

CABINET
25 JULY 2017

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

11

TITLE OF REPORT: DESIGNATION OF A NEIGHBOURHOOD PLANNING AREA FOR BALDOCK, BYGRAVE AND CLOTHALL

REPORT OF: STRATEGIC DIRECTOR OF PLANNING AND ENTERPRISE
EXECUTIVE MEMBER: COUNCILLOR DAVID LEVETT
COUNCIL PRIORITY: ATTRACTIVE AND THRIVING / PROSPER AND PROTECT

1. EXECUTIVE SUMMARY

- 1.1 This report details the application to designate a single neighbourhood planning area for the unparished area of Baldock and the parished areas of Bygrave and Clothall, consultation on the proposal and recommends designating a neighbourhood planning area. Designation of a neighbourhood planning area will allow a neighbourhood plan to be prepared for the area.

2. RECOMMENDATIONS

- 2.1 That Cabinet approves the designation of the neighbourhood planning area as detailed in paragraphs 8.1 to 8.17 and shown in Appendix C having regard to the representations made.

3. REASONS FOR RECOMMENDATIONS

To allow a neighbourhood plan to be prepared for Baldock, Bygrave and Clothall.

4. ALTERNATIVE OPTIONS CONSIDERED

None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Members were informed that the application for the proposed neighbourhood planning area had been made by Bygrave Parish Council through the Members Information Service on 9 June 2017.

- 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 between 9 June and 7 July 2017.

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 the 5th May 2017.

7. BACKGROUND

- 7.1 Neighbourhood planning was introduced into the planning system by the Localism Act 2011, 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 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. RELEVANT CONSIDERATIONS

- 8.1 Bygrave Parish Council submitted the application for the designation of a neighbourhood planning area for the parishes of Bygrave and Clothall and the unparished area of Baldock in February 2017. Bygrave Parish Council has requested that the areas within these current boundaries should be designated as one neighbourhood planning area. The application letter, supporting documentation and plans of the proposed area for designation as a neighbourhood planning area are attached as Appendices A, B, and C. This application brings the total number of applications for neighbourhood planning areas in the District to twelve.
- 8.2 The application letter from Bygrave Parish Council states that the area proposed to be designated covers the whole parishes of Bygrave and Clothall and the unparished administrative area of Baldock.
- 8.3 Most applications to designate a neighbourhood planning area are by a Parish Council for the parished area. In areas where there is no Parish Council, the Regulations allow for the creation of a neighbourhood forum to act as the Qualifying Body. This is the first application where the proposed neighbourhood planning area comprises both parished and unparished areas.
- 8.4 The legislation precludes a neighbourhood forum being set up for the combined area as it includes parished areas but Bygrave Parish Council can act as the Qualifying Body for the combined area. The Baldock, Bygrave and Clothall Planning Group has been set up to ensure that representative governance of the neighbourhood planning process is in place. A copy of the constitution is attached as Appendix D.

- 8.5 The constitution ensures the Steering Committee will contain one representative each from the Baldock Society, Bygrave Parish Council and Clothall with Luffenhall Parish Meeting. The remaining membership will reflect the character and diversity of the local population and business community as far as possible. The Council is satisfied that the requirements of the Regulations have been met.
- 8.6 The application for the designation of neighbourhood planning areas 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 planning area must also be considered. Consultation on the proposed neighbourhood planning area took place between 9 June and 7 July 2017.
- 8.7 In respect of this application, 10 representations were received and are attached as Appendix E to this report. Five representations were made in support of the application but of the remaining representations, none have raised substantive issues in respect of the designation of the neighbourhood planning area.
- 8.8 In considering the appropriateness of the application for designation, it is considered relevant to have regard to two further factors:
- The distribution of proposed future development allocations around Baldock in relation to the administrative parish boundaries and the application area; and
 - The alternate neighbourhood planning arrangements that could be implemented.
- 8.9 Any future neighbourhood plan, once adopted, forms part of the statutory Development Plan. Its policies are used in the determination of planning applications within that area.
- 8.10 Members will be aware that the new Local Plan for North Hertfordshire has been submitted to the Secretary of State for examination. The proposed strategy in the plan contains a number of new development allocations in and around Baldock. Some site allocations lie within the adjoining parishes and / or cross administrative boundaries. These are shown below:

Site		No. of homes	Parish / area
BA1	Land north of Baldock	2,800	Bygrave (98%) Baldock (2%)
BA2	Land west of Clothall Road	200	Clothall
BA3	Land south of Clothall Common	200	Clothall
BA4	Land east of Clothall Common	95	Clothall (59%) Baldock (41%)
BA5	Land off Yeomanry Drive	25	Baldock
BA6	Land at Icknield Way	26	Baldock
BA7	Land rear of Clare Crescent	20	Baldock
BA11	Deans Yard, South Road	20	Baldock
BA10	Royston Road (Employment)	n/a	Bygrave (99%) Baldock (1%)

- 8.11 From the table, it is noted that:
- The significant majority of future development in and around Baldock will take place outside of the unparished area of Baldock town;

