

**PAPER NO. 2**

**REPORT TO THE EXECUTIVE MEETING OF 9<sup>th</sup> OCTOBER 2017**

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<b>Meeting:</b>	<b>Executive</b>
<b>Date:</b>	<b>9<sup>th</sup> October 2017</b>
<b>Subject:</b>	<b>Great Glen Neighbourhood Plan</b>
<b>Report of:</b>	<b>Matthew Bills Neighbourhood and Green Spaces Officer</b>
<b>Portfolio Holder:</b>	<b>Cllr Brodrick and Cllr. Michael Rickman</b>
<b>Status:</b>	<b>For Recommendation</b>
<b>Relevant Ward(s):</b>	<b>Glen Ward</b>

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1 Purpose of the Report

- 1.1 The purpose of this report is to enable the Executive to consider the recommendations of the Examiner into the Great Glen Neighbourhood Plan and support the recommendation that the Plan proceed to public referendum.

2 **Recommendations:**

- 2.1 **That the Executive accepts the Independent Examiner's recommended changes to the Great Glen Neighbourhood Plan in full as set out in the schedule at Appendix A and notes the recommendation that the amended Great Glen Neighbourhood Plan should proceed to a referendum of voters within the Parish of Great Glen to establish whether the Plan should be 'made' and form part of the Development Plan for the Harborough District.**
- 2.2 **That the Executive approves the holding of a referendum relating to the Great Glen Neighbourhood Plan on 23<sup>rd</sup> November 2017 that will include all of the registered electors in Great Glen Parish.**

3 Summary of Reasons for the Recommendations

- 3.1 The final Examiner's report into the Great Glen Neighbourhood Plan was received on 12<sup>th</sup> July 2017. The Examiner considered the Plan along with the representations received when the Plan was published by the Council. The report recommends to the Council that, subject to the modifications proposed (see Appendix A), the Plan should proceed to a referendum.

- 3.2 The Neighbourhood Planning (General) Regulations 2012, (Regulation 18) sets out the matters that the District Council should consider at this stage in the Neighbourhood Plan making process. The District Council must consider each of the recommendations made by the Examiner in their report, including the reasons for them, and decide what action to take in response to each recommendation (see Appendix A).
- 3.3 It is considered that the recommended modifications should be incorporated into the plan and noted by the Executive in order to ensure that the plan is robust, sound, meets the Basic Conditions and comprises a user-friendly and efficient document. Liaison with Great Glen Parish Council confirms that they are happy to accept these recommendations. On this basis, the Plan should then proceed to a referendum in Great Glen Parish to determine if local people support the Plan. If the Plan receives a simple majority of those that vote, the District Council must 'make' the Plan.
- 3.4 The Neighbourhood Plan has been prepared by Great Glen Neighbourhood Plan Group and Great Glen Parish Council (The Qualifying Body).
- 3.5 The evidence provided to the Examiner within the Consultation Statement gave assurance to her that the consultation process was robust. The Examiner was therefore satisfied that the Plan met the Basic Conditions with regard to consultation.
- 3.6 In proceeding to a referendum with a plan that meets the prescribed Basic Conditions, the whole community will be afforded the opportunity to vote on the future development of the village and wider parish of Great Glen.

#### 4. Key Facts

- 4.1 The Council is committed to supporting the neighbourhood planning process across the Harborough District. Helping communities wishing to carry out neighbourhood plans is identified in the Corporate Plan 2017/18 as a way to deliver the priority '*to develop places in which to live and be happy*'.
- 4.2 The Great Glen Neighbourhood Plan ('the Plan') has been produced by the Great Glen Neighbourhood Plan Group, led by the Parish Council, as the Qualifying Body, in conjunction with the local community. The Plan does not seek to allocate houses, but relies on windfall housing to deliver housing that is considered by the community to be proportionate to the scale and character of Great Glen.
- 4.3 The Aim for Great Glen Neighbourhood Plan states:  
*"to set out policies for the years up to 2031 that will ensure that our area develops and grows in a way that is sustainable economically, socially and environmentally, and which enhances and improves the community in which we live";*
- 4.4 The Plan does this through a series of objectives which are:
- Designation of Local Green Spaces, which identify and protect these

special and locally important areas from development.

