

**PAPER NO. 9**

**REPORT TO THE EXECUTIVE MEETING OF 4<sup>th</sup> December 2017**

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**Meeting:** Executive  
**Date:** 4<sup>th</sup> December 2017  
**Subject:** Great Easton Neighbourhood Plan  
**Report of:** Matthew Bills Neighbourhood and Green Spaces Officer  
**Portfolio Holder:** Cllr Phil King  
**Status:** For Recommendation  
**Relevant Ward(s):** Nevill Ward

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1 Purpose of the Report

- 1.1 The purpose of this report is to enable the Executive Committee to consider the recommendations of the Examiner into the Great Easton Neighbourhood Plan and support the recommendation that the Plan proceed to public referendum.
- 1.2 The report also seeks approval from the Executive Committee to amend the Great Easton Neighbourhood Plan in accordance with a request from a land owner in Great Easton.

2 **Recommendations:**

- 2.1 **That the Executive accepts the Independent Examiner's recommended changes to the Great Easton Neighbourhood Plan as set out in the schedule at Appendix A and notes the recommendation that the amended Great Easton Neighbourhood Plan should proceed to a referendum of voters within the Parish of Great Easton to establish whether the Plan should form part of the Development Plan for the Harborough District.**
- 2.2 **That the Executive approve the deletion of a paragraph as set out in Recommendation 5 of Appendix A (Summary of Examiner recommendations) and Paragraph 83, bullet point 2, of the Examiners Report (Appendix C) in accordance with the information set out at Appendix B.**
- 2.3 **That the Executive approves the holding of a referendum relating to the Great Easton Neighbourhood Plan on 25<sup>th</sup> January 2018 that will include all of the registered electors in Great Easton Parish.**

### 3 Summary of Reasons for the Recommendations

- 3.1 The final Examiner's report into the Great Easton Neighbourhood Plan was received on 18<sup>th</sup> June 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, except for the last paragraph of amendment number 5 of **Appendix B** (Summary of Examiners recommendations and paragraph 83 second bullet point of **Appendix A**), 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 Easton Parish Council confirms that they are happy to accept these recommendations. On this basis, the Plan should then proceed to a referendum in Great Easton Parish to determine if local people support it.
- 3.4 The Neighbourhood Plan has been prepared by Great Easton Neighbourhood Plan Group and Great Easton Parish Council.
- 3.5 The evidence provided to the Examiner within the Consultation Statement gave assurance to him 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 Easton.

### 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 Easton Neighbourhood Plan ('the Plan') has been produced by the Great Easton Neighbourhood Plan Group, led by the Parish Council, as the Qualifying Body, in conjunction with the local community. The Plan seeks to allocate around 34 houses and that is considered by the community to be proportionate to the scale and character of Great Easton.

4.3 The Vision for Great Easton states:

*The Neighbourhood Plan seeks to ensure that Great Easton 1) is a tranquil and safe place to live; 2) continues to thrive as a vibrant and distinct village with a balanced and diverse community; 3) will evolve and expand whilst retaining its unique and distinctive character and 4) provides wellbeing through a healthy, creative, equitable and sustainable life.*

*Great Easton will be known for its strong community, its school, attractive streets and green spaces and thriving natural environment. It will be safe and enjoyable to move around on foot and bike, thus promoting a safe, family focused and invigorating environment for future growth*

4.4 The examination version of the Great Easton Neighbourhood Plan was submitted to the Council on 20<sup>th</sup> February 2017. Following initial verification checks, a six week period of public consultation on the Plan was held running from 22<sup>nd</sup> March 2017 to 3<sup>rd</sup> May 2017. A total of 14 responses were received, each making multiple representations on most aspects of the Plan.

4.5 The Council, with the agreement of Great Easton Parish Council, appointed Mr Nigel McGurk 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.

4.6 The Examiner was appointed on 28<sup>th</sup> April and the Examination took place from 11<sup>th</sup> May 2017 to 18<sup>th</sup> June 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.

