



## **BROUGHTON NEIGHBOURHOOD DEVELOPMENT ORDER: POST EXAMINATION DECISION NOTICE**

### **Regulation 25 of the Neighbourhood Planning (General) Regulations 2012 (as amended)**

This document is the decision statement required to be prepared under Regulation 25 (2) of the Neighbourhood Planning Regulations 2012 (as amended). It sets out the Council's response to each of the recommendations in the Broughton Neighbourhood Development Order (NDO) Independent Examiners Report prepared by Ann Skippers, which was submitted to the Council on the 28<sup>th</sup> May 2018.

This decision statement, the independent Examiner's Report, the submission version of the Broughton Neighbourhood Plan and supporting documents can be viewed on the Council's website: [www.kettering.gov.uk/NeighbourhoodPlanning/Broughton](http://www.kettering.gov.uk/NeighbourhoodPlanning/Broughton)

Paper copies of this decision statement and the independent Examiner's Report can be viewed during normal opening times at the following locations:

- Kettering Borough Council Offices, Bowling Green Road, Kettering

### **Background**

The Town and Country Planning Act 1990 (as amended) places a statutory duty on Kettering Borough Council to assist communities in the preparation of neighbourhood development orders and to take the plans through a process of examination and referendum. The Localism Act 2011 sets out the Local Planning Authority's responsibilities under neighbourhood planning.

The Broughton Neighbourhood Development Order relates to the Broughton Neighbourhood Area which was designated on the 15<sup>th</sup> January 2014. The Broughton Neighbourhood Area is the Broughton Parish Area.

Broughton Parish Council undertook the Pre-submission consultation on the Neighbourhood Development Order from 14<sup>th</sup> June 2017 to 26<sup>th</sup> July 2017.

The NDO was submitted to Kettering Borough Council on 29<sup>th</sup> September 2017. In accordance with Regulation 23 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the NDO was made available for comment. This consultation took place from Wednesday 18<sup>th</sup> October 2017 to Wednesday 29<sup>th</sup> November 2017.

### **Independent Examination**

An independent examiner was appointed to carry out the examination of the NDO. The Examiner examined the NDO by written representations, and undertook an unaccompanied site visit of the Neighbourhood Plan Area.

The Examiner's Report was issued on the 28<sup>th</sup> May 2018. The Examiner's recommendation is that the modifications specified in the Examiner's report are made to the draft order and that the draft order as modified is submitted to referendum.

Once the Council receive the Examiner's report they must consider each of the recommendations and the reasons for them and decide what action to take. The Council must also consider whether the area to which the referendum is to take place should be extended.

### **Decision and Reasons**

The Council has considered each of the recommendations made in the Examiner's report and the reasons for them. The Council, with the agreement of Broughton Parish Council, has decided to accept all of the recommended modifications to the draft Plan. The modifications are set out in table 1 below.

The Council considers that, subject to the modifications set out in table 1 being made, the Broughton Neighbourhood Development Order meets the basic conditions set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended), is compatible with the Convention Rights and meets the requirements of paragraph 8 (1) of Schedule 4B to the Town and Country Planning Act (as amended).

Table 2 sets out a further minor modification to add paragraph numbers to the NDO. As this is a minor modification, which is not a different view to the Examiner's, it is not necessary for the Council to re-consult on this minor modification.

The Council will make the required modifications to the Broughton NDO for it to proceed to referendum.

The examiner concluded that there is no need for the referendum boundary to extend beyond the designated neighbourhood area. The Council has considered this recommendation and the reasons for it and decided to accept it. The referendum area for the Broughton Neighbourhood Development Order will therefore be the Broughton Neighbourhood Area.

This decision was made on 11<sup>th</sup> July 2018 at a meeting of the Council's Executive Committee.

<b>Table 1</b>		
<b>Ref No</b>	<b>Examiners Recommended Modification</b>	<b>Council's Decision</b>
The grant of permission		
1	<p><b>On page 5 of the draft order, change the order to read:</b></p> <p><b><i>“This NDO grants outline planning permission for the delivery of a strategic site at the BT Exchange, Church Street, Broughton and as shown on the map on page [X]of this Order for locally identified open market housing need for a minimum of 5 and a maximum of 7 dwellings consisting of small “mews” flats and/or terraced houses of 1 or 2 bedrooms.”</i></b></p>	Accept modification for the reasons set out in the Examiners report
Conditions		
2	<p><b>On page 5 of the draft order, add the following conditions to read:</b></p> <p><b><i>“In order to secure a satisfactory development, this Neighbourhood Development Order imposes the following conditions:</i></b></p> <p><b><i>1. The development hereby permitted shall be begun either before the expiration of 6 years from the date of the order, or before the expiration of 4 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.</i></b></p> <p><b><i>2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 6 years from the date of this outline permission.”</i></b></p> <p><b><i>3. Details of the access, landscaping, appearance including the materials to be used, layout, including space for the parking of vehicles and cycles and bin storage, and scale (hereinafter called ‘the reserved matters’) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.</i></b></p> <p><b><i>4. All applications for approval of reserved matters submitted pursuant to this outline permission relating to layout, appearance, scale and landscaping shall be accompanied by a statement explaining how the design principles specified in the order have been incorporated.</i></b></p>	Accept modification for the reasons set out in the Examiners report

