

**CABINET**

**19 NOVEMBER 2024**

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: CODICOTE NEIGHBOURHOOD PLAN – PUBLIC CONSULTATION**

REPORT OF: IAN FULLSTONE, SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: CLLR DANIEL ALLEN, INTERIM EXECUTIVE MEMBER FOR PLANNING AND TRANSPORT

COUNCIL PRIORITY: THRIVING COMMUNITIES / RESPONSIBLE GROWTH / SUSTAINABILITY

**1. EXECUTIVE SUMMARY**

- 1.1. Codicote Parish Council have submitted the Codicote Neighbourhood Plan for public consultation. The area covered by Codicote Parish Council and designated as the neighbourhood planning area includes two District wards; Codicote and Kimpton, and Knebworth and therefore this is a key decision.

**2. RECOMMENDATIONS**

- 2.1. That Cabinet approve that public consultation can be undertaken for the submission version of the Codicote Neighbourhood Plan.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1. To enable public consultation on the proposed submission Codicote Neighbourhood Plan 2022 – 2035 to take place before the Neighbourhood Plan is submitted for examination by an independent examiner.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1. No alternative options are considered applicable as the documentation submitted by Codicote Parish Council fulfils the requirements of the [Neighbourhood Planning \(General\) Regulations 2012](#) (as amended) and therefore there is no reason not to continue to public consultation.

## **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1. The Codicote neighbourhood planning area was designated by Cabinet on 24 June 2014. The Parish Council undertook a number of informal consultation events in the Parish after the designation of the neighbourhood planning area before a draft Neighbourhood Plan and accompanying Design Code was published for consultation in February 2024.
- 5.2. Following these consultations, the Parish Council has prepared the submission version of their Neighbourhood Plan which they are requesting be published for public consultation.

## **6. FORWARD PLAN**

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on 13 September 2024.

## **7. BACKGROUND**

- 7.1. Codicote Parish Council have prepared a submission version of their Neighbourhood Plan which will set out a series of local policies which will be used in considering proposals for development in the Parish.
- 7.2. The Neighbourhood Planning (General) Regulations 2012 as amended set out the documentation which must accompany a proposed plan. This includes:
  - A map or statement identifying the area to which the Neighbourhood Plan relates;
  - A consultation statement;
  - The proposed Neighbourhood Plan;
  - A “basic conditions” statement; and
  - Either a screening opinion confirming that the plan proposal is unlikely to have significant environmental effects; or an environmental report in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.
- 7.3. The Neighbourhood Planning (General) Regulations 2012 state that as soon as possible after receiving a plan proposal which includes each of those documents, the local planning authority must undertake a consultation on that plan.
- 7.4. For most of the neighbourhood plans which have reached this stage in their preparation, a decision to undertake consultation has been made by the Service Director – Regulatory in consultation with the Executive Member. However, the neighbourhood planning area covered by Codicote Parish Council includes two District wards; Codicote and Kimpton, and Knebworth and therefore this is a key decision which must be made by Cabinet.

## **8. RELEVANT CONSIDERATIONS**

- 8.1. The documentation submitted by Codicote Parish Council fulfils the requirements of the Neighbourhood Planning (General) Regulations 2012 as amended and therefore there is no reason for the Council as Local Planning Authority not to continue to public consultation.
- 8.2. This decision does not preclude the Council from making representations on the Codicote Neighbourhood Plan during the consultation period.

- 8.3. This period of public consultation will include all statutory consultees, councillors, adjoining Parish Councils, local community organisations, known landowners and developers and local residents. Consultation will start in the week beginning 9 December 2024 for a period of seven weeks, to allow for the extended Christmas holiday period.
- 8.4. The Neighbourhood Plan will be available to view on the Council's website and the Council will work with Codicote Parish Council to publicise the consultation period in the Parish. Representations in respect of the Neighbourhood Plan will be invited through the website, email or by post.
- 8.5. Following public consultation, the Council in conjunction with the Parish Council will appoint an examiner to undertake an examination of the Neighbourhood Plan. A report will be brought back to Cabinet with the outcome of that examination and a recommendation for the way forward with the Neighbourhood Plan.