- A small number of Great Glen specific planning policies grouped around the key policy issues identified by the community as being of special importance to them. These include:
  - Policies in relation to housing provision and need;
  - Policies to address car parking issues within the Village;
  - The protection of important community assets;
  - The incorporation of the design aspects of the Village Design Statement into the Neighbourhood Plan;
  - Protection of important buildings and structures and open spaces of local importance; and
  - Protecting businesses and supporting business expansion in appropriate locations.

4.5 The examination version of the Great Glen Neighbourhood Plan was submitted to the Council on 26<sup>th</sup> January 2017. Following initial verification checks, a six week period of public consultation on the Plan was held running from 8<sup>th</sup> March 2017 to 19<sup>th</sup> April 2017. A total of 10 responses were received, each making multiple representations on most aspects of the Plan.

4.6 The Council, with the agreement of Great Glen Parish Council, appointed Ms. Liz Beth as the Independent Examiner in April 2017. All the representations received on the Examination Version of the Plan were forwarded to the Examiner for consideration. The Examiner was satisfied that all the responses could be assessed without the need for a public hearing.

4.7 The Examiner was appointed on 3<sup>rd</sup> April 2017 and the Examination took place from 27<sup>th</sup> April 2017 to 12<sup>th</sup> July 2017. The role of the Examiner is to consider whether a neighbourhood plan meets the Basic Conditions. In order to do this the Plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with European Union obligations and, not breach, nor be in anyway incompatible with the European Convention on Human Rights.

4.8 The final Examiner's Report into the Plan was received by the Council on 12<sup>th</sup> July 2017 and was made available to the public on the Council's website shortly after. A full copy is included in Appendix B of this report. The report recommends to the Council that, subject to the modifications proposed the Plan should proceed to a Referendum.

4.9 The Examiner made the following comments with regard to the Great Glen Neighbourhood Plan:

*Thanks to the Local Authority and qualifying body staff for their assistance with this examination. I commend the extensive work undertaken by local community volunteers and parish councillors, who have produced a Plan that is*

*locally relevant and comprehensive.*

- 4.10 A schedule of the Examiner's recommendations is set out at Appendix A. The main changes recommended by the Examiner (in order to meet the 'Basic Conditions') are to make the Plan appropriate for use in determining planning applications and to ensure clarity and accuracy in the text of the Plan.
- 4.11 The Examiner recommended some policy deletions from the submission version Neighbourhood Plan however this is because the policies either repeated or conflicted with National Policy or were not land based policies.
- 4.12 Great Glen Parish Council and Neighbourhood Plan Group have given the Report due consideration and resolved via email that it is in agreement with the recommended modifications of the Examiner to the Neighbourhood Plan. Officers are also in agreement with the recommendations of the Examiner.
- 4.13 A neighbourhood group submitted a letter of objection to the deletion of Neighbourhood Plan policies GG2 (Housing Provision) and GG13 (Other Important Open Space). The correspondence alleged that the Examiner had erred in law in making the recommendations to delete the two policies, and that she had not undertaken proper and transparent dialogue with the Qualifying Body and the Local Planning Authority.
- 4.14 The LPA does not consider that the above allegations are founded, and have responded as such to the community group.
- 4.15 The Examiner is also tasked with considering whether the Referendum Area should be extended beyond the designated Neighbourhood Area. The Examiner concludes that a Referendum based on the Great Glen Neighbourhood Area is appropriate. Officers agree with this recommendation.
- 4.16 The Neighbourhood Planning (General) Regulations 2012 set out that if the Council agrees to the recommendations of this report, it must publish a 'Decision Statement' on the Plan. This must set out the District Council's decision on the Great Glen Neighbourhood Plan and the reasons for making that decision. It is normal practice for the date of the Referendum to also be specified. The suggested changes will then be made to the Plan ready for publication as one of the specified documents that must be in place in order to allow the Referendum to proceed.
- 4.17 The date for the referendum is set for 23<sup>rd</sup> November 2017. Therefore, the final version of the Plan and the Information Statement must be on Harborough District Council's website on 16<sup>th</sup> October 2017 at the latest, i.e. at least **28 working days** before the provisional date set for the Referendum. The Council will also need to ensure that the publication of 'notice of referendum' takes place on 19<sup>th</sup> October 2017 i.e. at least **25 working days** before the provisional date set for the referendum.
- 4.18 The referendum will follow a similar format to an election. All those registered to vote within the Neighbourhood Area will be given the opportunity to be involved in the Referendum. Local residents will receive a ballot paper with the question;

**‘Do you want Harborough District Council to use the neighbourhood plan for Great Glen to help it decide planning applications in the neighbourhood area?’**

Residents will be given the opportunity to vote ‘yes’ or ‘no’. If more than 50% of those voting in the referendum vote ‘yes’ then the Local Planning Authority is required to ‘make’ the plan (adopt the Plan, with the Plan becoming the Development Plan for Great Glen alongside the Core Strategy). Under the approved Neighbourhood Planning Scheme of Delegation ‘making’ the Plan will be done by officers of the Harborough District Council as soon as possible after a favourable Referendum result. If the result of the Referendum is “no”, then nothing further happens. The Parish Council will then have to decide how it wishes to proceed.

