

Harborough District Council

Great Glen Neighbourhood Development Plan - Final Decision Statement

1. Summary

1.1. Following a positive referendum result Harborough District Council is publishing its decision to 'make' the Great Glen Neighbourhood Development Plan part of Harborough District Councils Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. Background

2.1. Great Glen Parish Council, as the qualifying body successfully applied for Great Glen Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force in April 2012.

2.2. Following the submission of the Great Glen Neighbourhood Plan Examination Version to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 3rd October 2018.

2.3. Harborough District Council appointed an Independent Examiner, Mr Andrew Ashcroft, to review whether the modifications to the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.

2.4. There are three types of modification which can be made to a neighbourhood plan or order. The process depends on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or
- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

2.5. The Parish Council considered this issue in a statement (Appendix C) submitted to the Council and took the view that the changes were material, not requiring a referendum. It commented that the made Plan does direct growth in the Plan area. In addition, it has policies on design, windfall development, affordable housing and housing mix.

2.6. HDC also considered the issue in a statement (Appendix D) submitted to the Examiner and took the view that the Plan required both examination and referendum. HDC took this view because the revised Neighbourhood Plan seeks to allocate a housing site for 10 dwellings (Policy GG1). The Council considered that a site of 10 dwellings is significant, given that it falls within the NPPF's definition of major development and that the 'made' Plan does not allocate sites

for housing.

2.7. The Examiner concluded that the changes to the Plan were material modification that do change the nature of the Plan and require examination and referendum.

2.8. The Examiner reached this decision for the following reasons:

- the submitted Plan includes several policies which are material modifications to the neighbourhood plan;
- in particular the submitted review of the Plan includes a proposed housing allocation (Policy GG1); and
- a housing allocation is not included in the 'made' neighbourhood plan.

2.9. The Parish Council were informed of this decision by the Examiner on 16 August 2019. The Parish Council then advised that it wished to proceed with the examination of the proposed modifications to the made neighbourhood plan.

2.10. The Examiners report concluded that the modifications to the plan met the basic conditions, subject to the amendments proposed in his report and which are set out in the Great Glen Neighbourhood Decision Statement published on 11 December 2019, the plan should proceed to a referendum. At its meeting on 4 November 2019 the Councils Cabinet agreed that all of the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum.

2.11. A referendum was held on 23 January 2020 and a 'yes' vote was returned with 738 out of 809 persons that voted, voting '*to use the Neighbourhood Plan for Great Glen to help it decide planning applications in the Neighbourhood Area.*'

2.12. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended, the Neighbourhood Planning (General) (Amendment) Regulations 2015 and the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 requires that the Council must 'make' the Neighbourhood Plan within 8 weeks if more than half of those voting have voted in favour of the plan.

2.13. The council are not subject to this duty if 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).

3. Decision and Reasons

3.1. With the Examiner's recommended modifications the Great Glen Neighbourhood Development Plan meets the basic conditions set out in paragraph 8(2) of Schedule 48 of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.

3.2. The referendum held on 23 January 2020 met the requirements of the Localism Act 2011; it was held in the Parish of Great Glen and posed 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?'

3.3. The count took place on 23 January 2020 and greater than 50% of those who voted were in favour of the Plan being used to help decide planning applications in the plan area. The results of the referendum were:

Description		Votes
Total number of votes cast		809
Number cast in favour of a "YES"		738
Number cast in favour of a "NO"		69
The number of Ballot Papers rejected was as follows	(a) Want of Official Mark	
	(b) Voting more times than the voter was entitled to	
	(c) Writing or mark by which the voter could be identified	
	(d) Being unmarked or wholly void for uncertainty	2
	(e) Rejected in part	
	Total number of Spoilt Votes	
Electorate 3484 Turnout – 23.2%		

3.4. Harborough District Council has assessed that the Plan, including its preparation, does not breach, and would not otherwise be incompatible with any EU obligation or any Convention rights (within the meaning of the Human Rights Act 1998).

3.5. In accordance with the Regulations and the Council's scheme of delegation the Great Glen Neighbourhood Development Plan is 'made' and planning applications in the Parish must be considered against the Great Glen Neighbourhood Development Plan, as well as existing planning policy, such as the Harborough District Local Plan and the National Planning Policy Framework and Guidance.

4. Where to view this Decision Notice

4.1. The decision notice may be viewed at:

Harborough District Council The Symington Building Adam and Eve Street Market
Harborough
LE16 7AG

Open - Mon/Tues/Thu/Fri: 8.45am - 5pm. Wed: 9.30am - 5pm