



## CABINET REPORT

<b>Report Title</b>	Great Houghton Parish Council Neighbourhood Plan Area Designation
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	20 June 2020
<b>Key Decision:</b>	YES
<b>Within Policy:</b>	YES
<b>Policy Document:</b>	YES
<b>Service Area:</b>	PLANNING
<b>Accountable Cabinet Member:</b>	Councillor James Hill
<b>Ward(s)</b>	Rushmills and Nene Valley

### 1. Purpose

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- 1.1 To designate a Neighbourhood Plan Area for Great Houghton Parish Council under Section 61G of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) for the purposes of producing a Neighbourhood Plan.

### 2. Recommendations

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- 2.1 That Cabinet notes the application in Appendices 1 and 2, and designates the area proposed by Great Houghton Parish Council for the purposes of neighbourhood planning.

### 3. Issues and Choices

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#### 3.1 Report Background

- 3.1.1 This report requests the designation of the whole of Great Houghton Parish Council's area as a neighbourhood area as part of the provision for Neighbourhood Planning as set out in the Localism Act 2011. The Act is supported by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.
- 3.1.2 Under the Act and Regulations, Northampton Borough Council has a statutory duty to assist parishes wishing to progress neighbourhood plans. This includes the duty to designate the whole of the area if a parish council makes an application to progress a neighbourhood plan to cover the entire extent of the parish council's area.
- 3.1.3 The preparation of a neighbourhood plan must be in accordance with the Regulations. Once the council has designated the neighbourhood area, the parish is responsible for preparing the neighbourhood plan, with technical assistance provided by the planning department and others dependent on the issues. Once prepared, the neighbourhood plan is checked by the council to determine if the *basic conditions* are satisfied. In order to become part of Northampton Borough Council's Development Plan and have the same legal status as the local plan, the neighbourhood plan must be independently examined and subject to a referendum.
- 3.1.4 In order to obtain approval of designation the Parish Council's application for designating the area for neighbourhood planning purposes needs to be compliant with the Neighbourhood Plan (General) Regulations 2012 - 5(1). These require the relevant body [the Parish Council] to include in their application:
- a) A map which identifies the area to which the area application relates;
  - b) A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
  - c) A statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.
- 3.1.5 On the 6 March 2020, Northampton Borough Council received an application to designate a Neighbourhood Area from Great Houghton Parish Council. Under the Regulations, where there is a parish council, they are the relevant body that may prepare a neighbourhood plan. The application made by Great Houghton Parish Council fulfils the three criteria mentioned above. Submitted documents can be found in appendices 1 and 2 to this report.

#### 3.2 Issues

- 3.2.1 The Parish Council consider the designation of the whole of Great Houghton Parish to be suitable for neighbourhood planning purposes. As the application

meets the three criteria set out in the Neighbourhood Plan (General) Regulations 2012 5(1), under the Town and Country Planning Act 1990 (Section 61G) as amended by the Localism Act, Northampton Borough Council is required to approve the application for designation of a neighbourhood area.

- 3.2.2 As the application has been submitted by Great Houghton Parish Council for the designation of the whole of its area as a neighbourhood area there are no publicity requirements.

### **3.3 Choices (Options)**

**3.3.1 Option 1 - Designate the Great Houghton Parish Council as a Neighbourhood Plan Area (recommended):**

- 3.3.2 It is recommended that the Cabinet designate the Area. In doing so, the Borough Council will have discharged its legal duty. It will also provide clarity to the parish council in terms of assistance from the Borough Council in the preparation of a neighbourhood plan.

**3.3.3 Option 2 – Refuse to Designate the Great Houghton Parish Council Area as a Neighbourhood Area**

- 3.3.4 The second option is to refuse the application. Since the Parish Council's application is valid (as set out in paragraph 3.1.5 above), this would mean that the Council was not carrying out its legal duty as set out in Section 61G(5) of the Town and Country Planning Act 1990 and may leave the Council open to the possibility of legal challenge.

## **4. Implications (including financial implications)**

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### **Policy**

- 4.1.1 The designation of a neighbourhood area is required to take forward the formal process of neighbourhood planning for Great Houghton Parish Council. Without a designated area, no formal neighbourhood planning may take place, although evidence gathering and engagement with the community may start and is encouraged. Once designated, the area will appear on the council's neighbourhood plan map and no other neighbourhood areas may overlap with this designation.
- 4.1.2 The Great Houghton Neighbourhood plan must be in general conformity with the statutory development plan (the West Northamptonshire Joint Core Strategy, December 2014, saved policies of the Northampton Local Plan 1997 and the Northamptonshire Minerals and Waste Local Plan, July 2017). Once adopted, the Neighbourhood Plan will become part of the Development Plan for Northampton and be used in the determination of planning applications. Neighbourhood plans carry significant weight as part of the planning process.

