

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PART 1 – PUBLIC DOCUMENT

SERVICE DIRECTORATE: Regulatory Services

1. DECISION TAKEN

To publish the proposed submission version of the Wallington Neighbourhood Plan 2022 - 2031 and supporting documentation for public consultation.

2. DECISION TAKER

Ian Fullstone, Director of Regulatory Services

3. DATE DECISION TAKEN:

5 July 2023

4. REASON FOR DECISION

- 4.1 To enable public consultation on the proposed submission Wallington Neighbourhood Plan 2022 – 2031 before the neighbourhood plan is submitted for examination by an independent examiner.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 No alternative options are considered applicable as the documentation submitted by Rushden and Wallington 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.

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

- 6.1. The Wallington neighbourhood planning area was designated by Cabinet on 22 April 2020. The Parish Council undertook a number of informal consultation events after the designation of the neighbourhood planning area between May 2020 to February 2023. A draft neighbourhood plan and design guidance documents were published for consultation in February 2023.
- 6.2. Following these consultations, the Parish Council has prepared the submission version of their neighbourhood plan which they are requesting be published for public consultation. This consultation will include all statutory consultees, councillors, adjoining Parish Councils, local community organisations, known landowners and developers and local residents. The Consultation will start as soon as possible after the Parish Council website has been updated with all the relevant documentation.
- 6.3. The neighbourhood plan will be available to view on the Council's website and the Council will work with Rushden and Wallington Parish Council to publicise the consultation period through the use of social media in the Parish. Representations in respect of the neighbourhood plan will be invited through the website, email or by post.

7. FORWARD PLAN

- 7.1 This decision is not a key Executive decision and has therefore not been referred to in the Forward Plan.

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. The Council does not normally seek to conduct consultations on its own documents that overlap with key holiday periods. However, the timetable for Neighbourhood Plans is driven by the relevant qualifying body (in this case Wallington Parish Council) and as explained, we are obliged to facilitate the consultation as soon as possible.
- 8.3. The documentation submitted by Rushden and Wallington 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.
- 8.4. This decision does not preclude the Council from making representations on the Wallington Neighbourhood Plan during the consultation period.

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.
- 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).
- 9.6. The local planning authority must undertake a consultation on a neighbourhood plan as soon as possible after receiving a plan proposal that meets the requirements of the 2012 Regulations.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no additional costs as staff time is funded through approved budgets and existing staff resources. 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 £116k, but £100k has been earmarked to fund officer costs over the next five years, so the remaining balance is £16k. This balance has come from previous Department for Levelling Up, Housing and Communities (DLUHC) funding following designation of neighbourhood planning areas and neighbourhood plan referenda.

11. RISK IMPLICATIONS

- 11.1. Public consultation of the Wallington 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” policy do not apply to this decision.

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 Wallington Neighbourhood Plan will be undertaken by existing staff resources.

16. BACKGROUND PAPERS

[Designation of the Wallington neighbourhood planning area: Cabinet 24.04.2020](#)

The following documents are all available on the neighbourhood planning pages on the website: [Wallington - Neighbourhood Planning Area | North Herts Council \(north-herts.gov.uk\)](#)

Wallington Neighbourhood Plan 2022 – 2031 – Submission Version May 2023

Wallington Neighbourhood Plan – Basic Conditions Statement March 2023

Wallington Neighbourhood Plan – Consultation Statement March 2023

Wallington Design Codes – Final Report – April 2021

Wallington Neighbourhood Plan Area Statement – March 2023

Wallington Housing Needs Assessment – March 2021

17. NOTIFICATION DATE

3 July 2023

Signature of Executive Member Consulted



Date5th July 2023

Signature of Decision Taker



Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS