

Harborough District Council

Foxton Review Neighbourhood Development Plan - Final Decision Statement

1. Summary

- 1.1. Following independent examination Harborough District Council (HDC) is publishing its decision to 'make' the Foxton Review 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. Foxton Parish Council (FPC), as the qualifying body successfully applied for Foxton 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 Foxton 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 7th July 2021.
- 2.3. Harborough District Council appointed an Independent Examiner, Andrew Ashcroft, to examine whether or not the submitted Plan met the basic conditions and Convention Rights and other statutory requirements and whether the changes in the Review Plan are significant as to require just Examination or more significant to require Examination and Referendum.
- 2.4. The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as qualifying bodies seek to review 'made' neighbourhood plans. It introduces a proportionate process for the modification of neighbourhood plans where a neighbourhood development order or plan has already been made in relation to that area.
- 2.5. There are three types of modification which can be made to a neighbourhood plan or order. The process will depend 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.

2.6. FPC considered this issue. It took the view that the proposed changes to the 'made' Plan fall into the second category.

2.7. HDC took the same view as FPC on the scale and nature of the modifications to the policies in the 'made' Plan.

2.8. The Examiners report concluded that the plan met the basic conditions, and that subject to the modifications proposed in his report and which are set out in the Foxton Neighbourhood Plan Cabinet report of 1 November 2021 (Appendix A attached), the plan should be 'made by HDC, not requiring referendum.

2.9. At its meeting on 1 November 2021 the Councils Cabinet agreed that the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should be 'made'.

3. Decision and Reasons

3.1. With the Examiner's recommended modifications, the Foxton Review 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. Cabinet approved the Foxton Review Neighbourhood Plan to be 'made' at its meeting on 1 November 2021.

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 Foxton Neighbourhood Development Plan is 'made' and planning applications in the Parish must be considered against the Foxton Review 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