

TITLE OFF REPORT: KNEBWORTH AND PRESTON NEIGHBOURHOOD PLANNING AREAS

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 consultations for Knebworth and Preston and recommends designating a neighbourhood planning area for both Parishes. Designation of the neighbourhood planning areas will allow the Parish Councils to formally prepare a neighbourhood plan.

2. RECOMMENDATIONS

- 2.1 That Cabinet approves the designation of the neighbourhood areas as detailed in paragraphs 8.2 and shown in Appendices 1 (Knebworth) and 2 (Preston) having regard to the representations made.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To allow Knebworth and Preston Parish Councils to formally prepare a neighbourhood plan for their respective Parishes.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Members were informed that the applications for the neighbourhood plan areas had been made through the Members Information Service.
- 5.2 Consultation took place with key stakeholders, including Parish Councils, statutory consultees, local community and voluntary organisations, local developers and landowners, on the applications during April and May 2016.

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 13 May 2016.

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 within eight weeks.

8. ISSUES

8.1 Knebworth and Preston Parish Councils submitted applications for the designation of neighbourhood planning areas in April and March respectively. The application letters and plans of the proposed areas for designation are attached as Appendices 3 (Knebworth) and 4 (Preston). These applications bring the total number of applications for neighbourhood planning areas in the District to eleven.

8.2 The application letters for both Parishes state that the area to be designated for neighbourhood planning 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 the Preston neighbourhood planning area started on 22 April 2016 and for Knebworth on 26 April 2016. 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 periods concluded on 20 May 2016 for Preston and 25 May 2016 for Knebworth.

8.4 The applications for the designation of neighbourhood planning areas must be assessed to ensure that the areas are coherent, consistent and appropriate in planning terms. Any representations received in respect of the proposed neighbourhood planning areas must also be considered.

8.5 In respect of the Knebworth application only three representations were received and are attached as Appendix 5 of this report. One of the representations received made no comments about the application whilst the remaining two made comments rather than supporting the application. Hertfordshire County Council noted that the south western corner of the neighbourhood plan area is covered by a mineral resource block, known as "Between Whitwell and Stevenage", where there is potential for the extraction of sand and gravel and that minerals and waste matters should be taken into account when preparing the neighbourhood plan. A second representation included comments, however, these are more relevant to the Local Plan and future development in Knebworth, rather than the designation of the neighbourhood planning area.

8.6 In respect of the Preston application 19 representations were received and are attached as Appendix 6 to this report. Of the 19 representations, 16 were in support of

the application with two of the representations making comments about matters which the Parish Council should consider when preparing a neighbourhood plan. Hertfordshire County Council noted that the buffer of an adjacent mineral resource block partially falls within the proposed neighbourhood planning area and that minerals and waste matters should be taken into account when developing the vision and objectives for the neighbourhood plan. The Hertfordshire Gardens Trust also offered assistance to the Parish Council to help assess the heritage value of the historic designed landscape, parks and gardens within the neighbourhood planning area.

- 8.7 In both cases it is considered that the neighbourhood plan areas proposed by Knebworth and Preston Parish Councils are appropriate to be designated as neighbourhood planning areas for the purposes of preparing a neighbourhood plan.
- 8.8 The Council must also consider whether the proposed neighbourhood areas should be considered as business neighbourhood planning areas as well. As the areas in this instance are not wholly or predominantly business in nature, it is not considered that a business area designation would be appropriate.
- 8.9 Neighbourhood plans are 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 Knebworth and Preston Parish Councils 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 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 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 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 Until April 1 2016, the Council was able to claim £5,000 from the Department for Communities and Local Government (DCLG) for each neighbourhood planning area designation in recognition of officer time supporting and advising a community in taking forward a neighbourhood plan, (up to a maximum of £100,000 for 20 designations). This support has now been withdrawn.

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.

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

³ Under Regulation 7.

- 10.2 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. Further financial assistance may be available once the local authority has set a date for a referendum following the successful examination of a neighbourhood plan. This financial assistance is in place for 2016/17.
- 10.3 To date, nine neighbourhood planning areas have been designated for Pirton, Kimpton, Ashwell, Codicote, Barkway and Nuthampstead, Ickleford, St Ippolyts, St Pauls Walden and Wymondley. 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 were available at the start of neighbourhood plans in order for the local authority to assist 'relevant bodies' with the preparation of neighbourhood plans. There is an earmarked reserve for neighbourhood plans, where grant income received from DCLG so far has been transferred. The balance in the reserve as at 1st April 2016 is £55k.

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 Plans for Preston and Knebworth will need to be assessed ('equality analysis') to ensure they comply 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 Knebworth Neighbourhood Planning Area.
- 15.2 Appendix 2 – Map of the area to be designated as the Preston Neighbourhood Planning Area.
- 15.3 Appendix 3 – Application letter and map from Knebworth Parish Council.
- 15.4 Appendix 4 – Application letter and map from Preston Parish Council.
- 15.5 Appendix 5 – Schedule of representations for Knebworth.
- 15.6 Appendix 6 – Schedule of representations for Preston.

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17. BACKGROUND PAPERS

- 17.1 The Neighbourhood Planning (General) Regulations 2012.
- 17.2 The Neighbourhood Planning (General) (Amendment) Regulations 2015.