

TITLE OF REPORT: BARKWAY AND NUTHAMPSTEAD JOINT NEIGHBOURHOOD PLAN AREA

REPORT OF THE STRATEGIC DIRECTOR OF PLANNING, HOUSING AND ENTERPRISE
PORTFOLIO HOLDER: COUNCILLOR DAVID LEVETT

1. SUMMARY

- 1.1 This report details the representations made on the Neighbourhood Plan Area Designation consultation for Barkway and Nuthampstead and recommends designating the Neighbourhood Area, as submitted by Barkway Parish Council and Nuthampstead Parish Meeting. Designation of the Neighbourhood Area will allow Barkway Parish Council and Nuthampstead Parish Meeting to formally prepare a neighbourhood plan.

2. RECOMMENDATIONS

- 2.1 That Cabinet approves the designation of the Neighbourhood Area as submitted by Barkway Parish Council and Nuthampstead Parish Meeting, attached as Appendix 1 having regard to the representations made.
- 2.2 That Cabinet notes the funding available from the Department for Communities and Local Government for the financial year 2014/15 as set out below.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To allow Barkway Parish Council and Nuthampstead Parish Meeting to formally prepare a neighbourhood plan.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 5.1 Ward Councillors and the Portfolio Holder for Planning and Enterprise were informed that the application for the neighbourhood area designation had been made.
- 5.2 Consultation took place with key stakeholders, including Parish Councils, statutory consultees, local community and voluntary organisations, local developers and landowners, on the application for the neighbourhood area designation between 21 May and 2 July 2014.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on 5 June 2014.

7. BACKGROUND

- 7.1 The Localism Act 2011 introduced formal neighbourhood planning. This includes a neighbourhood plan, which is a plan making power allowing local communities to shape development in their area. If a neighbourhood plan is prepared, examined and receives a majority vote in a referendum it becomes part of the statutory development plan for that neighbourhood and is used when determining planning applications, alongside the district's local plan.
- 7.2 The Neighbourhood Planning Regulations 2012 set out the statutory process an organisation must follow when preparing a neighbourhood plan. The first stage in the process requires the relevant body to formally request that the local planning authority designate their proposed neighbourhood area.
- 7.3 Once a local planning authority has received an application, it must publicise it for six weeks on its website and invite comments. If appropriate, the local planning authority is also required to bring it to the attention of people who live, work or carry on business in the area. After this initial consultation period has passed, the application must then be considered for a decision.

8. ISSUES

- 8.1 Barkway Parish Council and Nuthampstead Parish Meeting applied for the designation of a joint neighbourhood plan area in April 2014. The application letter and a plan of the proposed area to be designated are attached as Appendices 1 and 2 respectively. This is the first application to be made for the designation of a joint neighbourhood planning area within North Hertfordshire.
- 8.2 The application letter states that the area to be designated for a neighbourhood plan is a logical area and that there are commonalities across the two parishes. The joint neighbourhood area is appropriate because the Parish Council and the Parish Meeting are both qualifying bodies under the terms of the Localism Act 2011 and that the area submitted consists of the combined areas administered by Barkway Parish Council and Nuthampstead Parish Meeting.
- 8.3 As required by the Neighbourhood Planning Regulations 2012, consultation on the designation of the neighbourhood plan area took place between 21 May and 2 July 2014. The application to designate the neighbourhood plan area was publicised on the Council's website and letters or emails were sent to statutory consultees, local community organisations, landowners and developers and interested individuals asking them for their views. In total nine representations were received. Four of those representations supported the application to designate the area as a neighbourhood planning area, a further four made some general comments that should be taken into account when preparing a neighbourhood plan and there was one objection. A summary of all the representations received is attached as Appendix 3 of this report.
- 8.4 The objection states that the proposed neighbourhood plan area is too extensive and that the proposal is unnecessary. The reasons for objecting to the designation of a neighbourhood planning area for Barkway and Nuthampstead include:
- the emerging Local Plan for the District will provide planning policies for the area and that another layer of planning policy is "totally unnecessary" for small settlements such as Barkway and Nuthampstead;
 - the proposal will result in a waste of resources by the local planning authority when those resources should be concentrated on the preparation of the local plan; and

- the perception that the motive behind designating a neighbourhood planning area is to prevent development which is contrary to the requirement set out in the National Planning Policy Framework.

