Purpose of report

To approve the designation of Hackleton Parish as a Neighbourhood Area, as recommended by the Planning Policy and Regeneration Committee.

To note the urgent decisions taken by the Director of Operational Delivery, with regards to the 'making' (adoption) of the Harpole Neighbourhood Plan (HNP) and the designation of Paulerspury Neighbourhood Area.

1.0 Recommendations

The meeting is recommended:

1.1 To designate Hackleton Parish as a Neighbourhood Area.

1.2 To note the urgent decisions taken by the Director of Operational Delivery, to formally 'make' the Harpole Neighbourhood Plan, so that it remains part of the statutory Development Plan for the District.

1.3 To note the urgent decisions taken by the Director of Operational Delivery, to approve the issuing and publication of a 'Decision Statement'; stating that South Northamptonshire Council has resolved to make the Harpole Neighbourhood Plan.

1.4 To Note the urgent decisions taken by the Director of Operational Delivery, to designate Paulerspury Parish as a Neighbourhood Area.

2.0 Introduction

2.1 The 2011 Localism Act gave Town and Parish Councils the powers to prepare Neighbourhood Plans for their area. They give communities the opportunity to help
to shape their local areas. They may be drawn up by Town/ Parish Councils in Districts such as South Northamptonshire that already have designated Parishes. Once adopted Neighbourhood Plans will carry full statutory weight as part of the Local Plan for the area, and due regard must be had when making decisions on planning applications.

3.0 Report Details

Designation of Hackleton Parish as a Neighbourhood Area

3.1 Parish Councils must apply to South Northamptonshire Council with the necessary information and the Council must formally endorse the Neighbourhood Area for the Parish to start work on its Plan.

3.2 Designation of a Neighbourhood Area is the first step in the preparation of a Neighbourhood Plan. Once a Neighbourhood Area is designated, the next stage is for the Parish Council to engage with their community and prepare its Plan.

3.3 Hackleton Parish Council applied to SNC for designation of the whole of the Hackleton Parish as a Neighbourhood Area. As the entire parish boundary has been used and the application is made by the Parish Council, a public consultation is not required.

3.4 At the 26 July 2017 Planning Policy and Regeneration Strategy Committee, Members considered a report regarding the designation of Hackleton Parish as a Neighbourhood Area and resolved to recommend that Full Council approve the proposed Neighbourhood Area.

3.5 The report is available at the following link: Designation of Hackleton Parish - PPRS report

Designation of Paulerspury as a Neighbourhood Area

3.6 Paulerspury Parish Council has also applied to SNC for designation of the whole of the Parish as a Neighbourhood Area. As the entire parish boundary has been used and the application is made by the Parish Council, a public consultation is not required either.

3.7 At the 20 September 2017 Planning Policy and Regeneration Strategy Committee meeting Members considered a report regarding the designation of Paulerspury Parish as a Neighbourhood Area and resolved to recommend that Full Council approve the proposed Neighbourhood Area.

3.8 The report is available at the following link: PPRS 20 September 2017

3.9 However due to the legal timeframes set out in the Regulations, where a Council must designate an area within 6 weeks of the application, the Director of Operational Delivery, in consultation with the Chairman, used urgency powers to designate Paulerspury Parish as a Neighbourhood Area.
3.10 In accordance with the Constitution, the use of urgency powers is reported to the next meeting of the decision making body that would ordinarily take the decision for information.

‘Making’ (Adoption) of the Harpole Neighbourhood Plan

3.11 In 2013 the Council designated a Neighbourhood Area for Harpole Parish. The Neighbourhood Plan Group undertook formal consultation on the emerging plan in May 2016, with SNC running a public consultation in October 2016. SNC then appointed an independent Examiner and organised and funded an Examination on the Harpole Neighbourhood Plan which took place in March 2017.

3.12 Following receipt of the Examiner’s report, which recommended that the Neighbourhood Plan proceed to referendum subject to a number of modifications, in June 2017 the Planning Policy and Regeneration Strategy Committee considered the Examiner's report and Neighbourhood Plan incorporating the modifications and resolved that the Neighbourhood Plan proceed to Referendum.

3.13 The Referendum for the Harpole Neighbourhood Plan took place on 27 July 2017. 92.8% of those who voted were in favour of the Harpole Neighbourhood Plan, which is above the required 50%.

3.14 At its 20 September 2017 meeting, the Planning Policy and Regeneration Strategy Committee considered a report regarding the ‘making’ (adoption) of the Neighbourhood Plan (available at the following link: PPRS report) and recommended that the Plan be formally ‘made’ so that it forms part of the council’s development plan.

