Kettering Borough Council

BROUGHTON NEIGHBOURHOOD DEVELOPMENT ORDER: MAKING OF THE NEIGHBOURHOOD DEVELOPMENT ORDER DECISION NOTICE

Regulation 26 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

This document is the decision statement required to be prepared under Regulation 26 (a) of the Neighbourhood Planning Regulations 2012 (as amended). It sets out the Council's decision to 'make' the Broughton Neighbourhood Development Order, under section 61E (4) of the Town and Country Planning Act, following a positive referendum result on the 20th September 2018.

This decision statement and the Neighbourhood Development Order can be viewed on the Council's website: www.kettering.gov.uk/NeighbourhoodPlanning/Broughton

Paper copies of this decision statement and the Neighbourhood Development Order 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 15th 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 14th June 2017 to 26th July 2017.

The NDO was submitted to Kettering Borough Council on 29th 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 18th October 2017 to Wednesday 29th November 2017.

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 28th May 2018. The Examiner's recommendation was that the modifications specified in the Examiner's report are made to the draft order and that the draft order as modified was submitted to referendum.

It was agreed at the Council's Executive Committee meeting on the 11th July 2018 that the Neighbourhood Development Order as modified should proceed to referendum.

Decision and Reasons

A referendum was held on the 20th September 2018. 93% of those who voted were in favour of the neighbourhood development order.

The results of the referendum held on the 20th September 2018 were:

Question 'Do you want the type of development in the neighbourhood development order for Broughton Parish to have planning permission?'		
	Votes Recorded	Percentage
Number of votes cast in favour of a **Yes**	616	93%
Number of votes cast in favour of a **No**	41	6%

Paragraph 61E (4) (a) of the Town and Country Planning Act 1990 (as amended) requires that the local planning authority must make the neighbourhood development order if more than half of those voting have voted in favour of the order.

The Council is not subject to this duty if the Council considers that the making of the order 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).

The Council does not consider that the plan would breach, nor be otherwise incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

The Council's Executive Committee decided to make the Broughton Neighbourhood Development Order at its meeting on the 17th October 2018.

In accordance with the Regulations and the Council's procedure the Broughton Neighbourhood Development Order is 'made' and planning permission for the development set out in the order is granted.