8.5 The issues raised in the objection to the application are noted. However, the absence of an up-to-date Local Plan does not stop neighbourhood plans from proceeding. When examined the tests for a neighbourhood plan include whether it 'has regard' to national policy and whether it is in 'general conformity' with the strategic policies of the existing development plan¹. A neighbourhood plan should not promote less development than is set out in the local plan and cannot be used to prevent new development proposals from happening. Officers will work with the Barkway Parish Council and Nuthampstead Parish Meeting as the neighbourhood plan is prepared to ensure that a neighbourhood plan would pass the tests of an examination. It is therefore considered that the proposed area is appropriate for designation as a neighbourhood planning area.

8.6 The Council must also consider whether a proposed neighbourhood area should be considered as a business area as well. As the area in this instance is not wholly or predominantly business in nature, it is not considered that a business area designation would be appropriate.

9. LEGAL IMPLICATIONS

9.1 The Terms of Reference for Cabinet confirm that they should exercise the Council's functions as Local Planning Authority except where functions are reserved by law to the responsibility of the Council or delegated to the Strategic Director of Planning, Housing and Enterprise.

10. FINANCIAL IMPLICATIONS

10.1 The Department for Communities and Local Government (DCLG) has allocated funding until 2015 to assist local authorities prepare neighbourhood plans. Currently, this funding consists of a payment of £5,000 following the designation of a neighbourhood area, recognising the officer time supporting and advising the community in taking forward a neighbourhood plan, (up to a maximum of £100,000 for 20 designations). Local authorities are under a duty to provide advice and assistance to qualifying bodies preparing neighbourhood plans and in organising the neighbourhood plan examination and any subsequent referendum.

10.2 Further financial assistance may be available once the local authority publicises the neighbourhood plan prior to examination and on the successful completion of the neighbourhood plan examination. However, at the time of writing funding from DCLG has only been confirmed until the end of the financial year 2014/15.

10.3 The Head of Development and Building Control submitted an investment bid as part of the 2014/15 budget proposals in order to ensure sufficient resources are available to the local authority to assist 'relevant bodies' with the preparation of neighbourhood plans, as payment applications, for as long as funding is available, are made to the DCLG after work has been completed. To date, four neighbourhood planning areas have been designated for Pirton, Kimpton, Ashwell and Codicote and a further application from Ickleford is still the subject of public consultation.

¹ The statutory tests for the examination of the neighbourhood plan are set out in paragraph 8 of schedule 4B to the Town and Country Planning Act 1990, as inserted by schedule 10 of the Localism Act 2011 and referred to by regulation 15 of the Neighbourhood Planning (General) Regulations 2012.
CABINET (5.8.14)

11. RISK IMPLICATIONS

- 11.1 No direct risk implications from this report, but Sustainable Development of the District is a Cabinet Top Risk.

12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.3 There are not considered to be any direct equality issues arising from this report. However, going forward, individual proposals as adopted in the published Neighbourhood Plan for Barkway and Nuthampstead will need to be assessed ('equality analysis') to ensure it complies with relevant equalities legislation..

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraph 12.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are currently no new human resource implications arising from the contents of this report.

15. APPENDICES

- 15.1 Appendix 1 – Barkway Parish Council and Nuthampstead Parish meeting joint application for designation of a neighbourhood plan area
- 15.2 Appendix 2 – Map of the area to be designated as the Barkway and Nuthampstead joint neighbourhood planning area
- 15.3 Appendix 3 – Summary of representations

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17. BACKGROUND PAPERS

- 17.1 None.