3.15 The ‘making’ of a Neighbourhood Plan sits with Full Council, however as the regulations governing neighbourhood planning set an 8 week timeframe to formally ‘make’ the Plan, the Planning Policy and Regeneration Strategy Committee resolved to request the Director of Operational Delivery, in consultation with the Chairman of Council, to formally ‘make’ the Harpole Neighbourhood Plan, so that it is part of the statutory Development Plan for the District and to take an urgent decision, in consultation with the Chairman of Council, to approve the issuing and publication of a ‘Decision Statement’, stating that South Northamptonshire Council has resolved to make the Harpole Neighbourhood Plan.

3.16 In accordance with the Constitution, the use of urgency powers is reported to the next meeting of the decision making body that would ordinarily take the decision for information.

4.0 Conclusion and Reasons for Recommendation

4.1 The report outlines to Council action already taken under urgency powers with regards to the designation of Paulerspury Parish as a Neighbourhood Area and the ‘making’ of the Harpole Neighbourhood Plan as required by the Constitution.

4.2 With regards the designation of Hackleton Parish as a Neighbourhood Area, it is considered that the proposed Neighbourhood Area is appropriate for Hackleton Parish, as the area uses the whole of the parish and has been submitted by
Hackleton Parish Council as a ‘relevant body’. The Planning Policy and
Regeneration Strategy Committee has recommended that Full Council approve the
designation of the Neighbourhood Area.

5.0 Consultation

Planning Policy and Regeneration Strategy Committee
Chairman of Council in respect of the decisions taken under urgency powers by the
Director – Operational Delivery

6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons
as set out below:

Under the updated ‘Neighbourhood Planning (General) and Development
Management Procedure (Amendment) Regulations (2016)’ the Council is required
to approve an application for a Neighbourhood Area if the area covers the whole of
an existing Parish Council and is led by an existing Parish Council. The only
discretion the Council has is if the application is considered incomplete.

The Paulerspury and Hackleton Neighbourhood Area applications are considered to
be complete and therefore there are no valid reasons for rejection.

In terms of the Harpole Plan, where a referendum poll results in more than half of
those eligible to vote, voting in favour of the Neighbourhood Plan, the local planning
authority must formally ‘make’ the Plan as part of the statutory development plan.

There are not considered to be any alternative options unless the making of the
plan would breach, or would otherwise be incompatible with, any EU obligation or
any of the Convention rights (within the meaning of the Human Rights Act 1998). Or
under the Neighbourhood Planning Act 2017 the Council choses for the
Neighbourhood Plan to cease to form part of the Development Plan, under section
38A(6) based on other material considerations. This is not considered necessary for
the Harpole Neighbourhood Plan.

7.0 Implications

7.1 Financial and Resource Implications

There are no significant financial implications at the Neighbourhood Area
designation stage, however in terms of resources in line with paragraph 3 of
Schedule 4B to the Town and Country Planning Act 1990 (as amended), the local
authority must take key decisions in the neighbourhood planning process and
provide advice or assistance to a Parish Council/ Neighbourhood Forum.
The costs of public consultation, appointing the Examiner, undertaking the examination and the holding of the referendum are all the responsibility of South Northamptonshire Council.

There are costs associated with the preparation for and the undertaking of the examination mainly the examiner’s fees and staff resources, which are met from the SNC Planning Policy budget.

The preparation for and the undertaking of the referendum require a significant amount of officer time from Planning Policy and the Democratic and Elections team.

However, once a Plan has been successful at examination the Council qualifies to claim a payment of £20,000 from the DCLG Neighbourhood Planning Grant. This is to help cover costs of the Examination and Referendum any other further steps that may be needed for the neighbourhood plan to come into legal force.

Comments checked by: Paul Sutton, Chief Finance Officer, 0300 003 0106 paul.sutton@cherwellandsouthnorthants.gov.uk

**Legal Implications**

7.2 In terms of the Neighbourhood Areas, the legal implications are covered in the reports, which make clear the legal status which the Neighbourhood Plan will be afforded in the event that they are adopted and form part of the statutory Development Plan.

The Harpole Neighbourhood Plan will formally remain part of the statutory Development Plan for South Northamptonshire District and will be a material consideration in the determination of planning applications in the area covered by Harpole Neighbourhood Plan.

Anything relating to the referendum and the Council’s decision to make the Plan, may be legally challenged by a claim for judicial review.

Comments checked by: Ben Arrowsmith Solicitor – Planning & Litigation Ben.arrowsmith@cherwellandsouthnorthants.gov.uk

**8.0 Decision Information**

**Wards Affected**

Harpole, Grange and Tove and Hackleton

**Links to Corporate Plan and Policy Framework**

To preserve what is special
To protect quality of life

**Lead Councillor**

Councillor Roger Clarke, Portfolio Holder for Planning and Environment
## Document Information

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**Background Papers**

None

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