**5. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved levels.**

**6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing, by the local planning authority to ensure the amenity of local residents is protected. The Statement shall provide for:**

**i) a scheme for recycling/disposing of waste resulting from the demolition and construction works;**

**ii) delivery, demolition and construction working hours;**

**iii) measures to control the emission of dust and dirt during construction.**

**The approved Construction Method Statement shall be adhered to throughout the construction period for the development.**

**7. No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to, and approved in writing, by the Local Planning Authority.**

**8. No development shall commence until an assessment of the risks posed by any contamination carried out in accordance with the current or equivalent British Standard and Model Procedures has been submitted to and approved in writing by the local planning authority.**

**If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority.**

**The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.**

**If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its**

	<p><i>remediation shall be submitted to and approved in writing by the local planning authority.</i></p> <p><i>The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.</i></p> <p><i>9. Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage schemes and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall be constructed and completed in accordance with the approved details and prior to first occupation of any of the dwellings.</i></p> <p><i>10. The development hereby permitted shall not be occupied until details of the boundary treatment have been submitted to and agreed in writing by the local planning authority and shall have been constructed in accordance with those agreed details.</i></p> <p><i>11. No development shall take place until a scheme for assessing, and where necessary mitigating, the effects of the development on ecology and for biodiversity enhancements has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved, in accordance with the approved programme, and shall be permanently retained for the lifetime of the development.</i></p> <p><i>12. No development shall take place until a scheme of onsite foul drainage up to the proposed point of discharge has been submitted to and approved in writing by the local planning authority. The element of the approved scheme required to drain each dwelling shall be completed before the occupation of each dwelling. Suitable access should be safeguarded for the maintenance of foul drainage infrastructure.</i></p>	
Design Principles		
3	<p><b>Change the first paragraph on page 6 of the draft order to read: “Any development on the site will be expected to take account of the following Design Principles referred to in condition 4 to ensure a build of highest quality and suitability whilst providing for</b></p>	<p>Accept modification for the reasons set out in the Examiners report</p>

	the satisfactory delivery of a scheme that enhances the site given its proximity to the Broughton Conservation Area.”	
4	Change the sentence “Development on the site will require compliance with the following principles” to “Development on the site <i>is expected to take account of, and incorporate, the following Design Principles, in line with the requirements of condition 4</i> ”	Accept modification for the reasons set out in the Examiners report
Presentation of the order		
5	<p>The NDO should be structured as follows:</p> <ul style="list-style-type: none"> <li>• Front cover to include address of the site</li> <li>• “Procedure and Policy” section to be retained, but will need some updating as the draft order progresses</li> <li>• “Neighbourhood Development Order” section to be retitled “<i>Background to the Neighbourhood Development Order</i>”</li> <li>• Retain “Neighbourhood Development Order” section, but change it as per modification 1</li> <li>• Move the sentence “Examples of site layouts are detailed below however these are not binding or prescriptive..” and the two examples to after the Design Principles (as moved)</li> <li>• Incorporate the conditions as per modification 2 underneath the grant of permission (modification 1)</li> <li>• Change the title of the section “Neighbourhood Development Order Key Design Principles” to “<i>Design Principles</i>”</li> <li>• Insert modifications 3 and 4 and retain a) to n) after</li> <li>• Delete the paragraph on page 7 that begins “In order to secure satisfactory development...” and the 11 bullet points that follow</li> <li>• Change the title of the section that begins on page 8 to “<i>Relationship with the Neighbourhood Plan</i>”</li> <li>• Delete the title “Neighbourhood Development Order” on page 9</li> </ul>	<p>Accept modification for the reasons set out in the Examiners report</p> <p>The wording of the Procedure and Policy section will be updated to reflect the current position in the process.</p>
Procedure and Policy		
6	Change the sentence that reads “An Environmental Impact Assessment for this Neighbourhood Development Order is not required as it does not include a classification of development set out in Schedule1 and is less than the threshold size of 0.5Ha in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.” to read: “An Environmental Impact Assessment for	Accept modification for the reasons set out in the Examiners report

	<b>this Neighbourhood Development Order is not required as it does not include a classification of development set out in Schedule 1 and is less than the threshold size of 5Ha in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.”.</b>	
<b>Other modifications of a minor nature</b>		
7	Note that the date on page 3 of the draft order will need to be altered to align with the conditions imposed and there may be other consequential amendments required.	Accept modification for the reasons set out in the Examiners report. Consequential amendments will be identified when the modifications to the order are made.

Further minor modifications arising from the Examiner’s modifications or to correct typographical errors

<b>Table 2</b>		
<b>Reference</b>	<b>Recommended modification</b>	<b>Reason</b>
All	Add paragraph numbers	For clarity