

CABINET
28 JANUARY 2020

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: BALDOCK, BYGRAVE AND CLOTHALL NEIGHBOURHOOD PLAN – REGULATION 16 CONSULTATION

REPORT OF THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: PLANNING AND TRANSPORT

CURRENT COUNCIL PRIORITY: ATTRACTIVE AND THRIVING

NEW COUNCIL PRIORITY: BUILD THRIVING AND RESILIENT COMMUNITIES

1. EXECUTIVE SUMMARY

15.1 To consider the documentation submitted by the Baldock, Bygrave and Clothall Neighbourhood Planning Group and agree to publish the documents for public consultation.

2. RECOMMENDATIONS

2.1. That public consultation for the Baldock, Bygrave and Clothall Neighbourhood Plan be approved.

3. REASONS FOR RECOMMENDATIONS

3.1. To enable public consultation on the proposed submission Baldock, Bygrave and Clothall Neighbourhood Plan 2019 – 2031 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 the Baldock, Bygrave and Clothall Neighbourhood Planning Group 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. In preparing the submission version of the Baldock, Bygrave and Clothall Neighbourhood Plan, the Steering Group have undertaken a significant amount of public consultation and have held meetings with Councillors to update them about progress on the neighbourhood plan over an extended period of time.
- 5.2. The Executive Member and Deputy Executive Member have been kept informed about the neighbourhood plan.

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 the 20 December 2019.

7. BACKGROUND

- 7.1. Bygrave Parish Council submitted an application to designate the parishes of Bygrave and Clothall and the unparished area of Baldock as a single neighbourhood planning area in February 2017. Following a period of public consultation, the Baldock, Bygrave and Clothall neighbourhood planning area was designated by Cabinet on 25 July 2017. In that report it was recognised that Bygrave Parish Council would act as the Qualifying Body for the neighbourhood plan and that the Baldock, Bygrave and Clothall Planning Group would ensure that there was representative governance in place for the preparation of the neighbourhood plan.
- 7.2. In July 2018, Cabinet granted delegated powers to approve public consultation on neighbourhood plans. This recognised the benefit of making timely decisions where there are no alternative options. However, Neighbourhood Plans covering more than one electoral ward must still be referred to Cabinet as a Key Decision. This is the case with Baldock, Bygrave and Clothall.
- 7.3. The neighbourhood planning steering group published a draft neighbourhood plan for public consultation between Tuesday 7 May 2019 and Tuesday 18 June 2019.
- 7.4. Following this consultation on the draft neighbourhood plan, the plan has been amended and has been submitted to the Council for public consultation

8. RELEVANT CONSIDERATIONS

- 8.1. 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.
- 8.2. 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.
- 8.3. The documentation submitted by Bygrave 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 with the public consultation for the Baldock, Bygrave and Clothall Neighbourhood Plan. The submitted documents are available to view on the Council's website : <https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning/baldock-bygrave-and-clothall-neighbourhood-plan>.
- 8.4. In approving the public consultation for the Baldock, Bygrave and Clothall Neighbourhood Plan, this does not preclude the Council from making representations on the neighbourhood plan during the consultation period.
- 8.5. It is proposed that consultation will take place from Wednesday 12 February to Wednesday 25 March 2020 in parallel with consultation on the Developer Contributions SPD and the revised Statement of Community Involvement which are subject to separate reports to this meeting.

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. 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.
- 9.3. 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; and
 - 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.

- 9.4. 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 undertaking public consultation for the Baldock, Bygrave and Clothall Neighbourhood Plan will be met from the existing Neighbourhood Plan earmarked reserve (balance of £41k at December 2019) which came about from previous Ministry of Housing, Communities and Local Government (MHCLG) funding following designation of neighbourhood planning areas.
- 10.2. This reserve will also be used to fund the costs associated with the examination of the neighbourhood plan and any subsequent referendum.
- 10.3. Until March 2020, the local planning authority can claim £20,000 from the MHCLG once a neighbourhood plan has gone through a successful examination process and a date has been set for a referendum. It is not known whether this support will continue in future years.

11. RISK IMPLICATIONS

- 11.1. There are no direct risk implications from this report but Sustainable Development of the District and the Local Plan are both Cabinet top risks.

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 no considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

- 14.1. Consultation for the submission draft Baldock, Bygrave and Clothall Neighbourhood Plan SCI will be undertaken by existing staff.

15. APPENDICES

- 15.1 None

16. CONTACT OFFICERS

- 16.1. Ian Fullstone, Service Director – Regulatory
01462 – 474480 ian.fullstone@north-herts.gov.uk
- 16.2. Clare Skeels, Senior Planning Officer
01462 – 474424 clare.skeels@north-herts.gov.uk
- 16.3. Nigel Smith, Strategic Planning Manager
01462 – 474847 nigel.smith@north-herts.gov.uk
- 16.4. Reuben Ayavoo, Policy and Community Engagement Manager
01462 – 474212 reuben.ayavoo@north-herts.gov.uk
- 16.5. Kerry Shorrocks, Corporate Human Resources Manager
01462 – 474224 kerry.shorrocks@north-herts.gov.uk
- 16.6. Antonio Ciampa, Accountancy Manager
01462 – 474566 antonio.ciampa@north-herts.gov.uk
- 16.7. Nurainatta Katevu, Property and Planning Lawyer
01462 – 474364 nurainatta.katevu@north-herts.gov.uk

17. BACKGROUND PAPERS

- 17.1. Designation of a Neighbourhood Planning Area for Baldock, Bygrave and Clothall – Cabinet report – 25 July 2017
- 17.2. Letter from Bygrave Parish Council – 18 December 2019
- 17.3. Baldock, Bygrave and Clothall Neighbourhood Plan – Submission Version – December 2019
- 17.4. Baldock, Bygrave and Clothall Neighbourhood Plan – Evidence report – December 2019 (Incorporating the Consultation Statement and Basic Conditions Statement)
- 17.5. Baldock, Bygrave and Clothall Neighbourhood Plan - Strategic Environmental Assessment Screening Determination Statement – April 2019

- 17.6. Baldock, Bygrave and Clothall Neighbourhood Plan – Design Guidelines, AECOM – March 2019
- 17.7. Land North of the Railway, Baldock - Landscape and Visual Appraisal, AECOM – November 2019

These documents will be available on the website: <https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning/baldock-bygrave-and-clothall-neighbourhood-plan>