

**TITLE OF REPORT: ST. IPPOLYTS 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 St Ippolyts and recommends designating a Neighbourhood Planning Area for part of the Parish. Designation of the Neighbourhood Area will allow St Ippolyts Parish Council to formally prepare a neighbourhood plan.

**2. RECOMMENDATIONS**

2.1 That Cabinet approves the designation of the Neighbourhood Area, as detailed paragraph 8.8 and shown in Appendix 1, having regard to the representations made and with the agreement of St Ippolyts Parish Council.

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 St Ippolyts Parish Council to formally prepare a neighbourhood plan.

**4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 See paragraphs 8.6 to 8.9 under section 8.

**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 25 November 2014 and 13 January 2015.

**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 19 December 2014.

## **7. BACKGROUND**

- 7.1 The Localism Act 2011 introduced formal neighbourhood planning. This includes the neighbourhood plan, which allows 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 St Ippolyts Parish Council applied for the designation of a neighbourhood plan area in November 2014. The application letter and a plan of the proposed area to be designated is attached as Appendix 2. This is the seventh application to be made for the designation of a neighbourhood planning area within North Hertfordshire.
- 8.2 The application letter states that the area to be designated for a neighbourhood plan is appropriate because the Parish Council is a qualifying body under the terms of the Localism Act 2011 and that the area submitted consists of the whole area administered by St Ippolyts Parish Council.
- 8.3 As required by the Neighbourhood Planning Regulations 2012, consultation on the designation of the neighbourhood plan area took place between 25 November 2014 and 13 January 2015. 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 24 representations were received; four in support, seven objections and 13 comments.
- 8.4 A schedule of all the representations received is attached as Appendix 3 of this report.
- 8.5 The application for the designation of a neighbourhood planning area must be assessed to ensure that the area is coherent, consistent and appropriate in planning terms. Any representations received in respect of the proposed neighbourhood area must also be considered.
- 8.6 The application by St Ippolyts Parish Council to designate the whole civil Parish as a neighbourhood planning area attracted more representations than any of the other neighbourhood plan area designations consulted on previously. The representations included suggestions for different boundaries for the neighbourhood planning area:
- i. exclude those parts of the Parish within the Hitchin settlement area;
  - ii. exclude the site known as Pound Farm (Site HT2 in the Local Plan Preferred Options consultation paper);

- iii. exclude the area identified as safeguarded land to the west of Stevenage in the Local Plan Preferred Options consultation paper;
  - iv. designating only the settlements of Gosmore, St Ippolyts, St Ibbs and Little Almshoe within the neighbourhood planning area; and
  - v. designating only the settlements of Gosmore, St Ippolyts, St Ibbs, Little Almshoe and Tatmore Place.
- 8.7 The Parish Council was asked for its views on each of the options above and considered the options at a meeting on 2 February 2015. The Parish Councils' response to each of the options raised in the representations to the consultation is attached as Appendix 4.
- 8.8 Taking each of these options in turn:

Option (i) : exclude those parts of the Parish within the Hitchin settlement area. Officers suggest that whilst the residential area in the north of the Parish is within the built up area of Hitchin and is within the Hitchin Priory ward, the area is part of the civil Parish and the Parish Council believes that residents living in this area are part of the St Ippolyts community. It is considered that residents should therefore be able to participate in the neighbourhood planning process and that the area should not be excluded from a neighbourhood planning area.

Option (ii) : exclude those parts of the Parish within the Hitchin settlement area and the site known as Pound Farm (Site HT2 in the Local Plan Preferred Options consultation paper). As with Option (i) above, officers suggest that whilst the residential area is within the built up area of Hitchin and is within the Hitchin Priory ward, the area is part of the civil Parish and the Parish Council believes that residents living here are part of the St Ippolyts community. Officers consider that the proposed development site at Pound Farm (HT2) is also seen as part of the community and therefore it should be included in the neighbourhood plan area.

Option (iii) : exclude the area identified as safeguarded land to the west of Stevenage in the Local Plan Preferred Options consultation paper. The Local Plan Preferred Options consultation paper includes an area of land to the west of Stevenage which it is proposed to allocate as safeguarded land for future long term housing needs. The west of Stevenage safeguarded site falls within the parishes of Knebworth, Langley, St Ippolyts and Wymondley in North Hertfordshire and part of Stevenage Borough.

