

Harborough District Council

Billesdon 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 Billesdon 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. Billesdon Parish Council (BPC), as the qualifying body successfully applied for Billesdon 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 Billesdon 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 17 January 2024.
- 2.3. Harborough District Council appointed an Independent Examiner, Andrew Matheson, to examine whether or not the submitted Plan met the basic conditions, 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. BPC considered this issue. It took the view that the proposed changes to the 'made' Plan fall into the second category. (material modifications that do not change the nature of the plan)

2.7. HDC took the same view as BPC 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 the plan should be 'made by HDC, not requiring referendum.

2.9. Regulation 18 A states:

In regulation 18A (prescribed date for making a neighbourhood development plan), after paragraph (2) add—

“(3) The date prescribed for the purposes of paragraph 14(7) of Schedule A2 to the 2004 Act is—

(b) the last day of the period of 5 weeks beginning with the day immediately following that on which the examiner's report was received by the local authority in accordance with paragraph 13 of Schedule A2 to the 2004 Act; or

(c) such later date as may be agreed in writing by the local planning authority and the qualifying body.”

2.10. The HDC approved Scheme of Delegation states:

Where material modifications do not change the nature of the plan (and the examiner finds that the proposal meets the basic conditions, or would with further modifications) (Regulation 18A vi), officers will 'make' the modified plan within 5 weeks following receipt of the examiner's report, or such later date as agreed in writing between the local planning authority and the qualifying body.

2.11. Under the approved Scheme of Delegation, the Director for Planning approved the 'making' of the Billesdon Reivew Neighbourhood Plan with the examiners

recommend modifications. The amended Neighbourhood Plan was 'made' on 10 June 2024.

3. Decision and Reasons

- 3.1. With the Examiner's recommended modifications, the Billesdon 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. The Director for Planning approved the Billesdon Review Neighbourhood Plan to be 'made' on 10 June 2024.
- 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 Billesdon Neighbourhood Development Plan is 'made' and planning applications in the Parish must be considered against the Billesdon 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