

TITLE OF REPORT: ST. PAULS WALDEN AND WYMONDLEY NEIGHBOURHOOD PLANNING AREAS

REPORT OF THE HEAD OF DEVELOPMENT AND BUILDING CONTROL
EXECUTIVE MEMBER: COUNCILLOR DAVID LEVETT

1. SUMMARY

- 1.1 This report outlines the applications to designate the parish areas of St Pauls Walden and Wymondley as neighbourhood planning areas and seeks delegated authority to approve the neighbourhood planning areas once public consultation has taken place. Designation of the two neighbourhood planning areas will allow each of the Parish Councils to formally prepare a neighbourhood plan.

2. RECOMMENDATIONS

- 2.1 That Cabinet approve in principle the designation of the St Pauls Walden neighbourhood planning area as shown in Appendix 1.
- 2.2 That Cabinet approve in principle the designation of the Wymondley neighbourhood planning area as amended, shown in Appendix 2.
- 2.3 That Cabinet agree to delegate authority to the Head of Development and Building Control in consultation with the Executive Member for Planning and Enterprise to consider the results of the public consultation and determine the two neighbourhood planning areas for St Pauls Walden and Wymondley.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To allow St Pauls Walden and Wymondley Parish Councils to formally prepare a neighbourhood plan.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 See paragraphs 8.5 to 8.6 under section 8.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Ward Councillors and the Executive Member for Planning and Enterprise were informed that the applications for the neighbourhood area designations had been made.
- 5.2 Consultation with key stakeholders, including Parish Councils, statutory consultees, local community and voluntary organisations, local developers and landowners started on 17 July 2015 and will continue until 17 August 2015.

6. FORWARD PLAN

- 6.1 This report does not contain a key decision and so has not been referred to in the Forward Plan.

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 The Neighbourhood Planning (General)(Amendment) Regulations 2015 have amended the way in which the local planning authority must determine an application for the designation of a neighbourhood planning area. Once a local planning authority has received an application, it must publicise it for not less than four weeks after the application is publicised 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. Once the application has been publicised, the local planning authority must determine the application eight weeks.

8. ISSUES

- 8.1 St Pauls Walden and Wymondley Parish Councils applied for the designation of a neighbourhood plan area in July 2015. The application letters and a plan of the proposed areas to be designated are attached as Appendices 3 and 4. These applications bring the total of applications for the designation of neighbourhood planning areas in the District to nine.
- 8.2 The application letters for both Parishes state that the area to be designated for a neighbourhood plan is appropriate because each 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 the respective Parish Councils.
- 8.3 Consultation for each neighbourhood planning area designation started on 17 July 2015. The applications have been publicised on the Council's website and letters or emails have been sent to statutory consultees, local community organisations, landowners and developers and interested individuals asking them for their views. The consultation period will conclude on 17 August 2015.
- 8.4 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.
- 8.5 In principle, there are no reasons why the application from St Pauls Walden should be refused. The Parish Council have requested that the whole of the parish area should

be designated for neighbourhood planning purposes. Unless there are any significant objections raised during the consultation process, officers would recommend that the whole parish should be designated as the neighbourhood planning area for St Pauls Walden.

- 8.6 However, it is considered that the neighbourhood area proposed by Wymondley Parish Council is not the most appropriate to be designated as a neighbourhood planning area for the purposes of preparing a neighbourhood plan. The Local Plan Preferred Options consultation paper included an area of land to the west of Stevenage which was to be allocated as safeguarded land for future long term housing needs. The safeguarded site falls within the parishes of Knebworth, Langley, St Ippolyts and Wymondley as well as 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 Wymondley Parish from the neighbourhood plan area designation. This approach was taken when designating the St Ippolyts neighbourhood planning area in March 2015. The Parish Council has been consulted on the suggested neighbourhood planning area, but at the time of writing no response had been received.
- 8.7 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 for either parish.
- 8.8 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 plan¹. Officers will continue to advise St Pauls Walden and Wymondley Parish Council about progress on the preparation of the Local Plan.
- 8.9 Due to the timescales required for designating a neighbourhood planning area (as set out in paragraph 7.3) which do not easily sit with local authority reporting deadlines and schedules of meetings, Cabinet is being asked to approve the designations in principle and to delegate the final decision (post-consultation). This approach will allow the Council to comply with the timetable in the regulations.

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. The Annual Constitution Review being considered by Full Council on 16 July 2015 adds additional wording so the relevant Cabinet's term of reference would read "To exercise the Authority's functions as Local Planning Authority and to receive reports on: strategic planning matters, applications for, approval/designation, revocation (or recommend revocation of) neighbourhood plans

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 (28.7.15)

and orders (except where functions are reserved by law to the responsibility of the Council or delegated to the Strategic Director of Planning, Housing and Enterprise).”

- 9.2.1 The legal issues arise as a result of the application and process of designation under the Localism Act 2011, The Neighbourhood Planning (General) Regulations 2012², 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.³

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, seven neighbourhood planning areas have been designated for Pirton, Kimpton, Ashwell, Codicote, Barkway and Nuthampstead, Ickleford and St Ippolyts.

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 St Pauls Walden and Wymondley will need to be assessed

² As now amended from 9 February 2015 by the Neighbourhood Planning (General) (Amendment) Regulations 2015 No. 20

³ Under Regulation 7.

('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 Pauls Walden Neighbourhood Plan area.
- 15.2 Appendix 2 – Map of the area to be designated as the Wymondley Neighbourhood Plan area.
- 15.3 Appendix 3 – Application letter and map from St Pauls Walden Parish Council.
- 15.4 Appendix 4 – Application letter and map from Wymondley Parish Council.

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17. BACKGROUND PAPERS

17.1 The Neighbourhood Planning (General) Regulations 2012.

17.2 The Neighbourhood Planning (General) (Amendment) Regulations 2015.