- A neighbourhood planning area covering (at least parts of) the parishes of Bygrave and Clothall is required if any future neighbourhood plan is to consider development in and around Baldock in a holistic manner;
 - An alternate neighbourhood planning arrangement based on parish boundaries or the unparished limits of Baldock could result in:
 - policies applying only to parts of sites; and / or
 - different policy requirements (and development costs) applying to sites that are, functionally, planned to be part of the same town.
- 8.12 No organisations or groups other than the respective parish Councils could act as the Qualifying Bodies for any alternate neighbourhood planning areas covering the whole or any parts of Bygrave or Clothall parishes.
- 8.13 At the time of writing, no other forum or organisation has expressed an interest in establishing an alternate neighbourhood planning forum for the unparished area of Baldock town.
- 8.14 In light of these factors, the application is considered coherent, consistent and appropriate in planning terms.
- 8.15 The Council must also consider whether a proposed neighbourhood area should be considered as a business area as well. Only if an area is wholly or predominantly used for business is it likely to be designated as a business neighbourhood planning area. Given that the proposed neighbourhood planning area for Baldock, Bygrave and Clothall includes significant residential and rural areas in addition to Baldock town centre and employment areas it is not considered that a business area designation would be appropriate.
- 8.16 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 Bygrave Parish Council about progress on the preparation of the Local Plan.
- 8.17 It is considered that the neighbourhood plan area for Baldock, Bygrave and Clothall as proposed by Bygrave Parish Council is appropriate to be designated as neighbourhood planning areas for the purposes of preparing a neighbourhood 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).”

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 (25.7.17)

- 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 10.1 below in relation to publicity.³

10. FINANCIAL IMPLICATIONS

- 10.1 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. Previously, the Council was able to claim £5,000 for each neighbourhood planning area designated in recognition of officer time supporting and advising a community in taking neighbourhood planning forward. This support has now been withdrawn. Further financial support of £20,000 is available from the Department of Communities and Local Government (DCLG) once the local authority has set a date for the a referendum following the successful examination of a neighbourhood plan. This financial support is in place for 2017/18 and is to cover some of the costs incurred by the Council in getting to this stage. DCLG have advised that this funding will continue for 2017/2018 but any further announcement on funding for neighbourhood planning after the end of March 2018 is unlikely before February 2018. Given the stage at which this neighbourhood plan is at, it is unlikely that the Council will be able to claim the £20,000 grant for work undertaken within this financial year.

11. RISK IMPLICATIONS

- 11.1 No direct risk implications from this report, but “Sustainable Development of the District” is a Cabinet Top Risk.
- 11.2 As a result of the withdrawn grant at designation stage and the uncertainty about financial support from DCLG going forward as outlined in paragraph 10.1 a financial risk has been established for Neighbourhood Planning as the Council is responsible for costs incurred until a grant can be applied for.

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 There are not considered to be any direct equality issues arising from this report. However, individual proposals as adopted in the published Neighbourhood Plan for Baldock, Bygrave and Clothall will need to be assessed as to their positive or negative impact on the community. 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 to show due regard to the requirements of the Public Sector Equality Duty.

13. SOCIAL VALUE IMPLICATIONS

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

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

³ Under Regulation 7.
CABINET (25.7.17)

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are currently no new human resource implications arising from the contents of this report.
- 14.2 Until such time as a neighbourhood plan successfully passes examination, the District Council supports all neighbourhood planning activities using existing staff resources and from within approved revenue budgets. However it is noted that The Strategic Planning team is a small team with one vacancy, a further recent resignation and in the future an officer going on maternity leave. These three posts have been advertised.

15. APPENDICES

- 15.1 Appendix A – Application letter from Bygrave Parish Council.
- 15.2 Appendix B – Letter of support from Clothall and Luffenhall Parish Meeting.
- 15.3 Appendix C – Map of the proposed neighbourhood planning area for Baldock, Bygrave and Clothall.
- 15.4 Appendix D – Constitution of the Bygrave, Baldock and Clothall Planning Group.
- 15.5 Appendix E – Summary of Comments.

16. CONTACT OFFICERS

- 16.1 Clare Skeels, Senior Planning Officer
01462 474424 clare.skeels@north-herts.gov.uk
- 16.2 Louise Symes, Strategic Planning & Projects Manager
01462 474359 louise.symes@north-herts.gov.uk

Contributors

- 16.3 Ian Fullstone, Head of Development and Building Control
01462 474480 ian.fullstone@north-herts.gov.uk
- 16.4 Nigel Smith, Principal Strategic Planning Officer
01462 474847 nigel.smith@north-herts.gov.uk
- 16.5 Nurainatta Katevu, Property & Planning Lawyer
01462 474364 nurainatta.katevu@north-herts.gov.uk
- 16.6 Ian Couper, Head of Financial Services and Risk Management
01462 474243 ian.couper@north-herts.gov.uk
- 16.7 Kerry Shorrocks, Corporate Human Resources Manager
01462 474224 kerry.shorrocks@north-herts.gov.uk
- 16.8 Reuben Ayavoo, Policy Officer
01462 474212 reuben.ayavoo@north-herts.gov.uk

17. BACKGROUND PAPERS

None.