## **9. LEGAL IMPLICATIONS**

- 9.1. Under the Terms of Reference for Cabinet paragraph 5.6.18 of the Constitution states that the Cabinet may exercise the Authority's functions as Local Planning Authority (LPA) and to receive reports on: strategic planning matters, applications for, approval/designation, consultation/referendums revocations (or recommend revocation of) neighbourhood plans, Article 4 Directions and orders, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).
- 9.2. Authority for the Director of Regulatory Services to approve for consultation a proposed submission neighbourhood plan where all necessary documentation has been received was resolved by Cabinet on 31 July 2018. However, because the Codicote designated neighbourhood planning area covers two wards, this is a key decision which must be made by Cabinet.
- 9.3. Paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 provides that when assessing the neighbourhood plan the LPA must consider whether the Parish Council or neighbourhood forum is authorised to act.
- 9.4. Sections 38 A and B of the Planning and Compulsory Purchase Act 2004 further provides that when assessing the neighbourhood plan the LPA must consider whether the proposal and accompanying documents:
  - comply with the rules for submission to the LPA;
  - meet the definition of NDP;
  - meet the scope of NDP provisions; and
  - whether the parish council or neighbourhood forum has undertaken the correct procedures in relation to consultation and publicity.
- 9.5. Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 provides the LPA must publicise the plan proposal on its website and include:
  - the details of the Plan;
  - where and when it can be inspected;
  - how to make representations on the plan proposals;
  - that a representation can include a request to be notified of the LPA decision on the plan proposal, and

- the deadline for receipt of the proposals (this must be not less than 6 weeks from the first day the proposed plan is publicised).

## **10. FINANCIAL IMPLICATIONS**

- 10.1. The cost of the consultation should be minimal, however any costs associated with the consultation will be funded from the neighbourhood plan reserve. The balance of the reserve is currently £112.5k, but £65k has been earmarked to fund officer costs over the next three years, so the remaining balance is £47.5k. This balance has come from previous Ministry of Housing, Communities and Local Government (MHCLG) funding following designation of neighbourhood planning areas and neighbourhood plan referenda.

## **11. RISK IMPLICATIONS**

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. Public consultation of the Codicote Neighbourhood Plan and any subsequent examination of the neighbourhood plan must be undertaken in accordance with the Localism Act, 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended). Failure to undertake such a consultation without a legal basis could expose the Council to possible claims and intervention from the Department for Levelling Up, Housing and Communities (DLUHC).

## **12. EQUALITIES IMPLICATIONS**

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their 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.
- 12.2. The proposed consultation will allow for increased public participation regarding the neighbourhood plan from the community which may include those with a protected characteristic.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

## **14. ENVIRONMENTAL IMPLICATIONS**

- 14.1. There are no known Environmental impacts or requirements that apply to this report.
- 14.2. The District Council, as the “responsible authority”, determines if the neighbourhood plan is likely to have significant environmental effects. A draft Screening Determination was prepared in 2022 and has been revised following the revisions to the draft neighbourhood plan and consultation with the three statutory agencies. It was determined that the neighbourhood plan would not require a Strategic Environmental Assessment.

## **15. HUMAN RESOURCE IMPLICATIONS**

- 15.1 Consultation for the submission draft of the Codicote Neighbourhood Plan will be undertaken by existing staff resources.

## **16. APPENDICES**

- 16.1 There are no appendices for this report.

## **17. CONTACT OFFICERS**

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## **18. BACKGROUND PAPERS**

- 18.1. [Neighbourhood Planning \(General\) Regulations 2012](#) (as amended)
- 18.2. Designation of the Codicote neighbourhood planning area: [Cabinet Meeting – 24 June 2014 Minute 17](#)
- 18.3. The following documents are all available on the neighbourhood planning pages on the website: [Codicote Neighbourhood Plan | North Herts Council \(north-herts.gov.uk\)](#)

Codicote Neighbourhood Plan 2024 – 2031 – Submission Version October 2024

Codicote Neighbourhood Plan – Basic Conditions Statement October 2024

Codicote Neighbourhood Plan 2024 – 2031 – Consultation Statement October 2024

Codicote Design Code – October 2024