

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PART 1 – PUBLIC DOCUMENT

DIRECTORATE: Planning, Housing and Enterprise

1. DECISION TAKEN

To publish the proposed submission version of the Preston Parish Neighbourhood Plan 2018 – 2031 and supporting documentation for public consultation.

2. DECISION TAKER

David Scholes, Acting as Strategic Director for Planning, Housing & Enterprise

3. DATE DECISION TAKEN:

11 May 2018

4. REASON FOR DECISION

To enable public consultation on the Preston Parish Neighbourhood Plan 2018 – 2031 proposed submission document prior to any submission of the neighbourhood plan for examination by an independent examiner.

5. ALTERNATIVE OPTIONS CONSIDERED

No other options considered. The documentation submitted by Preston Parish Council fulfils the requirements of the Neighbourhood Planning (General) Regulations 2012 and therefore there is no reason not to continue to public consultation.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1. The Parish Council has already undertaken public consultation in the preparation of the Preston Parish Neighbourhood Plan. A draft plan was consulted on between 8 January and 18 February 2018 and attracted responses from 75 individuals and organisations. Details of who was consulted and what was said are set out in the Consultation Statement which accompanies the Preston Parish Neighbourhood Plan.
- 6.2. The Preston Parish Neighbourhood Plan will be published for public consultation. This will include all statutory consultees, councillors, adjoining Parish Councils, local community organisations, known landowners and developers and local residents.

- 6.3. The neighbourhood plan will be available to view on the Council's website and copies will be made available at the Council Offices, Hitchin Library and at the Red Lion Public House in Preston. The Council will work with Preston Parish Council to ensure that as many local residents are aware of the consultation period through the use of local social media platforms. Representations in respect of the neighbourhood plan will be invited through the website, email or by post.
- 6.4. The District Council is also a consultee at this stage in the preparation of the neighbourhood plan.

7. RELEVANT CONSIDERATIONS

- 7.1. The Preston neighbourhood planning area was designated by Cabinet on 14 June 2016. The Parish Council published a draft neighbourhood plan for consultation between 8 January and 18 February 2018. The Parish Council has considered the representations made in respect of the draft plan and has now prepared a neighbourhood plan for submission to the local planning authority.
- 7.2. The Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (General)(Amendment) Regulations 2015 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
 - b) 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. Preston Parish Council have submitted the relevant documentation required and North Hertfordshire District Council as Local Planning Authority must now undertake public consultation.
- 7.4. This decision does not preclude the Council from making representations on the Preston Parish Neighbourhood Plan during the consultation period.

8. LEGAL IMPLICATIONS

- 8.1. 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.
- 8.2. 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.

8.3. 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).

9. FINANCIAL IMPLICATIONS

9.1 Until March 2018, the Ministry of Housing, Communities and Local Government had allocated funding to assist local planning authorities to meet the legislative duties in relation to neighbourhood plans. No confirmation has been received that this support will be available to local planning authorities in 2018/19. The cost of the consultation will be met out of the existing £10,000 neighbourhood plan consultancy budget. There is also a neighbourhood plan earmarked reserve of £41,485 which includes a £20,000 grant that was received in 2017/18 from the MHCLG for the Pirton neighbourhood plan referendum.

10. RISK IMPLICATIONS

10.1 Public consultation of the Preston Parish 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 MHCLG intervention.

11. EQUALITIES IMPLICATIONS

11.1 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. SOCIAL VALUE IMPLICATIONS

12.1 The Social Value Act and "go local" policy do not apply to this decision.

13. HUMAN RESOURCE IMPLICATIONS

13.1 None

14. BACKGROUND PAPERS

Designation of the Preston neighbourhood planning area – Cabinet 14 June 2016 –
Minute 16

Preston Parish Neighbourhood Plan – Pre-submission consultation draft – January
2018

Preston Parish Neighbourhood Plan – Proposed Submission Draft – April 2018


Preston Parish Consultation Statement – April 2018

Preston Parish – Basic Conditions Statement – April 2018

15. NOTIFICATION DATE

11 May 2018

Signature of Decision Taker



**This is a Non-Executive decision. Call-in does not apply to NON-EXECUTIVE
DECISIONS**