5. Legal Issues

- 5.1 The Neighbourhood Plan, as proposed to be amended, is considered to meet the Basic Conditions which were set out in law following the Localism Act, 2011 and this has been confirmed in the Examiner’s Report. The Plan is also considered to meet all the relevant legal and procedural requirements.
- 5.2 Should the District Council decide to accept the recommendations of this report; a **Decision Statement** will be prepared and published on the Harborough District Council website in accordance with the regulations. Necessary preparations for a referendum in accordance with the referendum regulations will then proceed.

6. Resource Issues

- 6.1 The Local Planning Authority was able to claim £5,000 in 2015 when the Great Glen Neighbourhood Area was designated. When the Referendum date is set Harborough District Council will be able to claim a further £20,000 in direct financial support from the Department of Communities and Local Government (DCLG) in relation to supporting the costs of Examination and Referendum. This grant will be claimed in the next window for claiming Neighbourhood Planning Grants (currently November – December 2017 as set out in the Chief Planner’s letter of 22 Feb 2017).
- 6.2 This direct financial support is to ensure that local planning authorities receive sufficient funding to enable them to meet their legislative duties in respect of neighbourhood planning. These duties include provision of advice and assistance; holding the examination; and making arrangements for the referendum.
- 6.3 The cost of organising and running the referendum is funded through the grant described in paragraph 6.1 above.

7. Equality Implications

- 7.1 In preparing the Plan, the Great Glen Neighbourhood Plan Group has taken time to involve and inform as wide a range of individuals, households, businesses and

interest/community groups as possible through a variety of means. This is set out in the Consultation Statement accompanying the Plan, which is referred to in the Examiners report.

- 7.2 Furthermore, in the report of the Examiner concludes that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations as set out on pages 10 and 11 of the Examiners report (see Appendix B).

## 8. Risk Management Implications

- 8.1 The following risks have been identified:

8.1.1 Not following the legislation and regulations correctly could leave the Council open to legal challenge. The circumstances where a legal challenge, through a claim for judicial review, can be raised are set out in the Town and Country Planning Act 1990, section 61N.

8.1.2 The preparation of the Great Glen Neighbourhood Plan has, to date, been supported by the Strategic Planning Team in terms of providing advice, assistance given to the Steering Group, attendance at meetings of the Steering Group and Parish Council and ensuring the correct procedural steps are followed. The Elections Team will now be involved in ensuring a Referendum is held as soon as possible and as set out in the Regulations.

## 9. Consultation

- 9.1 In reaching this stage, the consultation requirements set out in the legislation and the regulations have been complied with as follows:

- Publicity of the Neighbourhood Plan Area 14/3/2014 to 25/4/2014;
- Pre-Submission Consultation (reg. 14) 18/12/2015 to 4/2/2016; and
- Submission Consultation (reg. 16) 8/3/2017 to 19/4/2017.

- 9.2 The Neighbourhood Planning (General) Regulations (2012) require the Council's '**Decision Statement**', in relation to the Examiner's recommendations, to be published on the Harborough District Council website along with the Examiner's report.

## 10. Options Considered

- 10.1 To reject some or all of the Examiner's recommendations. This option is not considered appropriate as the proposed modifications will make the Plan more robust and enable it to meet the prescribed Basic Conditions.

- 10.2 To decide not to proceed to referendum on the Neighbourhood Plan. Given that the Plan has successfully passed through the examination process, there is no reason why the Plan, including modifications, should not proceed to Referendum. In the light of this, this option is not considered appropriate.

11.1 Background Papers

[Great Glen Neighbourhood Plan - submission version](#)

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**Information Issued Under Sensitive Issue Procedure: N**

**Ward Members Notified: Y**

**Appendices:**

**Appendix A: Examiners Recommendations**

**Appendix B: Examiners Report**