

By email

Date: 2 July 2014

Rosemary Smart

thesmarts@fsmail.net

Clerk to Earls Barton Parish Council

Your Ref:

Our Ref:

Dear Rosemary,

Proposed Earls Barton Neighbourhood Plan Legal Check under Schedule 4B of the Town and Country Planning Act 1990

I write to you on behalf of the Borough Council of Wellingborough (BCW) to confirm our receipt of the submission version of your proposed neighbourhood development plan (the Earls Barton Neighbourhood Plan), along with accompanying supporting documentation.

Firstly, thank you for what is a comprehensive package of information and congratulations on reaching such an advanced stage in the plan making process.

As you may be aware, under Paragraphs 5 and 6 of Schedule 4B of the Town and Country Planning Act (TCPA) 1990 there is now a requirement for BCW, as the local planning authority, to undertake a check of the compliance of the plan along with its process to date. The relevant legal tests are set out in both the TCPA and relevant sections of the Planning and Compulsory Purchase Act (PCPA) 2004. It is then an obligation of the local planning authority to issue a written statement clarifying the compliance (or otherwise) of the plan. Accordingly, this letter comprises the formal view of BCW and recommends whether it should be made available for independent examination.

At this stage it is not a duty of the local planning authority to consider the plan proposal against the 'basic conditions' tests set out under Paragraph 8(2) of the TCPA 1990. However, for the purposes of added surety, as a result of our close working with Earls Barton Parish Council throughout the plan making process I can confirm that BCW is comfortable that the plan accords with all relevant national and local strategic policy as well as relevant EU obligations.

A detailed consideration of the plan submission against both the TCPA 1990 and the PCPA 2004 is set out as an attachment to this letter. However, in summary, I am pleased to confirm the following on behalf of BCW:

- The plan **DOES** accord with all provisions of the PCPA 2004 in that it: specifies a plan period; does not include any provision for excluded development; and does not relate to more than one neighbourhood area;
- The plan **DOES NOT** comprise a 'repeat proposal' as defined under Paragraph 5 of the TCPA 1990;



- The plan **HAS** been prepared by a qualifying body who are authorised to deliver a neighbourhood plan;
- The submission **DOES** comprise the relevant documentation required under Paragraph 1 of Schedule 4B of the TCPA 1990 and as prescribed by Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ('the Regulations');
- The statutory consultation undertaken to date **DOES** comply with the requirements and regulations set out under Paragraph 4 of the TCPA 1990 and as prescribed by Regulation 14 of the Regulations; and
- The plan **DOES** comply with all other provisions under section 61E(2), 61J and 61L of the TCPA 1990.

The Earls Barton Neighbourhood Plan will now be publicised under Regulation 16 of the Regulations with a view to then making the plan available for independent examination.

BCW are now required to publicise the plan along with details of how to make response to it on our website for a minimum of 6 weeks. We will undertake this process shortly. In parallel we will shortly contact you to confirm the ways in which we expect the Parish to aid the publicity of the plan to ensure as a local authority we fulfil the requirements of the regulations. Additionally, we will seek to meet with Earls Barton Parish Council at a suitable time to discuss the appointment of an examiner along with the arrangements for the examination itself.

I trust that the views set out in this letter are welcome. We look forward to speaking with you further in due course.

Yours sincerely

A handwritten signature in blue ink that reads "Julie Thomas". The signature is written in a cursive style with a large initial "J".

Julie Thomas
Head of Planning and Local Development

cc. James Wilson James Wilson Associates (by email)

Encs as above