If a development proposal comes forward for the site, it is anticipated that a masterplan will be prepared for the whole site in conjunction with Stevenage Borough Council. It is considered that it is appropriate to exclude the area to the west of Stevenage that is in St Ippolyts Parish from the neighbourhood plan area designation. The Parish Council have indicated that it would be in agreement with such a neighbourhood plan area designation (Appendix 4).

This is officers' preferred option for the St Ippolyts neighbourhood plan area designation due to the four parishes and neighbouring authority involvement. The Parish Council have also indicated that this is the preferred option for the neighbourhood planning area.

Options (iv) : designating only the settlements of Gosmore, St Ippolyts, St Ibbs and Little Almshoe within the neighbourhood planning area and Option (v) : designating only the settlements of Gosmore, St Ippolyts, St Ibbs, Little Almshoe and Tatmore Place. Taking these two suggestions together, it is considered that neither option is an

appropriate boundary for the purposes of neighbourhood planning in St Ippolyts. The rural area is an integral part of the character of the Parish and it is considered that to exclude this area from the neighbourhood plan area designation would be inappropriate.

- 8.9 In this case, it is considered that the neighbourhood area originally proposed by St Ippolyts Parish Council is not the most appropriate to be designated as a neighbourhood planning area for the purposes of preparing a neighbourhood plan. Rather than an amended boundary for the purposes of neighbourhood planning (as shown in Appendix 1) should be designated which excludes the area of land to the west of Stevenage which it is proposed should be safeguarded for meeting longer term housing needs.
- 8.10 A number of other issues were raised in the representations. In particular, two possible development sites were put forward for consideration, one adjacent to Sloe Hill, Mill Lane, Gosmore and one on Hitchin Lane, St Ippolyts which has previously been the subject of public consultation through the Local Plan process. Details of both sites will be forwarded to the Parish Council for their consideration as part of the neighbourhood planning. Other representations draw attention to issues that the Parish Council should consider in preparing a neighbourhood plan, including waste facilities that are in the Parish, heritage assets, woodlands and the need to consult the statutory consultees as part of the neighbourhood planning process.
- 8.11 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.
- 8.12 A neighbourhood plan is required to be in general conformity with the strategic policies of the Local Plan. The National Planning Policy Framework encourages local planning authorities to put up-to-date Local Plans in place as quickly as possible. 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 plan<sup>1</sup>. Officers will continue to advise St Ippolyts Parish Council about progress on the preparation of the Local Plan.

## **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.
- 9.2 The legal issues arise as a result of the application and process of designation under the Localism Act 2011, The Neighbourhood Planning (General) Regulations 2012<sup>2</sup>, as described in 7.1-7.3 above. There are legal requirements following a decision to designate, further described under 10.2 below in relation to publicity.<sup>3</sup>

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<sup>1</sup> 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.

<sup>2</sup> As now amended from 9 February 2015 by the Neighbourhood Planning (General) (Amendment) Regulations 2015 No, 20

<sup>3</sup> Under Regulation 7.

## 10. FINANCIAL IMPLICATIONS

- 10.1 The Department for Communities and Local Government (DCLG) has allocated funding until 2016 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 2015/16.
- 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, six neighbourhood planning areas have been designated for Pirton, Kimpton, Ashwell, Codicote, Barkway and Nuthampstead and Ickleford.

## 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 1<sup>st</sup> October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5<sup>th</sup> 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 St Ippolyts will need to be assessed ('equality analysis') to ensure it complies with relevant equalities legislation. Whilst the onus will be on the Parish to develop an inclusive neighbourhood plan, the relationship of that plan to the District Local Plan and subsequent planning considerations also requires NHDC comply with the requirements of the Public Sector Equality Duty or similar legislation in place at such time.

## 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 – Map of the area to be designated as the St Ippolyts Neighbourhood Plan area.

15.2 Appendix 2 – Application letter and map from St Ippolyts Parish Council.

15.3 Appendix 3 – Schedule of representations and accompanying maps.

15.4 Appendix 4 – Response from St Ippolyts Parish Council to alternative suggestions.

#### **16. CONTACT OFFICERS**

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#### **17. BACKGROUND PAPERS**

17.1 None.