 2021, combined with the elections for the new unitary council and for the Police, Fire and Crime Commissioner.
- 1.30 In relation to Neighbourhood Plan decision making, Paragraph 107 of the Planning Practice Guidance goes on to state that "*Where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.*" Therefore, once the Decision Notice has been published in accordance with Regulation 18 (2) of the Neighbourhood Planning (General) Regulations 2012 (as amended) the Council's Development Management team will work to ensure that the Gretton Neighbourhood Plan is given the appropriate weight in the decision making process.
- 1.31 Following referendum if more than 50% of those voting vote yes then the Neighbourhood Plan must be 'made' within 8 weeks of the referendum. Assuming a favourable majority vote it will be made by the new unitary authority in the Summer.

2. Conclusion

2.1 It is considered that the Gretton Neighbourhood Plan meets the basic conditions subject to modifications, as detailed in Appendix 2, and that the modified Neighbourhood Plan proceeds to referendum when it is legal and safe to do so.

3. Options To Be Considered (If Any)

3.1 Not to proceed to referendum. The examiner has found that subject to modification, the plan meets the relevant legal, procedural and planning tests and therefore there is no reason a referendum should not be held.

4. Issues To Be Taken Into Account:-

Policy Priorities

A neighbourhood plan attains the same legal status as the Local Plan once it has been approved at referendum. At this point it comes into force as part of the statutory Development Plan and will be used by planning officers to help determine applications for planning permission that are located within the parish boundary.

Financial

Corby Borough Council can bid for a neighbourhood planning support grant from central government. Funding can be claimed in certain circumstances as follows:

- a) £5,000 after designating a neighbourhood area
- b) £5,000 after designating neighbourhood forum
- c) £20,000 after issuing a decision statement detailing their intention to send the plan to referendum

The Council has already received £25,000 in previous financial years (items a to b above). However, funds for neighbourhood planning are not ring fenced and there is no available funding for the referendum at present from Democratic Services or the Neighbourhood Planning budget. Any costs incurred will have to be borne by the existing Local Plan budget. The Council can claim an additional £20,000 (item c above) if the Council agrees to progress the plan to referendum.

Legal

The Localism Act and National Planning Policy Framework make provision for communities to prepare plans that influence planning and development in their area. The Neighbourhood Planning (General) Regulations 2012 (as amended) set out the procedures which govern the processes of Neighbourhood Planning. The process is currently at the regulation 18 stage. The Council has a statutory duty to decide whether to progress the plan to referendum, to progress the plan with modifications, or to refuse the plan. The Council must publish a decision statement setting out the reasons for that decision as soon as possible after making it. There is no statutory timeframe for making the decision. The Council must consider each of the examiner's recommendations, and the reasons for them, and decide what action to take in response. As stated in paragraph 1.29, ordinarily, a neighbourhood planning referendum must be held within 56 days immediately following publication of the decision. However, Regulation 13 of the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 supersedes Regulation 2A of the Neighbourhood Planning (Referendums) Regulations 2012(1). As such, the referendum will not be held until the 6th May 2021 as things currently stand. Notwithstanding the referendum date, as soon as publication of the decision statement has been made detailing the Council's intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.

Human Rights, Community Safety, Equalities and Sustainability

As part of the process of preparing neighbourhood plans they need to ensure they are not discriminatory.

Performance Information

None directly linked to this report.

Best Value

None directly linked to this report.

Risk Management

It is considered likely the robustness of the Neighbourhood Plan policies will be tested over time by independent Planning Inspectors on planning appeals made under Section 78 of the TCPA 1990. Members are advised that the liability for future appeal costs rests with Corby Borough Council as Local Planning Authority and as such the usability of such plans and their impact on local decision making will need to be carefully monitored. However, it should be noted that in seeking approval to proceed to referendum on this Plan, there is agreement that the content of the Neighbourhood Plan is in broad conformity with the policies of the adopted North Northamptonshire Joint Core Strategy. It is therefore considered there is very limited risk to Corby Borough Council of additional financial liability as a result of this report and recommendations.

5. RECOMMENDATION

5.1 It is recommended that Members:

- Note the content of the examiner's report;
- Agree the examiner's modifications and that subject to these modifications the Neighbourhood Plan meets the Basic Conditions and other legislative requirements;
- Approve the Decision Statement attached at Appendix 2 to be published on the Council's website; and
- Agree that the Gretton Neighbourhood Plan as modified proceeds to a local referendum based on the boundary of the Gretton Parish as recommended by the Examiner.

Appendices

Appendix 1 – Gretton Neighbourhood Plan: Report of Examination

Appendix 2 – Gretton Neighbourhood Plan: Post Examination Decision Notice

Appendix 3 – Gretton Neighbourhood Plan Area

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