

## RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

### **PART 1 – PUBLIC DOCUMENT**

#### **SERVICE DIRECTORATE: Regulatory Services**

##### **1. DECISION TAKEN**

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

##### **2. DECISION TAKER**

Ian Fullstone, Director of Regulatory Services

##### **3. DATE DECISION TAKEN:**

28 February 2019

##### **4. REASON FOR DECISION**

To enable public consultation on the second version of the proposed submission Preston Parish Neighbourhood Plan 2018 – 2031 before the neighbourhood plan is submitted for examination by an independent examiner.

##### **5. ALTERNATIVE OPTIONS CONSIDERED**

No alternative options are considered applicable as the documentation submitted by Preston 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 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.
- 6.2. Following that consultation, the Parish Council prepared its first version of their submission neighbourhood plan. Consultation on this first submission neighbourhood plan took place between 24 May and 5 July 2018. A total of 56 representations were received during this consultation.

- 6.3. Taking note of representation comments Preston Parish Council has now produced a second Submission Draft which they are requesting 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. Consultation will start in the week ending 15 March 2019.
- 6.4. The neighbourhood plan will be available to view on the Council's website, at the District Council Offices 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 social media in the Parish. Representations in respect of the neighbourhood plan will be invited through the website, email or by post.

## **7. RELEVANT CONSIDERATIONS**

- 7.1. During the consultation on its first version a substantive issue was raised by the District Council in its representations related to Policy EH1, "Village Boundary" of the neighbourhood plan. The policy had been drafted to be in general conformity with the emerging Local Plan and stated that outside the settlement boundary the remainder of the Parish was within the green belt (currently it is not) where any development proposals would have to demonstrate exceptional circumstances. At the time of preparing the representations to the Preston Neighbourhood Plan, the District Council was concerned that the policy and the references to the green belt would be premature and could be superseded by the emerging Local Plan. Officers met with the Preston neighbourhood planning group to discuss the issue further and to explore ways forward with the neighbourhood plan. Two options were explored:
- Continue with the examination process for the neighbourhood plan with the references to the extended green belt included with the potential risk of a "made" neighbourhood plan being superseded by the Local Plan; or
  - Suspend work on the neighbourhood plan and wait for the Inspector to issue his Main Modifications to the Local Plan which would enable the neighbourhood plan to be prepared in conformity with the emerging Local Plan.
- 7.2. Following those discussions, the Parish Council decided to suspend further work on the neighbourhood plan and wait for the Inspector to issue his Main Modifications. Once those Main Modifications were published in November 2018, the Parish Council decided to amend the policies which referred to the proposed green belt extension so that the preparation of the neighbourhood plan could continue.
- 7.3. Having made a number of amendments to the policies, Preston Parish Council have re-submitted a 2<sup>nd</sup> submission neighbourhood plan for public consultation.

- 7.4. 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.
- 7.5. 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.
- 7.6. The documentation submitted by Preston 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.
- 7.7. 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. 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).
- 8.2. 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.
- 8.3. 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.
- 8.4. 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; 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.

- 8.5. 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. FINANCIAL IMPLICATIONS**

- 9.1 Until March 2019, 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 in 2019/20. The cost of this additional 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 previous grant income from the MHCLG.

## **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 – 1<sup>st</sup> Proposed Submission Draft and accompanying Consultation and Basic Conditions Statements – April 2018  
Representations in respect of the 1<sup>st</sup> submission draft of the Preston Parish Neighbourhood Plan – July 2018

Preston Parish Neighbourhood Plan – 2<sup>nd</sup> Proposed Submission Draft  
Preston Parish Consultation Statement – February 2019  
Preston Parish – Basic Conditions Statement – February 2019

These documents are all available on the website: <https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning/approved-neighbourhood-areas-preston>

**15. NOTIFICATION DATE**

1 March 2019

Signature of Executive Member Consulted ...  .....

Date ...1<sup>st</sup> March 2019.....

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**