4.7 The final Examiner's Report into the Plan was received by the Council on 18<sup>th</sup> June 2017 and was made available to the public on the Council's website shortly after. A full copy is included in **Appendix C** of this report. The report recommends to the Council that, subject to the modifications proposed the Plan should proceed to a Referendum.

4.8 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.

4.9 The Examiner recommended some policy deletions from the submission version

Neighbourhood Plan however this is because the policies repeated or conflicted with National Policy, were not land based policies or were repetitious of other policies within the Plan.

- 4.10 Great Easton Parish Council and Neighbourhood Plan Group have given the Examiners Report due consideration.
- 4.11 A further response has been received from the landowner of Barnsdale House, Great Easton stating that the last paragraph of recommendation 5, within the report, is prejudicial to their interests in Great Easton. The recommendation in the Examiners report is as follows:

*Add to remaining supporting text on page 26 "The landowner of land Adjacent to Barnsdale House has committed to ensuring that, as part of the development of the site, permissive pedestrian access to an area of former railway track elsewhere will be provided, as a contribution towards the creation of a circular path for the benefit of the people of Great Easton."*

- 4.12 The landowner contests that this is not their actual position and they have not agreed to such an undertaking. After consideration by the LPA, and further legal advice the District Council and Qualifying Body are minded to accept all but one recommendations of the Examiner, and has undertaken further consultation between 2<sup>nd</sup> October and 15<sup>th</sup> November 2017 to notify and invite representations from all those prescribed by Regulation 17A(2) Neighbourhood Planning (General) Regulations 2012 (as amended) being:

- (i) the qualifying body,
- (ii) any person whose representation was submitted to the examiner of the plan proposal in accordance with Regulation 17(d); and
- (iii) any consultation body which is referred to in the consultation statement mentioned in Regulation 15.

- 4.13 The representations received as part of this consultation can be found at **Appendix D**. The respondents do not make any representations that result in a reason to amend the recommendation in 2.2 above.

- 4.14 The Qualifying Body have resolved via email that it is in agreement with the deletion of the text itemized at paragraph 83, second bullet point from the referendum version plan and also in agreement with all other recommended modifications of the Examiner to the Neighbourhood Plan. Officers are also in agreement with the other recommendations of the Examiner.

- 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 Easton 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 Easton 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 provisionally set for 25<sup>th</sup> January 2018. Therefore, the final version of the Plan and the Information Statement must be on Harborough District Council's website on 13<sup>th</sup> December 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 18<sup>th</sup> December 2017 i.e. at least **25 working days** before the provisional date set for the referendum. The detailed requirements in respect of the Referendum process are set out in the [Neighbourhood Planning \(Referendums\) Regulations 2012](#).
- 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 Easton 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 Easton 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 (see [paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#)) 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 The Local Planning Authority may reject a recommendation of the Examiner under Regulation 17A(2) of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 5.3 Should the District Council decide to accept the recommendations of this report a **Decision Statement** and other specified documents 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 £5,000.00 in 2015 when the Great Easton Neighbourhood Area was designated. When the Referendum date is set Harborough District Council will be able to claim a further £20,000.00 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).
- 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 Easton 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 9 to 11 of the Examiners report (see **Appendix C**).

## 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 Easton 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 10/11/2014 to 22/12/2014;
- Pre-Submission Consultation (reg. 14) 2/9/2016 to 14/10/2016; and
- Submission Consultation (reg. 16) 22/3/2017 to 3/5/2017; and
- Consultation regarding rejection of one of the Examiners recommendations (Paragraph 13 (1), Schedule 4B of the Town and Country Planning Act) 2/10/2017 to 15/11/2017.

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 and other specified documents.

## 10. Options Considered

10.1 To reject more or all of the Examiner's recommendations. This option is not considered appropriate as the proposed rejection of one modification as outlined above and acceptance of the remaining modifications will make the Plan more robust and ensure it is still able 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. Background Papers

[Great Easton 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: Reasons for recommended deletion of text (recommendation 5)**

**Appendix C: Examiners Report**

**Appendix D: Representations received between 2/10/2017 and 15/11/2017**