## Resources and Risk

- 4.2.1 Current estimates place the cost of producing a Neighbourhood plan at between £11,000 and £100,000<sup>1</sup> depending on the complexity of the process. The Parish Council are responsible for funding this project and may be eligible to apply for a grant of up to £9,000 in addition to receiving 'direct' support via Locality Neighbourhood Planning.
- 4.2.2 The Localism Act places a number of statutory obligations on the Council including:
- Publication of designated neighbourhood areas
  - Technical support, advice and guidance
  - Payment for the examination and referendum
- 4.2.3 Neighbourhood planning requires the support of the community; it is their Plan. There are risks associated with supporting plans that, for no fault of either party, the Plan does not reach the final stages. To manage risk for both parties, Service Level Agreements are proposed to be signed if Cabinet designate the Neighbourhood Area. These clearly define the type of assistance that officers will provide. These agreements will run for a period of 12 months and are linked to the project plan, which is prepared in partnership between the Parish and the Borough Council.

## Financial

- 4.2.4 Northampton Borough Council does not provide any direct financial assistance to neighbourhood planning groups and Great Houghton Parish Council has undertaken to produce the Neighbourhood Plan with this knowledge. As such the Parish Council are responsible for setting and managing their budget.
- 4.2.5 In recognition of the 'burdens' placed on the authority as a result of assisting groups to prepare Neighbourhood Plans, the Ministry of Housing, Communities will make a payment of £20,000 once a date is set for a referendum, following a successful examination. This funding is intended to cover staff time and other costs associated with the Council's statutory duties.
- 4.2.6 **Staff:** Officers will be required throughout the progression of a neighbourhood plan to advise and assist the parish council on the technical elements of neighbourhood planning. This is a statutory obligation.

## 4.3 Legal

- 4.3.1 The designation of a neighbourhood area enables the next stages of the neighbourhood planning process to be undertaken.

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<sup>1</sup> Thame Neighbourhood Plan - <https://www.theplanner.co.uk/features/the-good-the-bad-and-the-ugly-of-neighbourhood-plans>

- 4.3.2 The Localism Act introduced a statutory obligation for Northampton Borough Council to provide assistance to all groups who wish to undertake a neighbourhood plan.
- 4.3.3 The Council will need to appoint a suitably qualified person to undertake the examination of the Great Houghton Parish Council Neighbourhood Plan. This council will need to be satisfied that any draft neighbourhood plan submitted to it for independent examination complies with the relevant statutory requirements. Northampton Borough Council will also be expected to conduct the referendum in accordance with the relevant legislation.

#### **4.4 Equality and Health**

- 4.4.1 The designation of a neighbourhood area does not have any direct equality implications. The overall neighbourhood planning process has been scoped and full assessments will need to be carried out at various stages including consulting with the community and ensuring wider input into the plan making process. Great Houghton Parish Council will need to demonstrate that they have complied with the relevant legislation upon the submission of the plan and are being encouraged to consider equality as an integral objective of their plan making.

#### **4.5 Consultees (Internal and External)**

- 4.5.1 Regulations do not require the application for the designation of an entire Parish Council area to be consulted on for the purposes of neighbourhood plan making.
- 4.5.2 Internal consultation with Legal Services has taken place to ensure correct procedures have been followed.

#### **4.6 How the Proposals deliver Priority Outcomes**

- 4.6.1 The designation of the Great Houghton Parish Council Neighbourhood Area will contribute to all of Northampton Borough Council's Corporate Plan Strategic Priorities:
- A stronger economy – creating a thriving, vibrant town; a clean, green and tidy town; and shaping place and driving growth especially protecting, enhancing and promoting our heritage.
  - Resilient communities – empowering local people especially promoting, especially promoting and supporting the Neighbourhood Plan model.
  - Exceptional services to be proud of – especially working with partners to provide joined up services.

#### **4.7 Environmental Implications (including climate change issues)**

- 4.7.1 The designation of a neighbourhood area raises no environmental implications. If the Great Houghton Neighbourhood Plan progresses Northampton Borough Council will encourage environmental implications and climate change issues to be considered.

#### **4.8 Other Implications**

- 4.8.1 None.

#### **5. Background Papers**

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- 5.1 **Appendix 1:** Great Houghton Parish Council application letter to designate Great Houghton Parish Council as a neighbourhood area for the purposes of neighbourhood planning
- 5.2 **Appendix 2:** Map of proposed neighbourhood area, submitted by Great Houghton Parish Council.

#### **6. Next Steps**

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- 6.1 If the designation of Great Houghton Parish Council as a neighbourhood area for the purposes of progressing a neighbourhood plan is approved, Northampton Borough Council will be in a position to support the Parish Council in the production of its neighbourhood plan.

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